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Senate

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, ultimate Judge of us all, free us from the condemnatory judgments that elevate ourselves and put others down when they do not agree with us. Sometimes, we think our disagreement justifies our lack of prayer for them. Often we self-righteously neglect in our prayers the very people who most need Your blessing. Give us the prophet Samuel's heart to say, ''Far be it from me that I should sin against the Lord in ceasing to pray for you.''—I Samuel 12:23. Awaken us to the danger for our spiritual lives that results from neglect of prayer for our adversaries. Make us intercessors for all those You have placed on our hearts—even those we previously have castigated with our judgments. We accept Your authority: ''Judgment is mine, says the Lord.'' I pray this in the name of Jesus, who taught us, ''Judge not, and you shall not be judged. Condemn not, and you shall not be condemned. Forgive, and you will be forgiven.''—Luke 6:37. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

SCHEDULE

Mr. BURNS. Mr. President, today there will be a period for morning business until the hour of 10 a.m.

Following morning business, the Senate will resume consideration of H.R. 2937, the White House Travel Office legislation. A cloture motion was filed on the pending Dole amendment to that measure, with that cloture vote occurring on Friday, unless agreement can be reached otherwise. Rollcall votes are, therefore, possible during today's session. Leader time shall be reserved.

AMERICAN FAMILIES NEED HELP

Mr. BURNS. Mr. President, I come to the floor this morning, again, with America on my mind and American families on my mind. Today, they are working harder and they are worrying more about job stability, and they are wondering about what the future holds, especially when this Government wants to call all of the rules and regulations from here throughout the country.

Most families live from paycheck to paycheck, and they struggle every month just to make ends meet. They are frustrated because the money they used to be able to live on does not get to the end of the month. Some would say, ''There is a lot of month left over at the end of the money.'' Families, from Montana to Maine, want freedom from Washington and the crushing burden it puts on the backs of all Americans.

Let us talk about taxes first, as we have been doing all week. We need to give some of the 1993 tax increases back to families. That is what repeal of the 4.3-cent gas tax would do.

I thought a lot of the comments yesterday of my friend from Missouri, when he says, ''Let us give it back to the people.'' This really stresses people who have to go to work every day, and it goes to people that will not work. That is not fair. These are the people that are trying to make America work.

Tax freedom day is now after 128 days because of that big tax increase in 1993. Total taxes are now running around 38.2 percent on family income. This repeal starts to at least give some of the money back to American families and also helps them along with their savings, and with the education of their young folks.

Also, let us talk a little bit about Government regulation this morning.

Flextime. What we have been talking about is the ability—and the TEAM Act—of people, of employers and employees, sitting down and ironing out some of the factors in a workplace that make a company go. That is what we are doing here, and talking about what is wrong with this communication between an employee and an employer. What is wrong with some of them setting some rules and some parameters which help not only the employee but the employer and also help the company to survive?

Home office deduction telecommuters. We fought very hard for that. I think back in 1991 or 1992, we put an amendment in the Transportation Act that says we ought to study the impact of folks who stay home and do their work because they have new technology such as computers, such as fax machines, such as telephones. So we said, do a study and see what impact that has on our transportation system and on our highways because right now we know we cannot outbuild the roads to stay ahead of America's love for the automobile.

So what is wrong with having a designated spot in a home in telecommuting maybe where even the employees here in Washington who did not want to come up I–395—as you know, I–395 from 6 o'clock in the morning until about 9 o'clock in the morning has been termed the world's largest parking lot. What is the impact on the environment? What is the impact on our fuel consumption, and on energy consumption?

Why can we not look at our tax bracket and say, ''OK. Maybe you can stay home maybe 1 or 2 days out of

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

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every week and still get your work done, still be in contact, still communicate with everybody in the office and your customers or people in other places.''

What is wrong with the TEAM Act? What is wrong with making these kinds of agreements for a better workplace? Where I come from, the people I am talking to sure want higher wages. The Government got their increase. In 1993, it was taken away from you; stagnated wages. If you look at a State like Montana, everybody wants to put the miners out of business where the best blue-collar jobs in Montana are in natural resources and the management of natural resources.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. So this morning, Mr. President, I ask that we take a long look at the total picture of families and what makes them tick. How do we secure their wages? How do we give them some permanence, and how do we contribute to a better life for families in all of America?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut has reserved 15 minutes.

Mr. LIEBERMAN. I thank the Chair. I thank my colleague.

ARMS SHIPMENTS TO BOSNIA FROM ISLAMIC COUNTRIES

Mr. LIEBERMAN. Mr. President, a few days ago, on Tuesday of this week, a number of colleagues rose to express criticism of the actions of the Clinton administration with regard to arms shipments from Islamic countries, including Iran, across Croatia to supply the Bosnian Army and the decision made not to intervene by this administration in April 1994. Yesterday, our colleagues in the other body voted to appropriate $1 million to conduct a formal investigation of this incident, which has been referred to as Iran-Bosnia.

Mr. President, as far as I am concerned, the suggestion here that what happened in April 1994 with the Clinton administration bore any resemblance to the Iran-Contra affair is wrong. There is simply no connection between the two. As my colleagues in the Senate know, for quite a long time—1993, 1994, 1995—I was very critical of this administration's inability to lift the arms embargo multilaterally, preferably, but unilaterally if necessary. But for the very reasons that led me to work, on a bipartisan basis, with the Senate majority leader and others to urge this administration to mandate finally that the arms embargo against Bosnia be lifted, I find the criticism of the administration and the President with regard to the decision made in April 1994 to be way off base, to be unfair, to be a bum rap. It is, in fact, quite the opposite of what was implied and expressed by all of us who worked so hard to convince our colleagues and this administration to lift the arms embargo against the Bosnian Government. I want to explain why I come to the conclusion that what the President did in April 1994 was not simply not wrong, but, in fact, I believe it was the right and moral decision to make.

Let me go back to that time in early 1994. In January 1994, we passed an amendment, supported by the majority leader and myself and many others on both sides of the aisle, which expressed the sense of the Senate—because it is all we could manage to convince our colleagues to support—a sense of the Senate that we should lift the arms embargo on the Bosnian Government by an 87-to-9 vote. That was a vote here in this Chamber. That vote expressed the growing disgust, fury, and frustration by most of us here in this Chamber, if not people throughout the country and the world, that acts of aggression and genocide were occurring, primarily by the Serbs against the Bosnian people, and not only was the world just standing by, but we were prohibiting the Bosnian people from receiving the arms necessary to exercise their fundamental right of self-defense. That was in January of 1994 that the Senate spoke.

In the spring of 1994, Bosnia was in dire straits. The newly established federation joining the Bosniacs and the Croats was in a very precarious state. The Bosnian Moslems in Gorazde, Sarajevo, and elsewhere were under siege, and not just casual siege but siege that threatened wide-scale death, destruction, and defeat. The Bosnians again, confronted by a foe with immense advantage and heavy weaponry, were, under an embargo passed in 1992 before the war broke out to try to stop the war from breaking out, denied by the international community the means to defend themselves.

I said then repeatedly, as others did in this Chamber, that that embargo was unjust and immoral. Major cities in Bosnia were threatened with being overrun by the Serbs. In fact, the Bosnian-Croat Federation was on the edge of defeat and annihilation.

Against that backdrop, in April 1994, the Croatian Government asked the United States, through diplomatic channels, whether the United States Government would object if Croatia were to allow arms shipments to go through its country, Croatia, to the Bosnian Government from other countries, primarily Islamic countries, including Iran. In fact, as I mentioned Islamic countries, there is some reason to believe that not just Iran, although that for understandable reasons concerns us, but also Turkey, perhaps Malaysia, perhaps including, with the support of our allies, Saudi Arabia, supplied arms to the Bosnians in transit through Croatian territory. The question then posed to the Clinton administration by this diplomatic query from Croatia was, should the United States at that point have acted forcefully to require the Croatians to stop those arms from going to the Bosnians?

President Clinton decided that the United States would neither approve nor object to such shipments. American diplomats told the Croatian Government in response to their question that they had ''no instructions'' on the matter. That, I feel very strongly, was the right decision diplomatically and morally, for to have done otherwise would have meant that the United States was not simply refusing to supply arms itself to the Bosnian Government, was not simply at that point enforcing to the extent it was able the embargo against the Bosnians, but was in fact demanding that other countries that wanted to allow arms to go to the Bosnians not be allowed to do so.

Some critics now insist that in making that decision the administration undertook covert action without reporting to Congress. That is a quasi-legal argument invoking, I suppose, memories of Iran-Contra, and I wish to explain why I feel there was not covert action here. In fact, it was neither covert nor was it action.

Let me make clear, too, that unlike the Iran-contra episode, there was here no mandate from Congress not to supply aid as there was in the case of aid to the contras. In fact, here there was growing support in Congress to have the United States Government either supply arms to the Bosnians or at least, as happened later in the year, to stop enforcing this immoral embargo.

Why do I say this was neither covert nor was it action? In legal terms, the administration decided to take no position, give no instruction on the delivery of arms through Croatia to Bosnia from Islamic countries including Iran. That does not constitute action. The State Department has made it very clear that the United States had no contact with Iran on this matter and took absolutely no action to facilitate these shipments. So I do not see how this can be construed as action by our Government which would require formal reporting to Congress under relevant law.

Second, and very importantly, this decision was by no means covert. While my colleagues who have been critical of late of the decision have acted, I presume, on the basis of an article which appeared early in April of this year, 1996, in the Los Angeles Times about the President's decision, the fact is that the decision made by the President and the administration in 1994 to give no instructions to the Croatians on the question of Islamic shipments of arms to the Bosnians across their territory should have been known to all of us and certainly should not be construed as news.

The leadership of the Congress and the relevant committees and their staffs have and at that time and from the beginning of the war in Bosnia had routine access to the very same intelligence information about the Islamic arms shipments that was seen by administration officials early in 1994, and, in fact, before. No one, to my

knowledge, urged the administration to take any steps at that time to stop the arms from reaching the Bosnians.

Arms shipments from Iran and the other countries to Bosnia, facilitated by Croatia, which incidentally took its share of these weapons, in fact, became public knowledge in a Washington Post article on May 13, 1994, approximately 1 month after the administration made the decision to give no instructions to the Croatians. Again, we heard, and the record shows, no calls from anyone to stop those shipments of arms.

In June 1994, 1 month later and 2 months after the decision made by the administration, our colleague from Arizona, Senator MCCAIN, speaking forcefully for the lifting of the arms embargo denying the Bosnian Government the right to self-defense, shared with us all—and it is printed in the CONGRESSIONAL RECORD—a June 24, 1994, Washington Times story entitled ''Iranian Weapons Sent Via Croatia—Aid to Moslems Gets U.S. 'Wink.''' The whole story was told 2 years ago, 2 months after the administration's decision. I urge my colleagues to look at that article. Thus, the Congress and the public not only knew of Iranian arms shipments to Bosnia, but we also knew of President Clinton's decision not to act to stop those shipments nearly 2 years ago.

On April 14 and 15, 1995, a little more than a year ago, a year after the decision was made by the administration, the Washington Post reported extensively on the President's decision not to stop arms shipments destined to the Bosnian Government, and still, I think for understandable reasons, there was no clamor for the United States to stop those shipments. In fact, the Washington Post, in an editorial on April 16 of 1995 entitled ''Arms For Bosnia,'' endorsed President Clinton's decision saying that the risk of Iranian influence was ''A risk worth taking to serve what ought to be regarded as the political and moral core of American policy to render as much support as possible to the Bosnian Muslims.''

So there can be no doubt that we all knew or should have known about the Iranian arms shipments to Bosnia and the shipments from other Islamic countries 2 years ago, and we all knew or should have known of the President's decision not to try to stop those shipments in the spring of 1994. And during that whole time the Senate and the House of Representatives did not call for U.S. action to stop those shipments.

Therefore, Mr. President, I conclude that these shipments were by no means covert. In fact, not only were they not covert, they were not wrong, and shortly thereafter we in Congress expressed our agreement with that conclusion.

Later, in 1994—in fact, in August 1994, on August 11, 1994—with pressure building here for support of the resolution that Senator DOLE and I and others were advancing to lift the arms embargo, unilaterally if necessary, the Senate adopted an amendment offered by the Senator from Georgia, Mr. NUNN, and then Senate majority leader, Senator Mitchell, as an amendment to the fiscal year 1995 Defense authorization bill which called for multilateral lifting of the arms embargo but, more relevant to the present controversy, mandated the end of any American involvement in enforcing the international arms embargo on the Bosnian Government.

In October 1994, Senator DOLE and I and our cosponsors, unfortunately, could not gain enough votes to pass our legislation mandating unilateral lifting of the arms embargo, but in response to our efforts the Congress adopted the Nunn-Mitchell provision as part of the fiscal year 1995 National Defense Authorization Act. So we in this body and our colleagues in the other body made it illegal, against the law, for the United States to use appropriated funds to enforce the arms embargo.

So since November 1994, the Clinton administration has been prohibited from acting to intercept arms shipments to Bosnia from Iran or anybody else, exactly the decision made in April 1994 by the administration. In that sense, the decision was ratified by the Congress.

Mr. President, let me make clear that I share the concern expressed by my colleagues who spoke the other day, and other times, about the continued Iranian presence and influence in Bosnia. In fact, the Senate majority leader and I raised this concern in a letter we sent a few months ago to President Izetbegovic of Bosnia. I believe there has been a response to that letter. But, of course, what I am saying here is that we need to see the results and the content of the administration's decision of April 1994 beyond the unfortunate but, after all, very limited, continued presence of Iran in Bosnia.

The supply of arms to Croatia and Bosnia by Islamic countries in 1994 and before in fact changed the military balance in the former Yugoslavia. As a result, the Bosniacs and Croats were able to defend their people and their territory and even reverse Serb gains.

I certainly—and I am sure most of my colleagues—would much rather have seen the arms embargo lifted and the arms supplied to the Bosnian Government by the United States or other friendly countries other than Iran. It is clear to me—it was then—that the Bosnian Government would have preferred that outcome, but just as a drowning person cannot be particular about who has thrown him a life jacket, a dying nation, a nation under death siege, as Bosnia was at that time, cannot be particular about who gives it arms. Without the supply of those arms, the Serbs, in my opinion, would have completed their campaign of territorial aggression, ethnic cleansing. With these arms, the Bosniacs and Croats cooperated to hold the Serbs in place—in fact, to reverse some Serb gains.

Then we came to 1995, growing concern about the course of the war, and finally Senator DOLE and I, and our cosponsors, were able to receive majority support here in this Chamber and in the other body for mandating a unilateral lifting of the arms embargo against the Bosnians. Srebrenica fell; a slaughter occurred there. With that in the public's mind, and being able to say to our allies in Europe that Congress was about to force him to lift the arms embargo unilaterally, the President was able to gain the allies' support for the NATO airstrikes which brought the Serbs to the negotiating table at Bosnia, which stopped the war and then led to the 60,000-person implementation force now there in Bosnia, with 20,000 Americans, whose presence, incidentally, was ratified in a bipartisan vote here in which the Senate majority leader, in an extraordinary act of bipartisanship, nonpartisanship, gave his support to that presence.

So I say, in conclusion, that to criticize the Clinton administration, President Clinton, for their decision not to protest the flow of arms to Bosnia in April 1994 is unfair and inconsistent with the position that so many of us took that, in fact, the arms embargo should be lifted. The decision the President made was, in my opinion, moral. It would have been outrageously immoral to have watched aggression and genocide continue in Bosnia and have done nothing—in fact, not only to have done nothing, but to have acted to stop others from doing something to help the victims of that aggression and that genocide.

Finally, in the struggle many of us made here on a bipartisan, nonpartisan basis to change the course of this war, I think we had a substantial effect. It was, in my opinion, some of the finest hours of this Chamber in affecting the course of foreign policy and world events, stopping aggression and genocide, and preserving stability in Europe.

I hope we will not sully that extraordinary record of nonpartisanship with a kind of partisanship in hindsight, which is unjustified by the facts and inconsistent with the bipartisan leadership of this Chamber on this matter.

I thank my colleagues, and I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I am wondering, could we extend the time for morning business. We have more time requested than time allotted for morning business. So I would ask that we extend morning business.

The PRESIDING OFFICER. The Senator can ask unanimous consent to extend morning business.

Mr. REID. I ask unanimous consent that we extend morning business for an additional 10 minutes.

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

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized for 5 minutes.

Mr. REID. Mr. President, the Democratic floor leader is in the Chamber. He has 25 minutes reserved.

I ask unanimous consent that I have 10 minutes of the 25 minutes the floor leader has reserved.

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

Mr. REID. I also ask the Parliamentarian to inform me when I have used 10 minutes.

A HEALTHY ECONOMY

Mr. REID. Mr. President, I quote from the majority leader of the U.S. Senate in late February of this year, when he stated, ''It is also true''—said Senator DOLE—''as some have said, that our economy is the strongest it has been in 30 years.''

The business publication, Barron's magazine, that is looked upon with favor by the business community and has been for many, many years says:

> In short, Clinton's economic record is remarkable. Clinton rightfully boasted that our economy is the healthiest it's been in 30 years.

This came, Mr. President, late in March of this year. DRI McGraw-Hill, late March of this year:

> The normal economic indicators suggest that the economy is in its best shape in decades.

Mr. President, the statements that I have given here, the quote from the majority leader of the U.S. Senate, from Barron's magazine, and from DRI McGraw-Hill are not publications of the Democratic National Committee. We could not go further from the Democratic National Committee than the majority leader of the U.S. Senate, Barron's magazine, and McGraw-Hill, yet each of these state that the economy is the best it has been in decades.

I am the first to acknowledge that we can do better. But we are doing pretty good. We are doing real well. The reason I want to talk about this this morning is I understand from listening and watching very closely what has transpired in this Chamber, especially on the other side of the aisle, that there is some tendency to talk about how bad we are doing.

The economy is on fire. The economy is doing well. These are not statements. They are based upon statistics. The smallest deficit share of our economy since 1979. This will be the fourth year in a row where we have had a declining deficit. I, Mr. President, last year with pride talked about it was the third year in a row where we had a declining deficit, the first time in 50 years we had 3 years in a row with a declining deficit.

I said then, as I say now, it should be smaller, but 3 years in a row, the first time in 50 years, a declining deficit. This next year will be 4 years in a row with a declining deficit; the first time since the years of the Civil War that we have had 4 years in a row with a declining deficit.

The lowest combined rate of unemployment and inflation since 1968. Strongest job growth. In fact, it is a stronger job growth than any Republican administration since the 1920's. Nearly 8.5 million new jobs added in just over 3 years. That is a faster annual rate of growth than from any Republican administration since the 1920's.

Mr. President, we have heard a lot of talk in years gone by about the Federal employment being too high. President Reagan, when he was Governor, used to rail about how big the Government was. Yet while he was Governor of California, the government of California got bigger and bigger. When he got off his job of being Governor, he had a radio program, and about one out of every two programs dealt with how big the Federal Government was. It is interesting to note, when President Reagan was President, the Government got bigger and bigger.

Vice President GORE, in this administration, was given the job to cut back the size of Government. The Government has been cut back. It is not talked about. We have over 200,000 fewer Federal jobs than we had 3 years ago. That is a cutback that is staggering. The smallest work force since the days of President Kennedy. Highest share of jobs in the private sector again since the 1920's. And 93 percent of all new jobs have been created by the private sector.

We have had the lowest inflation during any administration since the days of Kennedy, the strongest industrial production growth in 30 years. The industrial production has grown almost 4 percent annually. That is faster than any administration since the days of Lyndon Johnson.

Strongest business investment growth for an administration since the days of John Kennedy. Business investment has grown almost 11 percent annually. As I have indicated, that is a faster rate of business investment growth than any administration since John Kennedy was President.

Lowest mortgage rates in 30 years. Strongest stock market growth since World War II. Highest home ownership in 15 years. Strongest construction growth since Truman was President. Almost 900,000 new construction jobs have been created in just over 3 years. That is the fastest annual rate of construction since Harry Truman was President.

It is no wonder that Barron's magazine says:

> Clinton has rightfully boasted that our economy is the healthiest it's been in 30 years.

Mr. President, we have had 10 Presidents since the Second World War. If we listed the Presidents, we would find we have had five Republican Presidents and five Democrat Presidents. But if you looked at job growth during the years of those 10 Presidencies, you would find that Nos. 1, 2, 3, 4, and 5 were Democrats. The bottom five were Republican Presidents.

If you want to look at that same list of Democratic Presidents, you would find that they also led from 1 to 5 in economic growth. I think it is important that we here on the Senate floor make sure the record is clear and not try to frighten the American public.

We acknowledge that we need to do better. We acknowledge that we have problems that need to be looked into. We believe that the minimum wage should be raised. We believe that it is not a question of making sure that teenagers that work at McDonalds get paid more, because the vast majority of the people who earn minimum wage are not teenagers. Sixty percent of the people who earn minimum wage are women, and for 40 percent of those women, that is the only money they get for them and their families.

We believe one of the ways we can make the economy better is to raise the minimum wage. Why? Because it will tend to force people off welfare and cause people not to go on welfare. We need to do better, but we are doing well. The so-called misery index, the combined rate of unemployment and inflation, is at its lowest level since 1968. We think that is good.

Car manufacturing. The United States is in the world lead. In 1994, the United States surpassed Japan as the world leader in automobile production. The last time the United States was No. 1 was way back in 1979. In 1995 and 1996, America has and will retain its status as the world's largest producer of cars. There have been times in the history of our country when the business sector has done as well, but never have they done any better. Economic numbers point to the business community as being very happy with what is going on.

We can look at areas where not everyone can enjoy this, but a family that invested money in the stock market——

The PRESIDING OFFICER. The Chair informs the Senator he has reached the 8-minute mark.

Mr. REID. I thank the Chair.

A family that invested money in the stock market, under the Clinton administration, for example, if they invested $10,000, they would get almost a 50-percent return on that money, in fact a little over 50-percent return.

Jobs have been added, as I have indicated, and the fact of the matter is, Mr. President, they have been good jobs, high-wage jobs. Over 60 percent of the jobs added have been high-wage jobs.

So we have work to do. We have a lot more that we can do. There are a lot of people not enjoying the success of the economy that is doing so well. We have to try to make sure that we do a better job in allowing people to succeed in this great country that we have.

But I want everyone within the sound of my voice to appreciate the fact that

we as an economy, we as a country, are doing extremely well. We have to feel good. We have to have confidence in our economy, confidence in our Government. We can only do that by understanding that we need to work together in a bipartisan fashion to move the country along.

We can do that by, first of all, allowing up-or-down votes on the minimum wage, repeal of the gas tax, and if the majority leader wants to bring forward the TEAM Act, let us have a debate on that like we have done in the Senate for over 200 years.

NUCLEAR WASTE

Mr. REID. Mr. President, I also say that my friend, my colleague from the State of Nevada, Senator BRYAN, is also going to address the Senate on a very important issue dealing with nuclear waste. I underscore and underline his statement and join with him in recognizing that we have some serious problems in transporting nuclear waste across this country. It can be avoided if we follow what, again, the President wants to do and not have the interim storage of nuclear waste.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. BRYAN. Mr. President, I wonder if my friend and colleague will yield for the purpose of a unanimous consent request.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from North Dakota, that morning business be extended for a period of 10 minutes so I might be permitted to address the Senate.

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

Mr. BRYAN. I thank my colleague, and I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

NOT GRIDLOCK, BUT A GAG RULE

Mr. DORGAN. Mr. President, it has been kind of an interesting couple of days in the Senate, and I noticed in the newspaper this morning in the headlines the word ''gridlock,'' which I am sure will please some in this Chamber, because yesterday they were trying to persuade the press to use the word ''gridlock.'' They said what is happening in the Senate is gridlock.

What happened yesterday was quite interesting. Those who suggest this is gridlock in the Senate came to the floor of the Senate yesterday, offered a piece of legislation and then, prior to any debate beginning on that legislation, the same people who offered the legislation filed a cloture motion to shut off debate that had not yet begun on a piece of legislation that had been offered only a minute before.

Someone who does not serve in the Senate or does not understand the Senate rules might scratch their head and say, ''How on Earth could someone do that with a straight face? How could someone, without laughing out loud, offer a piece of legislation before debate begins, file cloture to shut off debate on a piece of legislation they have just now filed, and then claim that the other side is guilty of causing gridlock?''

Only in the Senate can that be done without someone laughing out loud at how preposterous that claim is.

This is not gridlock. It is more like a gag rule, where you bring a piece of legislation to the Senate because you control the Senate floor and you say, ''Here's what we want to do, and, by the way, we're going to use parliamentary shenanigans to fill up the parliamentary tree so no one has an opportunity to offer any amendments of any kind, and then we are going to file a motion to shut off debate before you even get a chance to debate.''

No, that is not gridlock, that is a gag rule. From a parliamentary standpoint, it can be done. It was not done when the Democrats were in control in the 103d Congress. We never did what is now being done on the floor of the Senate: filling the legislative tree completely and saying, ''By the way, you have no opportunity, those of you who feel differently, to offer amendments.''

But we will work through this, and we will get beyond this. I will say to those who claim it is gridlock, it is clear the Senate is not moving and the Senate is not acting, but at least the major part of that, it seems to me, is because we have people who decide that it is going to be their agenda or no agenda, and they insist on their agenda without debate, their agenda without amendments.

What we have are three proposals that have been ricocheting around the Chamber the last couple of days, and there is a very simple solution. We have a proposal called the minimum wage. Many of us feel there ought to be some kind of adjustment in the minimum wage. It has been 5 years. Those working at the bottom of the economic ladder have not had a 1-penny increase in their salaries. Many of us feel there ought to be some adjustment there.

The second issue is, the majority leader wants to cut or reduce the gas tax by 4.3 cents a gallon.

And the third issue is a labor issue called the TEAM Act.

The way to solve this, instead of linking them together in Byzantine or strange ways, is simply to bring all three measures to the floor one at a time, allow amendments to be offered and then have an up-or-down vote. This is not higher math; it is simple arithmetic. Bring the bills to the floor.

Our side has no interest, in my judgment, in filibustering on any of those bills, at least not that I am aware of. I do not think we ought to filibuster any of those bills. Bring the bills to the floor, have a debate, entertain amendments, have a final vote, and the winner wins. That is not a very complicated approach. It is the approach that would solve this problem.

I listened carefully yesterday to a speech on the Senate floor that was essentially a campaign speech—hard, tough, direct. It was a Presidential campaign speech. You have a right to do that on the Senate floor. I do not think it advances the interests of helping the Senate do its business. I almost felt during part of that speech yesterday there should be bunting put up on the walls of the Senate, perhaps some balloons, maybe even a band to put all this in the proper perspective.

The Senate is not going to be able to do its work if it becomes for the next 6 months a political convention floor. I hope that we can talk through that in the coming days and decide the Senate is going to have to do its work. We have appropriations bills we have to pass. We have other things to do that are serious business items on the agenda of this country. I do not think that we can do this if the Senate becomes the floor of a political convention from now until November.

I want to speak just for a moment about the proposed reduction in the gasoline tax. Gasoline prices spiked up by 20 to 30 cents a gallon recently. When gasoline prices spiked up and people would drive to the gas pumps to fill up their car, they were pretty angry about that, wondering, ''What has happened to gasoline prices?''

Instead of putting a hound dog on the trail of trying to figure out who did what and why, what happened to gas prices, immediately we had some people come to the floor of the Senate and say, ''OK, gas prices spiked up 20, 30 cents a gallon. Let's cut the 4.3-cent gas tax put on there nearly 3 years ago.''

I do not understand. I guess the same people, if they had a toothache, would get a haircut. I do not see the relationship. Gas prices are pushed up 20 to 30 cents so they are going to come and increase the Federal deficit by cutting a 4.3-cent gas tax.

I would like to see lower gas taxes as well, but I am not going to increase the Federal deficit. The Federal deficit has been cut in half in the last 3 years. Why? Because some of us had the courage to vote for spending decreases and, yes, revenue increases to cut the deficit in half.

The central question I have is this: If you cut the gas tax, who gets the money? There are a lot of pockets in America. There are small pockets, big pockets, high pockets, and low pockets. You know who has the big pockets and small pockets. The oil industry always had the big pockets. The driver has always had the small pockets.

Guess what? When you take a look at what is going to happen when you see

a gas tax reduction and have some people talk to the experts, here is what you find.

This is yesterday's paper: ''Experts say gas tax cut wouldn't reach the pumps. Oil industry called unlikely to pass savings on to consumers.''

Energy expert Philip Verleger says:

The Republican-sponsored solution to the current fuels problem . . . is nothing more and nothing less than a refiners' benefit bill. . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

The chairman of ARCO company says:

My concern is, quite frankly, how the public will react to what the Senate does.

He said:

Some Democrats have already said 'before we pass the gas tax, we want to make sure we see it at the pump.'

He said:

I'll tell you, market forces are going to outstrip the 4 cents a gallon. You're not going to be able to find a direct relationship between moving that and 4 cents. Then prices could go up, go down, could stay the same, and there you have the question of how the public is going to perceive that.

The majority leader's aides in the paper today said they had:

. . . received assurances from the oil companies that the full extent of any cut in the gas tax will be passed on to consumers.

However, officials at several major oil companies said yesterday that no such assurances had been or could be given.

''Even asking for them represented a mistaken return to direct government involvement in setting prices,'' several energy experts said. . . .

Bruce Tackett, a spokesman for Exxon Co. USA in Houston, said, ''We have not made any commitments to anyone 'regarding a 'future' price. Not only have we not made a commitment, we can't. In a competitive market, the market will set the price.''

An Amoco Corp. spokesperson said:

We've received no official request, and we haven't spoken to anyone about this.

Mobil Corp. said:

Mobil doesn't believe that a reduction in the tax will automatically mean a reduction in the pump price. . . In the end, it will be the marketplace that sets the price at the pump.

The point is this gas tax reduction sounds like an interesting thing, but if you take $3 billion out of the Federal Government and increase the deficit, which you will do—I think the so-called offset is a sham—but increase the Federal deficit, take $3 billion, put it in the pockets of the oil industry and the drivers are still going up to the same pumps paying the same price for their gas, who is better off? The taxpayer? No. Is the Federal deficit better off? No, that is higher. The oil industry is better off.

I guess my hope is that we will decide for a change here in the U.S. Senate to do the right thing. The right thing, it seems to me, is for us to proceed on the agenda. Yes, the majority leader and the majority party have the majority, they have the right to proceed down the line on their agenda. We are 47 Members in the minority. We are not pieces of furniture. We are people that have an agenda we care deeply about. We also intend to exercise our right in the Senate to offer amendments and to try to affect the agenda of the Senate.

For those who say we have no right to offer amendments, that we will be thwarted in any attempt at all to offer our agenda, we say it will be an awfully long year because we intend to advance the issue of the minimum wage. The minimum wage ought to be adjusted. People at the top rung of the economic ladder have a 23-percent increase in the value of their salaries and their stock benefits last year; the people at the bottom of the economic ladder, those people out there working for minimum wage, have for 5 years not received a one-penny increase, and lost 50 cents of the value of their minimum wage. We are not asking to spike it way up. We are just asking for a reasonable, modest adjustment of the minimum wage. We ought to do that.

Gas tax, bring that to the debate. I do not intend to vote to reduce the gas tax. I would like to. I would like to see people pay less taxes in a range of areas, but I do not intend to vote to increase the Federal deficit. I have been one, along with others, who care and continue to ratchet that Federal deficit downward. I do not intend in any event to transfer money from the Federal Treasury, so the deficit increases, to the pockets of the oil industry, and leave drivers and taxpayers stranded high and dry.

The TEAM Act that has been introduced in the last day or so, bring that to the floor, entertain amendments, have a vote on that. That is the way the Senate ought to do its business. It is probably not the most politically adept way. It does not most easily advance an agenda of someone, but a way for the Senate to advance these issues, have a vote, and determine what the will of the Senate is.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

NUCLEAR WASTE

Mr. BRYAN. Mr. President, there has been, as my colleague from North Dakota has pointed out, a number of disappointments in terms of things that have reached the floor, and with the overhang of Presidential politics in this year. One of the most disturbing things to me is the power of special interests at work in this Congress and their effort to bring a piece of legislation to the floor, S. 1271, which we are told will reach the floor sometime in the next few weeks. That is the effort of a powerful lobby, well financed, very effective, the nuclear power lobby, to bring a proposal to locate an interim storage of high-level nuclear waste in my State of Nevada.

One can hardly open a newspaper or one of the many Capitol Hill newsletters these days without seeing one of the nuclear power industry's many misleading, and in my view, intellectually dishonest advertisements urging Members of this body, of this Congress, to support S. 1271, which is the latest nuclear power industry's piece of legislation.

There are many things wrong with S. 1271, Mr. President. The obvious reason for my strong interest in the bill is an utter and complete disregard for the rights and interests of public health and safety of the men and women who I represent, my fellow Nevadans. Contrary to the wishes of the great majority of Nevadans—Democrats, Republicans, independents, those who choose no political affiliation—the overwhelming majority are strongly opposed to this so-called interim storage facility.

The problems with this legislation are more than a question of unfairness, which I will have occasion to speak to at some length during the debate on this issue. It is much more than unfairness, because most of the mistruths that are being spread about this legislation in the nuclear waste program in general affect not only my own State but many other States, as well.

First and foremost, I think it is important to emphasize that this piece of legislation is unnecessary. It is unnecessary. I have served in this body long enough to know that on many pieces of legislation, it is a very difficult balance. Some things that you like, some changes that you do not, there are some pluses and minuses. But always there should be at least some overriding necessity for that piece of legislation to be acted upon. In this instance, there is absolutely no need at all.

The scientific experts, experts independent of the nuclear power industry, independent of the environmental community, independent and in no way connected with my fellow constituents in Nevada, have concluded that there simply is no problem with leaving the high-level nuclear waste where it currently resides, and that is at the reactor sites. Most recently, the Nuclear Waste Technical Review Board, a Federal agency created by the Congress for the sole purpose of monitoring and commenting on the high-level nuclear waste program, that Nuclear Waste Technical Review Board recently stated, ''There is no compelling technical or safety reason to move spent fuel to a centralized storage facility for the next few years.''

Mr. President, that view has been endorsed by the Clinton administration as well because they can see through the transparency of the nuclear power industry's scare tactics. They have indicated that if this legislation should pass this Congress it will be vetoed.

Let me say for those who have watched this issue over the years, scare tactics have become the kind of conduct that we expect from the industry. More than a decade ago we were told

that without some type of interim storage, then called away-from-reactor storage, that nuclear reactors around America would have to close down. In fact, their prediction was by 1983, 13 years ago. Well, the Congress wisely rejected the overture by the nuclear power industry more than a decade ago, and not a single reactor has closed because of the absence of storage for the spent nuclear fuel rods.

It is, in my judgment, a wiser policy and a more sensible policy that we make a determination only after we have a judgment as to the location of a permanent repository. That is what the language currently says, Mr. President, that there will be no decision to force a State or any jurisdiction to accept an interim storage until after the permanent repository program has made its own judgment. That, Mr. President, has not yet been done.

This sensible approach, accepted by those who have independent judgment and are members of the scientific community, endorsed by this administration and by many others, does not satisfy the nuclear power industry. They are furious that their bluff has been called, that its scare tactics over the years have been sufficiently transparent, that most have been able to see through them, and they have been frustrated in their goal of establishing an interim storage facility.

The risk that would be created by caving in to these special interest demands are substantial. In addition to creating overwhelming risk for those of us in Nevada, particularly because of its geographical proximity to the metropolitan area of Las Vegas, which is now home to 1 million people, this legislation would result in over 16,000 shipments of dangerous high-level nuclear waste to 43 States.

Mr. President, I apologize to my colleagues and staff who are watching this issue and I apologize to America that we do not have the resources to have full-page ads in major newspapers across America and all of the various bulletins and pieces of literature issued covering and commenting on the operation of the Congress. I see the very able and distinguished Senator from Kansas, and I assure her I will not be long in my comments. I take the occasion to make her aware, as I do the distinguished occupant of the chair, we are talking about 43 different States that will be affected, 16,000 shipments. Much of that is located in the Midwest. The State of Kansas, if I might cite for my colleague's edification since she is on the floor, is a major transshipment corridor. The red indicates highway. The blue indicates rail. We have one, two, three, four major shipment routes to the State of Kansas, exposing communities—we will talk more about this when this issue comes to the floor—exposing communities to a great deal of risk if indeed an accident happens.

We all hope that an accident does not happen. But most pencils in America are still made with an eraser. Mistakes occur—human error. We know that. Whether it is Three-Mile Island, Chernobyl, or whatever the nuclear disasters have been in recent years, there are human failures, mistakes, neglect, all of those things, and they are not likely to change as a result of anything that we have done or are likely to do on the floor of the Senate.

I know that the chairman of the Energy Committee spoke yesterday at some length about that. I can understand why he does not share the concerns. Alaska is not a transshipment corridor, so that none of his constituents would be exposed to the risk, as 43 States and some 50 million of us that live along one of these transportation routes might be affected.

I might say—and I believe the occupant of the chair served at the municipal level of government—there is no assurance in this legislation that any financial assistance is provided to communities who are placed at risk. None. No assurance whatsoever. So these communities exposed to this risk will have to bear that responsibility on their own.

Let me just say that for some of us—and the occupant of the chair and I are from two States that have no nuclear reactors at all; yet, we will bear the burden of those transshipments—all unnecessary, all unnecessary because our States will be affected. In the great State of Oklahoma, there are at least three rail shipment routes that will pass through that great State. I can cite State after State, and I will have occasion to do so later.

The chairman of the Energy Committee, in addressing this yesterday, tended to dismiss any concerns about safety. ''Nothing to worry about. This is all under control.'' Mr. President, I have said many times on the floor that I was in the eighth grade in early 1951 when the first nuclear atmospheric test was conducted at Frenchman Flats in Nevada, about 60 to 70 miles from my hometown of Las Vegas. We were assured at the time, ''There are no risks. There is nothing to worry about. The scientific community has this under control.'' Indeed, people were invited to go up to observe this great scientific phenomenon. Benches were established so you could go up, if you were part of the press corps. Those of us who were in school, as part of science programs, were invited to rise early in the morning and see the great flash from the nuclear detonation, see the cloud, and wait for the seismic shock to hit us, and calculate with some precision how far from ground zero we were from the place where the shot took place. Community reaction was overwhelming. Stores, retail establishments, all embraced this new nuclear phenomenon.

Well, it is now 45 years later. Nobody buys that argument anymore. No scientist worthy of his or her degree would ever suggest with absolute certainty that we can detonate a nuclear blast in a 70-mile range of a major community. Nobody will assert that.

Do you know what the consequences of that trust us is? Today, every Member of this Congress, every taxpayer in America is paying for those poor, innocent victims downwind of where those atmospheric shots occurred, who suffer from cancer and other genetic effects as a result of those experiments. Trust us, you need not worry. We are talking about something that is lethal. And those of us who would bear the burden of this do not have the same sense of safety and assurance that the chairman of the Energy Committee has.

Mr. President, I know that this debate has been framed largely as a result of the special interests of the nuclear power lobby. Many of my colleagues, I am sure, have not heard from their constituents. Today, I take the opportunity to acquaint Americans and my colleagues and staff, who are watching our discussion, that this is not just a Nevada issue. Obviously, we feel powerfully aggrieved at this outrageous conduct that suggests that not only are we to be studied for a permanent repository, but an interim facility will be placed there as well.

My point is that ours is a lonely voice, a small State of 1.6 million people and 4 Members of Congress. We cannot match the nuclear power industries' finances, the phalanx of lobbyists that they have from one end of Capitol Hill to the other. But there is much at risk. It is not just Nevada; it is 43 States, 50 million people. I urge my colleagues to get engaged in this debate and understand what is at risk.

I thank the Chair and the Senator from Kansas for allowing me to extend my remarks.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, a lot of folks don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business yesterday, May 8, 1996, the total Federal debt—down to the penny—stood at $5,094,597,203,341.08. Another sad statistic is that on a per capita basis, every man, woman, and child in America owes $19,238.98.

So, Mr. President, how many million are there in a trillion? There are a million million in a trillion, which means that the Federal Government owes more than $5 million million.

Sort of boggles the mind, doesn't it?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3960 (to amendment No. 3955), to provide for the repeal of the 4.3 cent increase in fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, to clarify that an employer may establish and participate in worker-management cooperative organizations to address matters of mutual interest to employers and employees, and to provide for an increase in the minimum wage rate.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 3960

Mrs. KASSEBAUM. Mr. President, I rise to discuss, again, legislation that has been before us, which is support for the Teamwork for Employees and Management Act, the TEAM Act.

During the past couple of days, we have had some lengthy debate on this legislation, as well as, of course, repeal of the 4.3-cent gas tax, and raising the minimum wage. I thought it might be useful at this point to review some of the debate back and forth on the TEAM Act, what it does and does not do, and dispel some of the myths that have surfaced over the course of the debate.

The TEAM Act responds to a series of decisions by the National Labor Relations Board that invalidated numerous employee involvement programs. The NLRB decisions that have been made regarding employee-employer relationships have been very broad. They found that the National Labor Relations Act of 1935 prohibited supervisors from meeting with workers in committees to discuss workplace issues like health and safety, working conditions, family leave, and other important areas of mutual concern.

The TEAM Act simply establishes a safe harbor in Federal labor law to permit these types of employee involvement programs, where workers meet with supervisors to discuss issues of mutual concern, to continue to exist without running afoul of Federal labor law. Under the TEAM Act, workers may discuss quality, productivity, efficiency, health and safety, or any other issues that are important to them.

It seems to make so much sense, Mr. President, and it is very hard for me to understand why this is being so vigorously challenged and fought by the unions in this country, particularly the chairman of the NLRB, William Gould, who does not support the TEAM Act, but does say that we need a clarification of the law so that there can be the ability of employers and employees to come together with a clearer understanding of what is within the parameters of the law.

I believe that workers have important contributions to make to improve the quality of their work life and the quality of the product or service their company delivers. America needs to harness workers' ideas and put them to good use. They are the ones who are there making the day-to-day effort, who best know the whole condition of workplace health and the safety of the atmosphere—on the line, perhaps, in a factory—and can come up with innovative suggestions.

The legislation also has important worker protections. For instance, teams may not have, claim, or seek authority to negotiate collective-bargaining agreements, or amend existing collective-bargaining agreements, and the TEAM Act also clearly prohibits employers from bypassing an existing union if the workers have chosen to be represented by a union.

I do not fault the NLRB for the breadth of their decisions invalidating employee involvement. I think they did the best job they could under the circumstances. Our Federal labor laws were written in the 1930's at a time when employers had used company unions to avoid recognizing and bargaining with unions after workers had selected union representation. So the Congress wrote our Federal labor laws very broadly to prohibit that type of activity.

In fact, the law was written so broadly that it invalidated the legitimate employee-involvement programs that we see today. So the TEAM Act permits these legitimate employee-involvement programs to move forward, while requiring firms to recognize and negotiate with independent unions if that is what the workers want.

Why do we need the TEAM Act? This has been mentioned many times. Because it has worked very successfully in the union businesses where the union shops exist. There have been many times effective employee-management teamwork. But we have, I think, also heard compelling cases of why there is great uncertainty.

During the debate over the last 2 days, some of my colleagues have asked, if there are so many employee-involvement programs going on right now, why then is it necessary and why do we need the TEAM Act? I will respond to my colleagues that the NLRB interpreted the law so broadly that it has cast great uncertainty on the legality of all employee-involvement programs. Some companies have disbanded their teams, either by order of the NLRB or because they are concerned with whether they are legal and fearing they might not feel it is worth the effort to even try, and other companies are not expanding their existing teams.

For example, during our committee hearings on the TEAM Act, we heard from David Wellins, a senior vice president of a human resource consulting firm in Pittsburgh, PA. Mr. Wellins' firm assists clients, from Fortune 500 companies to small nonprofits, to establish high-performance work organizations.

Mr. Wellins testified:

On manufacturing plant floors and in corporate offices across this country, work teams are making employees and their companies more productive than at any other time in the history of this country. . . The second point I want to make [is that the NLRB decisions] have dramatically dampened the enthusiasm for teams. Many of the Nation's leading companies, both union and nonunion, are confused about which aspects of teams are allowable and correspondingly reluctant to proceed with team initiatives.

Mr. Wellins then cited several examples, including a large Midwest bank, a major beverage manufacturer, and a consumer product packaging plant that eliminated their employer involvement program due to the uncertainty which has been caused by the NLRB's interpretation of Federal labor law. It is clear from Mr. Wellins' testimony that we need a legislative solution to this problem.

Some of my colleagues have also asked whether the TEAM Act permits employers to establish company or sham unions. The answer is absolutely not. This is very clear, and has been very misleading in the debate so far that has gone back and forth for a couple of days.

The TEAM Act permits workers to choose independent union representation at any time. The TEAM Act does not replace traditional unions, and once workers select union representation, the employer must recognize and then negotiate with the union.

Moreover, the Team Act specifically states that employee teams may not "have, claim, or seek authority to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements." It does not in any way interfere with the collective bargaining agreements that are in place and working and clearly understood. So the TEAM Act does not permit employers to create company or sham unions.

Mr. President, one of the other issues that has come forth also during the debate is who selects team members?

This has been debated in our committee hearings as well. Some of the colleagues have asked whether the TEAM Act promotes true employee involvement because the legislation does not mandate that workers select all team members. I respond to my colleagues who have questioned this that the TEAM Act avoids mandating a one-size-fits-all for the employee-involvement program. Instead, it recognizes that there are a variety of worker teams that exist and would encourage workers and managers to develop flexible teams that best suit their needs.

Sometimes workers select team members, sometimes the team members volunteer, and sometimes the whole company is run on the team concept. So the question of team member selection is moot. At other times, particularly if a worker has a necessary job skill required by the team, such as appointing an EMT to a safety team, the employer may choose team members.

Focusing on team member selection really misses the point because the real issue is management commitment to employee involvement. Workers are not stupid. They know when management values employee involvement, and workers quickly tire of making suggestions if management will not follow through on them; therefore, it is not going to succeed. It really has to be a management commitment even more than a worker commitment. So it would be useless for managers to limit teams to their favorite workers, because the value of those employee ideas would be limited. It really has to be a commitment that is on both sides, recognizing the changes that are taking place in our work force today, not in an attempt to undermine the unions but in an attempt to strengthen the initiative, the productivity, and the constructive environment instead of a suspicious, adversarial environment that can occur in the workplace. I think it has a very positive benefit.

Ironically, the whole idea of team member selection reveals how narrowly critics are viewing employee involvement. They are assuming that there should be only one type of program, where the employees select their team representative. But many times, team members do not represent their coworkers on teams. Many times, the whole plant is run by self-directed work teams. So there are no employee representatives since everyone serves on a team.

We cannot categorize every type of team in America, and we should not try. Instead, we should give workers and supervisors the flexibility to craft their workplace needs and craft how they can best be met.

I ask my colleagues to support this important legislation. I think, Mr. President, it offers us an opportunity, that we have not had before, to clarify a situation that will allow us to move forward to meet the needs of a workplace, that will allow us to be ever more competitive, ever more imaginative, ever more inventive, and create an employee involvement that I think will add a lot of vitality in our workplace today.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. INHOFE. Madam President, as I was sitting in the chair presiding and I was listening to several people try to justify an argument against repealing the tax increase, a tax increase that was sold to the American people that it only affected the fat cats in this country, we are talking about the gasoline tax at 4.3 cents as if 4.3 cents is not a significant amount.

I remind these people that this was part of a package in 1993, when Bill Clinton had control of both Houses of Congress, and they passed what was characterized by then the chairman of the Senate Finance Committee, Senator DANIEL PATRICK MOYNIHAN, as ''the largest single tax increase in the history of public finance, in America or any nation in the world.''

I think it needs to be in the RECORD after these statements justifying continuing these taxes that if anyone was opposed to ''the largest single tax increase in the history of public finance, in America or any place in the world'' back in 1993, they would be supportive of repealing any portion of that tax increase today. It was not just a gasoline tax. It was many other taxes which included a 50 percent tax on Social Security for thousands and thousands of senior citizens in America.

So I think that those individuals who believe as the chief financial adviser to the President believes, that there is no relationship between the level of taxation in a country and its economic production, have lost the argument because truly that is not the case.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, we have before the Senate a proposal to repeal the 4.3-cent-per-gallon Federal excise tax on gasoline enacted in 1993 as part of a comprehensive deficit-reduction package. That legislation—the Omnibus Budget and Reconciliation Act of 1993 [OBRA]—has been largely responsible for cutting the Federal deficit nearly in half since its enactment. The 4.3-cent tax on gasoline that was included in that legislation has contributed more than $10 billion to this deficit reduction. Though we have not yet completed the difficult task of balancing the Federal budget, in the middle of a Presidential election year we are suddenly being lured by a politically inspired proposal to repeal that very same 4.3-cent tax for the remainder of 1996 to combat a recent increase in gasoline prices across the country. Our colleagues in the majority would have us believe that the 4.3-cent gasoline tax is the primary culprit for the current high level of gas prices. The American people are being asked to believe that a simple repeal of the 1993 tax for the balance of one year will cure the pain at the pump. And this is utter folly. It is not true.

Mr. President, the current Federal excise tax on gasoline stands at 18.3 cents per gallon—approximately 14 percent of the current average price of a gallon of unleaded regular gasoline. The 4.3-cent tax that this proposal would repeal represents less than 3.5 percent of the current cost of a gallon of gasoline. Are we to believe that 4.3 cents of this tax enacted in 1993 has had any really significant effect on the price of gasoline? Or, conversely, are we to believe that a repeal of this tax will substantially reduce the price of a gallon of gas?

Simply put, gas prices have risen because of forces unrelated to the Federal excise tax on gasoline. They have risen because of factors associated with the basic economic principles of supply and demand. The reduced supply of world crude oil and the higher gasoline consumption in the United States and Europe as a result of a lengthy, cold winter have undoubtedly played a much larger role in the higher price of gasoline than has the much-demonized 4.3-cent gas tax approved in 1993. In fact, Mr. President, the repeal of the national speed limit by this Congress has probably contributed more to the price of gasoline than the 1993 tax.

Is it not somewhat contradictory to first give drivers a green light to drive faster and then blame the recent surge in the cost of gas on a tax enacted 3 years ago. After all, it is no secret that cars use more gas when they are traveling at higher speeds. More gas means higher demand. Higher demand means higher prices. While rising gas prices do inflict financial burdens on some segments of the society, let us remember also that the current increases in gas prices has come after a prolonged period of low prices at the pump. According to the American Petroleum Institute, gasoline prices last year, adjusted for inflation and including Federal and State taxes, were at their lowest level since data were first collected in 1918. Thus, Mr. President, we may view the recent escalation in the price of gasoline not as a dramatic increase above its historical cost, but as an upward adjustment from unusually low

prices. It certainly stretches the imagination, however, to place the blame for the recent gas price increase solely on the shoulders of the 4.3-cent tax enacted to reduce the Federal deficit.

Contrary to what one might think in listening to the rhetoric surrounding this so-called Clinton gas tax increase, the 1993 deficit reduction package was not the first time that gasoline taxes have been increased for the purpose of deficit reduction. The fact is that the 1990 Summit Agreement, which was negotiated by Congress and the Bush administration, contained a gasoline tax increase of 5 cents per gallon which went into effect on December 1, 1990. Of that amount, two-and-one-half cents per gallon of that gasoline tax increase went to deficit reduction. This fact is set forth in a report of the Congressional Budget Office to the Congress dated January 1991, in the following statement relating to the 1990 Summit Agreement:

> For the first time since the Highway Trust Fund was established in 1956, not all highway tax receipts will be deposited in the trust fund. Revenue from 2.5 cents of the 5-cents-per-gallon increase in the motor fuel taxes will remain in the general fund. The baseline assumes that this portion of the tax expires on schedule at the end of fiscal year 1995.

Ultimately, as Senators are aware, the 1990 Summit Agreement as negotiated with President Bush and which contained the gasoline tax I have just described, passed the Senate by a vote of 54–45. And, of the 54 yea votes, 19 were Republican Senators—19.

Mr. President, this being a Presidential election year, it is clear that this proposal before the Senate is being presented to the Congress for reasons beyond the question of whether or not a repeal of the 4.3-cent gas tax represents sound fiscal policy. It is true that rising gasoline prices have permeated the country, particularly California, a State with a plethora of electoral votes. It is also true that repealing any tax, particularly a tax on gasoline, is politically popular. In addition, it is tempting to remind the electorate of a tax increase approved in the past by a political opponent, even if that tax increase was included in a responsible deficit reduction package. So, when we consider these factors, we may understand, without any unusual clairvoyance, why we are now considering a proposal to temporarily repeal the 4.3-cent gasoline tax until January 1, 1997. While this may be labeled a temporary repeal, I must question the likelihood of the gas tax being reinstated after its repeal. As soon as this tax is repealed, we will hear from countless interests claiming that the 4.3-cent repeal needs to be permanent. Do we expect Members of Congress to ignore those inevitable pleas? The fact is, Mr. President, that if we repeal this gas tax now temporarily, we will have taken a giant step through the one-way door of permanent repeal, and I doubt that we will find the courage to break that door down. And why are we considering entering this dangerous aperture? Is it anything more than politics? Mr. President, the 4.3-cent gas tax was enacted in 1993 as part of the successful deficit reduction package crafted by President Clinton and enacted by the 103d Congress without one single vote by a Republican Member of Congress. But it was the right thing to do. It took courage for the President and the Congress to enact that bill. Tax increases are not known for their popularity. In fact, some Members of Congress may not be here today because of their vote in 1993. But the fact remains that the 1993 bill nearly halved the Federal budget deficit, and the 4.3-cent tax on gasoline contributed to that effort. And, Mr. President, I voted for it, and I do not regret it.

Mr. President, the politics of this proposal notwithstanding, it is more important to focus on the economics of this proposal. Economics is, after all, often cited by advocates of tax cuts on the grounds that they spur economic growth. The Wall Street Journal, a newspaper frequently cited by my colleagues on the other side of the aisle, ran an interesting story on May 7 about the proposed gas tax repeal. Let me read the title: ''Economists Say Gasoline Tax Is Too Low.'' The title does not read ''too high,'' as some in this body would have us believe. It reads ''too low.'' Economics, Mr. President, is a field where the experts rarely reach agreement on any issue. Yet, the Wall Street Journal reports that ''there is widespread agreement in the field [of economics] that the Federal gasoline tax of 18.3 cents a gallon is too low.'' In fact, according to the article, more than half of the economists surveyed at a recent conference favor a gasoline tax of $1 a gallon or higher. Further, the article states that ''Economists cite various factors to justify a gasoline tax. Chief among them are the environmental and health costs of air pollution, along with the costs of traffic congestion, and road construction and repair.'' Finally, Mr. President, the Journal article states that the ''proponents of an increase [in the gasoline tax] point to foreign producers' control over oil supply, and favor a gasoline tax that is high enough to stem U.S. demand.'' On the other hand, cutting the gas tax would do just the opposite: It would increase demand for gasoline and drive up the price, thus making the United States more dependent on foreign oil. So, Mr. President, it appears from these statements that, if this gas tax repeal is being proposed on the grounds of economics, it is being proposed on very shaky grounds indeed.

As I have already mentioned, the gas tax stands today at 18.3 cents per gallon, and many would have us believe that this amount is an anomaly in a world where other countries either do not have a gasoline excise tax or have substantially lower gas taxes. But, this is not the case. In fact, if you lived in Germany, France, the Netherlands, or Italy, you could not purchase a gallon of gasoline for less than $4. Gas excise taxes per gallon in those nations stood on March 1, 1996, at $2.92, $3.05, $3.09, and $2.91 respectively. Of course, lower taxes on gasoline could be found in the United Kingdom and Japan, where the tax per gallon stood at $2.37 and $1.99 respectively. Even if we combine the Federal excise tax on gas in the United States with a weighted average of the various State taxes, the typical American consumer pays only 37 cents tax per gallon on gasoline. That is quite a disparity, Mr. President. And what is the logical effect of this disparity? Americans drive more and consume more gas than their foreign counterparts. We rely less on public transportation and fuel-efficient automobiles than do citizens of many other industrialized nations. And, Mr. President, we have become very dependent on gasoline—a resource that is nonrenewable. In other words, if we continue to depend on free-flowing fuel from abroad, and do not develop alternative methods of more efficient transportation, we are not placing ourselves in a position to remain competitive throughout the world in the 21st century, and we are endangering our economic independence and our children's future as well.

So, Mr. President, as we are met with this proposal to reduce the excise tax on gasoline, we must not allow ourselves to be swayed by the winds of the political moment. We all know that tax cuts are popular. There are few easier votes that a Member of Congress can make. But, is that why we are sent here? The American public is tired of this endless political pandering—that is what it is—and the people are not fools. They will see this debate for what it is—a fiscally irresponsible, extremely political initiative brought before the Congress in the middle of an election year. And we talk about a constitutional amendment to balance the budget; a constitutional amendment to balance the budget on the one hand and repeal the gas tax on the other. So we are going in two opposite directions at once. Of course, the gas tax proponents have claimed to offset the lost $4.8 billion in revenues that will result from this proposal. They intend to pay for this proposal by auctioning the spectrum to the private sector. Why not apply that against the deficit? Why not apply that savings against the deficit? However, it is my understanding, Mr. President, that the actual sale of the spectrum will not occur until 1998, and the reductions for the Department of Energy will occur over the next 6 years, while the loss in revenues from the gas tax will occur right now in fiscal year 1996. Thus, this legislation is subject to a 60-vote point of order—and I hope we will keep that in mind and not waive points of order if unanimous-consent agreements are entered into—under both section 311 of the Congressional Budget Act and the congressionally mandated pay-as-you-go, PAYGO,

requirement. Furthermore, Mr. President, using the spectrum sale now will remove another building block on which to construct a responsible balanced budget. The spectrum auction was, after all, included in last year's budget reconciliation measure. Is not a balanced budget a more lofty goal than a short-term, nonsolution to the recent elevation in the price of gasoline? Well, Mr. President, what I hear from my constituents is a real concern about the deficit and about the economic future of our country. I see a desire among the people to balance the budget in a way that does not undermine our Nation's ability to reinvest in itself or make us more dependent on foreign oil. Mr. President, reducing the gas tax now will make it harder to formulate any responsible plan to balance the budget in the future, and I will not support that effort.

I wish the President would veto the bill instead of saying he will sign it. I wish the President would veto the bill repealing the gas tax, if it is passed by Congress. This is pure political pandering, and both sides are engaging in it.

Mr. GRASSLEY. Mr. President, I rise to speak to the legislation now before this body that is called the TEAM Act, which is an amendment to the Minimum Wage Act, which, in turn, is tied to the legislation to decrease the gas tax. I speak in favor of the TEAM Act. It is a very good piece of legislation.

That position puts me opposite a union that I used to belong to. The union was the International Association of Machinists. I was a member of that union from February 1962 to March 1971, when the factory I worked for closed down and shut its doors. I was an assembly line worker making furnace registers. We were a sheet metal operation.

The International Association of Machinists, along with most other unions, are against passage of the TEAM Act. I am a Republican and I am proud to be a Republican. When I was a union member, I was proud to be a union member, and if I were still working there today I would be proud to be a union member as well.

But unions do not always speak for all workers, and this is an example, where the labor union leaders in Washington, DC, supposedly representing their members back at the grassroots, are not speaking for the rank-and-file members. I remember, even 30 years ago, rank-and-file members wanted to have something to say about the operation of the plant. They did not want it all to be confrontational. They wanted us to have a cooperative working effort, because with a cooperative working effort, we have more productivity, and the more productivity you have, the greater the chances are of preserving jobs and of having better wages, working conditions, and fringe benefits for the employees.

This is even more important today, because we are competing internationally and must focus on productivity in the labor force. Having friendly relationships between labor and management means more productivity. And we have to be more productive if we are to compete in this global-interdependent market.

So I support the TEAM Act because it would allow employees the privilege to participate in workplace decisions, giving them a greater voice in mutual interests such as quality, productivity, and safety. Current law prohibits this type of participation. This act would, among other things, encourage worker-management cooperation, preserve the balance between labor and management while allowing cooperative efforts by employers and employees, and permit voluntary cooperation between workers and employees to continue.

I also support it because, without this legislation, 85 percent of working folks are not allowed to talk with their employers in employee involvement committees about such things as extension of employees' lunch breaks by 15 minutes; sick leave; flexible work schedules; free coffee; purchase of a table, soda machine, microwave, or a clock for the smoking lounge; tornado warning procedures; safety goggles for fryer and bailer operators; ban on radios and other sound equipment; dress codes; day care services; and nonsmoking policies.

The President indicated he was for this type of legislation in his State of the Union Message this year. At least to me it seemed an indication. He said: "When companies and workers work as a team they do better, and so does America."

I happen to agree with the President. Secretary Reich, in a July 1993 feature article in the Washington Post, said:

High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instructions. The old top-down workplace doesn't work anymore.

Again, I wholeheartedly agree with the Secretary of Labor. But just a few months ago, at a national union rally in Washington, DC, following a $35 million campaign pledge made to the Democratic Party and a grand endorsement by the AFL–CIO, Vice President AL GORE promised President Clinton's veto of this TEAM Act that is now before the Senate. This is an act that would legalize workplace cooperation between nonunion employees and management.

Union representatives tell me they fear the TEAM Act would prevent them from organizing union shops. Let me emphasize, this act does not apply to union settings, and would not undermine existing collective-bargaining agreements. Under the TEAM Act, workers retain the right, as they should, to choose an independent union to engage in collective bargaining. Mr. President, I plan to continue my remarks this afternoon.

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

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

The bill clerk proceeded to call the roll.

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

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

LOW-LEVEL RADIOACTIVE WASTE POLICY ACT

Mr. PRESSLER. Mr. President, I want to speak about a matter that affects my State of South Dakota, but also several States, including California. We are part of a compact under the Low-Level Radioactive Waste Policy Act. Governor Wilson of California, and Governor Janklow of my State, have had a very difficult time with the Secretary of the Interior on this matter.

The original Low-Level Radioactive Waste Policy Act gave the States the responsibility of developing permanent repositories for this Nation's low-level nuclear waste. Now the Clinton administration wants to take away that authority.

For 8 years, South Dakota, as a member of the Southwestern Compact, along with North Dakota, Arizona, and California, has worked to fulfill its duties to license a storage site. It did the job.

Ward Valley, CA, is the first low-level waste site to be licensed in the Nation. After countless scientific and environmental studies and tests, the State of California and the Nuclear Regulatory Commission approved Ward Valley as a safe and effective place to store the Southwestern Compact's low-level radioactive waste.

However, there is one problem. Ward Valley is Federal land. It is managed by the Bureau of Land Management. The Southwestern Compact has requested that Ward Valley be transferred to the State of California. The Clinton administration refuses to take action. Instead, it has stalled again and again and again.

I spoke with the chairman of the Energy Committee, Senator MURKOWSKI, about this matter. He has introduced legislation to resolve the matter. But this is a tragic example of where the Secretary of the Interior for some reason is thwarting the intent of Congress and the intent of Governors of the States in the Southwestern Compact.

Mr. President, the reason behind all this is that the extreme environmentalists do not want to store radioactive waste anywhere because of their antinuclear agenda. But strangely enough, this type of low-level radioactive waste has been used in medical treatments and other areas to benefit humanity. I find this a very tragic situation. The Secretary of the Interior is cooperating with the extreme environmentalists against the public interest.

Nobody seems to know what is going on. What has the Secretary of the Interior done? He has stalled. First, he has

ordered a supplemental environmental impact statement. Then he ordered the National Academy of Sciences to perform a special report on the suitability of Ward Valley for waste storage. Each study presented the Southwestern Compact with a clean bill of health for Ward Valley, yet the administration still delays.

Now the administration has ordered additional studies on the effects of tritium, studies the State of California already intended to perform, but not until a land transfer was complete. Also, I should note the National Academy of Sciences made no mention that such a study should be a prerequisite to this land transfer.

Instead, the Academy believes this type of study should be ongoing, conducted in conjunction with the operation of the waste storage facility. Unfortunately, I suspect that even if California gives in to demands and performs these tests, the administration will think of new demands—anything to keep the Ward Valley waste site from becoming a reality.

Who really benefits from these delays? No one. This is yet one more example of the Clinton administration's pandering to the environmental extremists, extremists intent on waging a war on the West and on the American people.

Scientific evidence shows that Ward Valley is a safe location for low-level radioactive waste storage. Neither public health nor the environment will be at risk. In fact, most of the waste to be stored at Ward Valley is nothing more than hospital gloves and other supplies which may have come into contact with radioactive elements used by health care providers.

By contrast, continued delays create risks both to public health and the environment. Currently, low-level waste is simply stored on site at hospitals, industries, or research institutions. In the four States of the Southwestern Compact, there are over 800 low-level radioactive waste sites. These sites were not meant to be permanent facilities. Thus, there have been no environmental studies, no long-term monitoring systems, nothing to guarantee safe storage of the waste.

With no regional low-level radioactive waste sites available, South Dakota would be forced to transport its low-level radioactive waste across the country to a disposal facility in Barnwell, SC. Clearly, the costs of transporting this waste across the country would be great, from the monetary cost to the waste generators, to the legal ramifications, to transporting hazardous waste, to the potential Superfund liability incurred by the State and the generators.

This is far too costly a price, one my State cannot continue to bear. That is why, Mr. President, I am a cosponsor of legislation pending in the Senate to convey Ward Valley to the State of California and to allow the construction of the Ward Valley low-level radioactive waste site to continue unimpeded. The Senate Energy and Natural Resources Committee voted in favor of this bill.

This legislation is ready for Senate action. This legislation is necessary only because politics got in the way of good science. Transferring lands such as Ward Valley is a common procedure for the administration. However, because of a political fight waged by environmental extremists, this conveyance has been held up for more than 2 years. This fight, this continued delay, will continue unless Congress acts.

We have the opportunity to institute a rational approach to this process. By approving this legislation, we can allow the Southwestern Compact and the rest of the States to comply with the law we created. I urge my colleagues to support this legislation and to allow good science to prevail rather than politics.

Mr. President, I ask unanimous consent that correspondence between Gov. Pete Wilson of California and South Dakota Governor Janklow regarding the Ward Valley low-level radioactive waste storage site be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
Pierre, SD, April 2, 1996.

Hon. PETE WILSON,
Governor, State of California, State Capitol, Sacramento, CA.

DEAR GOVERNOR WILSON: Thank you for your letter concerning the Southwestern Low-Level Radioactive Waste Disposal Compact and the site of the facility in Ward Valley. While the site in Ward Valley is currently owned by the federal Bureau of Land Management, the bureau has for about 10 years declared its intent to sell to California.

I, too, am concerned and upset with the continuing needless delays imposed by the U.S. Department of Interior on the Ward Valley land transfer. California has made tremendous efforts attempting to comply with the federal Low-Level Radioactive Waste Disposal Act and its Amendments. While these efforts have resulted in the issuance of the first license to construct a new low-level disposal site in this nation's recent history, implementation of this license has been set back again and again by the federal government. If these delays cause our generators within the Southwestern Compact to ship wastes across the United States to Barnwell, South Carolina for disposal, I fully agree that the federal government must comply with those stipulations you set forth in your letter.

Study after study has shown the proposed facility in Ward Valley to be protective of human health and environmentally safe. The US Congress had it right the first time; the Southwestern Compact can solve the problem of disposal of the low-level radioactive wastes generated within its states. But, we can do it only if the federal government will transfer the site and let us get on with it.

While I agree that the latest actions of the US Department of the Interior appear to confirm the notion that the Clinton Administration is trying to usurp the states' duly delegated power to regulate low-level waste disposal, I am still hoping the transfer can occur soon. If the delays by the Department of the Interior were to result in repeal of the Low-Level Radioactive Waste Disposal Act and place the responsibility for trying to manage this problem on the federal government, that would be a huge step backwards.

Thank you again for your letter and for your efforts on behalf of the entire state of California and the other states in the Southwestern Compact to develop a responsible and safe disposal site for low-level waste.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

GOVERNOR PETE WILSON,
Sacramento, CA, February 16, 1996.

Hon. WILLIAM J. JANKLOW,
Governor, State of South Dakota, 500 East Capitol Avenue, Pierre, SD 85007

DEAR BILL: As the host state for the Southwestern Low-Level Radioactive Waste Disposal Compact, California has labored diligently for ten years to establish a regional disposal facility in accordance with the federal Low-Level Radioactive Waste (LLRW) Policy Act. This facility would serve generators of LLRW in your state and the other compact states. In the absence of this facility, these generators have no assured place to dispose of their LLRW.

To fulfill its obligations, California carefully screened the entire state for potential sites, evaluated candidate sites and selected Ward Valley from those candidates as the best site in California for the regional disposal facility. Although the site is on federal land, the Bureau of Land Management has for about ten years now declared its intent to sell it to California. We identified a qualified commercial operator to apply for a license to construct and operate a facility at that site, and took steps to acquire this land from the federal government. We subjected the application for the license to a scrupulous review to ensure that the facility would satisfy in every respect the health and safety requirements established by the Nuclear Regulatory Commission.

A comprehensive Environmental Impact Report was prepared for the project, and an Environmental Impact Statement (EIS) and Supplemental EIS were prepared for the land transfer. We subsequently became the first state to license a regional disposal facility under the LLRW Policy Act, and have successfully concluded our defense of the license and related environmental documents in the state courts. In short, California has in good faith done all it can to fulfill its obligations to your state under the Compact and federal law.

The sole obstacle to the completion of this project is the failure of the U.S. Department of the Interior to transfer the Ward Valley site to California. After abruptly cancelling the agreed-to transfer almost completed by former Secretary Manuel Lujan, Interior Secretary Babbitt has created a series of procedural delays ostensibly based upon this own health and safety concerns. He demanded a public hearing, then abruptly cancelled it. He asked the National Academy of Sciences (NAS) to review site opponents' claims, then ignored NAS conclusions that these claims are unfounded and that the site is safe. He has unreasonably and unlawfully demanded that California agree to continued Department of the Interior oversight of the project after the transfer. Now, according to the attached press release, he intends to have the Department of Energy conduct independent testing at Ward Valley, and then will require another Supplemental EIS before deciding upon the conditions for transfer.

Every person and organization which has anxiously followed California's decade-long effort has concluded from this latest set of demands that the Clinton Administration

has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to War Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly,

Hold California generators, including the University of California and other state entities, harmless form any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, on a separate subject, let me say I strongly support the efforts of the majority leader to repeal the President's Clinton 4.3-cent-per-gallon fuel tax. I also believe strongly that the efforts of the majority leader in this area will result in some relief to the consumers of America.

In my State of South Dakota, agriculture and tourism are the two most important industries. This is just the time of the year that farmers are driving their tractors, truckers are hauling agricultural supplies and produce and seeds, and tourists are beginning to come to see Mt. Rushmore and the attractions in southwestern South Dakota. They need immediate relief from high fuel prices.

I also support the Justice Department's antitrust probe into the recent price increases. Certainly, we need to know if price fixing is occurring. However, past antitrust investigations have failed to produce conclusive evidence of illegal activity. We need to take action now. I hope the Congress can avoid procedural delays and give immediate relief to millions of Americans at the gas pumps.

Let us remember that this Senate has been stalled by filibusters throughout this session. I know that the national media has stopped using the word ''filibuster,'' but that is what is happening. The Senate is tied up in knots. The approach of the opposition in this Chamber has been nothing more than gridlock and filibuster.

Therefore, I hope we repeal the fuel tax very quickly. We are ready to do it. Members of the Senate Finance Committee have discussed this. We are prepared to act.

THE TELECOMMUNICATIONS ACT

Mr. PRESSLER. Mr. President, on yet another subject, I hope that the Federal Communications Commission follows the intent of Congress regarding the recently passed Telecommunications Act. I was privileged to be able to author and chair the Joint House-Senate conference committee on telecommunications. But I fear that some of the deregulation and some of the good things in that bill are being taken away by regulators who are now writing the regulations for that bill.

I have asked in our committee that we hold a hearing and bring those Commissioners before the Commerce Committee. I know many Members of the Senate have written to me urging such a hearing because they are concerned that the intent of Congress is not being followed.

The telecommunications bill was a very well-written bill. We had a checklist for the entry of companies into the regional, local telephone business and also for entering into the long-distance telephone business. Those rules are set. Also, the whole issue of the States' power and participation with the States' public utilities commissions was clearly written out in that bill.

I was just this morning told by one of our good public utilities commissioners that the States' powers are being undercut by the Federal Communications Commission. So we must be vigilant in trying to remind the Federal Communications Commission that their No. 1 guideline in the implementation of regulations is supposed to be intent of Congress.

I remember in Clark Weiss' law class the importance of ''intent of Congress'' for administrative law. That is the key that these agencies are supposed to follow. But that has been abandoned in this Government because now the agencies are more powerful in some cases than Congress. That is unfortunate.

But the Federal agencies, when they write the regulations, the foremost thing in their mind is supposed to be intent of Congress and not going off and starting to legislate all over. If they want to be legislators, they can go out and run, as I am running this year, and submit their name to the public. But they are not legislators. They are regulators. They are a regulatory agency, not the legislative branch of Government. I will plead with the FCC to remember that as they write those regulations. Mr. President, I yield floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with consideration of the bill.

Mr. COVERDELL. Mr. President, I understand we are on the pending business and there are no time limits.

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, I rise today in support of the actions

taken by the majority leader earlier this week. Just to outline, we have the underlying proposal, which is the effort to reimburse the Dale family for the costs they have that they were unjustly burdened with. That has been objected to by the other side.

The majority leader has come forward with a full-ranging proposal that, first, repeals the 4.3-cent gas tax that was imposed on America by President Clinton in August 1993; second, would grant the other side their vote for which they have sought on raising the minimum wage; and third, would call for a vote on what is characterized as the TEAM Act, but which is properly described as giving American workers the opportunity to meet without threat to the National Labor Relations Board, to meet with management to discuss the general improvement of their work environment, an idea that came to us out of a tough competitor, Japan, where they had experimented with management employees organizing themselves into various work groups to improve the product and to improve their competitiveness. We have before us these three very important proposals.

Mr. President, when President Clinton was running for the Office, he told the American people that a gas tax was the wrong thing to do. He said it was the wrong thing to do because it was particularly offensive or hard on low-income families and on the elderly. I would expand it. I think it is not only hard on low-income families and the elderly, but it creates a hardship among small business people. It is particularly difficult for rural communities who are confronted with long distances to travel. I think it has been just one more brick on the back of our middle-class families.

Yesterday, May 8, Mr. President, was the first day that an American wage earner could keep their paycheck. That is pretty remarkable, Mr. President. May 8 was the first day that wage earners could keep their paycheck. Their paycheck for their own needs, his or her housing needs, transportation, and all the things we ask of the American people.

You ask, rightfully, anyone listening to this, ''Well, what happened to all the paychecks from January 1 to May 7?'' I can tell you. All of those paychecks went to a government. As hard as it is to believe, from January 1 to May 7, every dime earned is taken by the government, taken out of the resources of that family. When we take a snapshot of an average family in my State, they earn about $45,000 a year, both parents work and they have two children. By the time the government sweeps through their checking account and you add on that family's share of regulatory costs, which is now about $6,800 a year, and by the time you add on their share of higher interest rates because of the size of the Federal debt imposed on America by the Congress and the President of the United States, that is about $2,100 a year.

At the end of the day they only have half of their wages left to do all the work that we ask that family to do for our country. That must make Thomas Jefferson roll over in his grave. If you read through his works he warned over and over of the propensity of the Government to take the rightful wages away from those that earned them. That is exactly what we have done in this United States of America.

Repealing the gas tax is a long way from redressing and correcting this horrible imbalance. It would have been much better if the $245 billion in tax relief—children's tax credits, eliminating the marriage penalty, alleviate the pressure on those living off Social Security—if all those things we sent the President had been signed into law, then we would have put about $3,000 to $4,000 back into the checking account of the family I just described. What a difference that would have made. That is the equivalent of about a 10- or 20-percent pay raise for that family. When you think of the responsibilities we put on those families, that kind of resource is an enormous difference.

Repealing the gas tax, one piece of it, will help. It will put somewhere in the neighborhood of $100 to $400 back into their checking account. It will be used a lot better there than having been shipped off to the Federal Government.

Just to cite some figures here, we have just gotten a report from the Heritage Foundation. This 4.3-cent gas tax on motor fuel, $168 million was removed from Georgia and shifted up here to this burgeoning Federal Government. On diesel fuel, another $28.5 million was shipped up to Washington. And in jet fuel, of course, we have Atlanta Hartsfield International, $27.5 million, for a total $224 million. That is a quarter of a billion dollars taken right out of the State, right out of the homes, right out of the businesses and shifted up here so that we could have a larger Federal Government.

Now, Mr. President, I think leaving the quarter of a billion dollars in Georgia, in those families, in those businesses, in those communities, in those school districts makes a lot better sense. We have heard people say, ''Well, that does not amount to much.'' If it does not amount to much, why are there so many headaches about giving it back? If somebody wants to worry about it, let us let the folks at home worry about it. This quarter of a billion dollars being used by our families, businesses, our communities, makes much better sense.

Mr. President, the report goes on to say, ''The poor and lower middle class will be the biggest beneficiaries of this repeal.'' Susan Perry, the senior vice president of the American Bus Association, testified on May 3 before the Senate Finance Committee that as a result of higher fuel costs since the imposition of the fuel tax, there are fewer bus stops. The very poor, the very elderly, and the very rural are mostly affected because they disproportionately ride buses. And the fuel costs are passed on to passengers.

It is a regressive tax. I suspect that is why the President, during his campaign, said it was not a good idea. It only became a good idea after he was elected. Because three-quarters of those Americans earning less than $10,000 per year commute to work in privately owned autos, a flat tax rate falls disproportionately on these poor as a percentage of their income. In 1987, the Bureau of Labor Statistics data show that the poorest 20 percent of Americans devote 8.8 percent of their expenditures to gasoline and motor oil, while the wealthiest 20 percent devote only 3.1 percent of their expenditures to gasoline and motor oil.

There is another feature of the gas tax the President imposed on America that I disagree with, and that is that the tax was taxed on a user fee concept, but was not used to build better roads or safer roads. The tax was imposed on the user of gasoline and motor oil, but it was shifted into other expenditures and a growing Government. It is regressive. It is hurting the middle-income family, hurting our communities, and it was not used in a dedicated form for highways and safer roads.

This tax should be repealed, and it should be followed, Mr. President, by other reductions in taxes, so that we can get more money in the checking account of the average American family, where it belongs, so that they can do the things they need to do to raise America.

Now, Mr. President, a second feature of the proposal that Senator DOLE put on the floor was, as I mentioned a moment ago, entitled the TEAM Act. The TEAM Act merely adds a short provision to section 8(a)(2) of the National Labor Relations Act, to make it clear that employers who meet together in employee involvement programs to address issues of mutual interest, as long as they do not engage in collective bargaining, or attempt to, they can meet and discuss general conditions in the workplace. The President, in his State of the Union Address, in 1996, said, ''When companies and workers work as a team, they do better.'' So does America.

His Secretary of Labor, Robert B. Reich, has said, on December 14, 1995, ''Many companies have already discovered that management practices fully involving workers have great value behind their twin virtues, higher profits and greater productivity.''

Those quotes are correct. So why is the other side so energized to keep this modern idea from coming into law? Many American companies are intimidated from having these kinds of sessions for fear of the current law, and that ought to be changed.

Mr. President, yesterday, I had two separate groups of employees of companies—a large numbers of employees—contact our office, who think this concept is superior and belongs in the

workplace. They want to be able to engage in these kinds of activities in their companies in Georgia so that they can improve what they do, so that they can compete, so that they can protect their jobs.

Mr. President, one of those companies engaged in this kind of activity produced a $6 million annual savings by one of the work groups that had met together between employees and management for 6 months. They produced a $6 million savings for that company. That helps make the company stronger, more competitive, and able to hire more employees, and protects the jobs of those who work there now.

We were taken by the number of employees we have heard from seeking this kind of innovation in the marketplace. Mr. President, candidly, we ought to be doing a lot more to make the new workplace modern, as we come into the new century, with ideas and laws that relate to the new century. Labor law, today, is greatly governed by laws that were written 30, 40, and 50 years ago. Those are old ideas. Those are restraining ideas, and those ideas will keep America from competing with the rigorous competition that is developing throughout the world. The workers in the workplace know this, and they want these changes.

The working family, today, in 1996, versus 1930 and 1940, is vastly different. That family, in the mid-1950's, had one spouse in the workplace. You could count on one hand the number of families that had both spouses working in the workplace. Today, you can count on one hand, almost, the families for which both spouses are not in the workplace.

Mr. President, just as an aside, I believe the Government is principally responsible for that. You might ask, why is that? It is because we have pushed the tax burden higher and higher and higher, and in order for these families to fulfill their responsibilities, they have to have two or more people in the workplace to keep the family going, to keep it educated, to keep it housed.

In fact, about a year ago, Mr. President, I did a graph, and I graphed the new tax burden, beginning in 1950, and ran it up through 1996. And then I did another graph. That graph was of the number of American families for which both spouses were working. You are not going to be surprised that the two lines track each other almost identically, because as that tax burden went up each succeeding year, as Congress spent more, built more, got bigger, with more programs, it had to take more of the earnings from that family. And at the end of the day, that family had to put more workers in the workplace.

I do not believe there is any institution that has had a more profound effect on the American family than our own Government, more than Hollywood. What other institution would sweep through an American family and take half its wages? None.

So, Mr. President, families in the workplace today have both parents out there, and sometimes children. And they need a new workplace. They need more flexibility in the workplace. They need more options in the workplace.

The TEAM Act that Senator DOLE has put before the Senate this week is a great first step. It is an initial step, just like the repeal of that gas tax. It is a first step going in the right direction leaving a little more money in that checking account. This TEAM Act is a first step to start moving America to a new, a modern, a flexible, and a friendly work environment.

Mr. President, by a 3-to-1 margin, when asked to choose between two types of organizations to represent them, workers chose one that would have no power but would have management cooperation over one with power but without management cooperation. The American worker wants this flexibility in the workplace.

I am very hopeful that at the end of this extended debate we will come to a conclusion on the other side of the attempt to block the repeal, to block the TEAM Act. They are going to get their vote on their idea of the minimum wage which I personally believe will cause about 500,000 people to lose their jobs. But they are going to have their chance. We want a modern provision in the workplace, a new idea, one that we have seen make our competitors tough, and we want to be as competitive as those other companies in those other countries.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the time between now and 1:30 p.m. be equally divided for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, the distinguished majority whip and I have had a number of consultations over the last several hours, and we still have not reached any resolution to the impasse that we are facing. But I do want to note that over the last couple of days, as we have had the opportunity to more closely examine the gas tax repeal legislation, it has now been made evident to us that the offset that is incorporated in the legislation falls $1.7 billion short of the revenues needed to provide for the offset in 1996.

Throughout this debate, we have indicated that we would be supportive under two conditions. The first condition was, of course, that it was adequately offset. By adequately offset, obviously, we are talking not only about the source of revenue, but also about the amount. And, of course, the second issue was that it be directly targeted to consumer relief and not to the oil companies, or others.

Unfortunately, given the current legislative draft, as I said, we are told now that the revenue loss—the addition to the deficit—would be $1.7 billion in 1996. Clearly, that is not in keeping with the two criteria that we set out. Our hope was that we could find an adequate offset and, for whatever reason, that offset has not been achieved. It is ironic in some respects that, as the Budget Committee is now meeting to find ways to reduce the deficit and reach a balanced budget in 6 or 7 years, the very legislation we are now considering falls short by $1.7 billion of the necessary offset required to ensure that this legislation is entirely paid for.

And so, at an appropriate time—I expect it will be about 1:30—I will make a point of order that the amendment is not fully offset. Because Senator DOLE is not here, and because Senator LOTT and I have had the opportunity to talk about their response, and to accommodate the majority, we are going to wait until 1:30 to officially raise this point of order.

Mr. President, this situation, again, illustrates why having separate bills is so important. Obviously, now, you have a point of order against an amendment dealing with gas taxes that has an effect on the travel legislation, on the minimum wage, and on the so-called TEAM Act. So this is becoming more and more convoluted, the more we get into this debate and the closer we look.

I think it, again, makes the point that, unless we can separate these issues, unless we can have individual debates and votes on each bill, we are going to continue to be frustrated by the complex nature of this very intricate legislative structure that we have created for ourselves. So I hope that we can, again, find a way to separate out the legislation and have a good debate, a good vote, and deal with these issues one at a time.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. LOTT. Mr. President, as the distinguished Democratic leader noted, Senator DOLE will be back around 1:30. I am sure that we will have continuing conversations in between now and that time, and the leader will be here and prepared to take action, also.

I want to emphasize that we are continuing to work to find a way to get through this process. The Members clearly want an opportunity to vote on the gas tax repeal. I understand the Democratic leader wants a straight vote on the minimum wage. My understanding of the offers we have been discussing back and forth would provide a

clear, straight, separate vote on minimum wage. We have looked at different ways to approach that, including different combinations of the three matters that are pending—the gas tax repeal, minimum wage, and the freedom in the workplace, known as the TEAM Act. We are still working on that, and I have faith that we can find a way to address all of these issues in an appropriate manner.

We do have some proposals pending right now that we hope to be able to agree to here within the next hour, as to how we will proceed for the balance of the day, and what time we might expect votes to occur, and how we would deal even with Friday and next Monday. So we will continue to work with that.

With regard to the tax repeal, I indicated privately—and I will do it here publicly—on behalf of the leader yesterday that I thought we could get some agreement on what amendments might be offered. I do not think the leader is opposed to having some amendments as long as we do not have a filibuster, as long as they are relevant, as long as there is not a filibuster by amendment, and if we could get an amendment identified.

I know the Senator from North Dakota is looking for some way to make sure that this gas tax repeal actually gets to the people buying the gas. We agree with that. We want to make sure that it actually gets to the people who have been paying these taxes. We have some language in the gas tax repeal that we think addresses that. But if there is a way to help in a way that it can be administered to help guarantee that that actually happens, I would like to look at that because I want to make sure that the people of my State get this 4.3-cent gas tax repeal because I personally did not think they should have been paying it in the first place. That is why I spoke against it and voted against it in 1993. I thought it was a tremendous mistake at the time to start taking on a permanent basis a gas tax—not for the highway trust fund to build interstate highways and Federal highways and bridges that we need desperately—and move it over to the deep, dark, black hole of the General Treasury never to be heard or seen from again. I thought that was a mistake. So I would like to repeal that. I would like to guarantee that it gets to the people. If we can identify some amendments, or an amendment, I would like to see that. I think the leader would be willing to look at that, if we could work out an agreement on it.

As to the offset, we have an offset in our proposal. We think it is a credible offset. We have a small amount—$2.4 billion, as I understand it—from spectrum, plus some savings from travel at the Energy Department. There may be some lag time because, if this gas tax repeal is signed into law and goes into effect, if in fact the President signs it—I am not sure; the indication is that maybe he would or would not. Now I think maybe he indicates that he would, if it were sent to him in such a way that it did not have things that he would call poison pills and which he would call the opportunity for him to use his poison pen again. But we do have offsets in this legislation.

The only problem is that the gas tax repeal would take effect immediately and for some of these offsets it takes some time before they actually begin to start coming in.

But, again, I think we can work out the offset in such a way that it is fair and would cover the loss to the Treasury. We do not want to add to the deficit. But we also are very committed to trying to help the working people of America get this gas tax off of their backs. We will continue to work on that.

I point out, also, as the distinguished Democratic leader has, as I understand it, that the minimum wage probably is subject to a point of order. I do not think the leader would want to have that happen because I believe it would be identified as an unfunded mandate where it would direct that we have the minimum wage, and it would mean loss of jobs. So that would be subject to a point of order.

So I would be inclined, if we get into this point of order process, to think we should waive that and not have the gas tax knocked out because it is a revenue bill that did not begin in the House, for whatever purpose, or have the minimum wage knocked out. I do not think the Democratic leader would want that to happen. If we should by chance combine those two issues, the gas tax and minimum wage, we would not want either of them to be knocked out by a point of order, whether it is a revenue measure our unfunded mandate, because with minimum wage you are mandating that small businesses throughout this country have to bear the burden of this increase, which I am convinced would lead to the loss of jobs of people who need them the most.

But there are these arguments on both sides. I think a good-faith effort is being made to work through it to see how we can address the offsets and how we can address guaranteeing that the gas tax repeal gets to the people we want to get it—and that is the working people, the people who drive long distances, paying for this unfair gas tax to go into spending by the Federal Government. But we will have a chance to work on this further here in the next 30 or 40 minutes. I will be glad to talk with the distinguished Democratic leader and others, and then we will communicate with the majority leader when he returns.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I know there are at least two Senators on our side who wish to speak, and I see those on the majority side as well.

I yield 5 minutes to the distinguished Senator from North Dakota, and 10 minutes to the distinguished Senator from Rhode Island as the allocation of the time that we have remaining.

Mr. LOTT. Mr. President, parliamentary inquiry. That would mean 15 minutes. So we would get at least 15 minutes on our side to offset that. So we should have enough time to cover the speakers that we have.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to use 5 minutes of the time on our side to talk about the issue that is before us.

This has been going on for some time. I have not been privy to the internal workings of it. But I have to tell you, I am a little bit disappointed in the system where we have gone now for almost 2 weeks and have effectively done nothing. It seems to have been perfected on that side of the aisle—the idea of being able to keep things from happening. Let us talk about what we are really doing here.

As I recall, the basis is the Travelgate question, the question of reimbursing those employees who were unfortunately, and I think perhaps unfairly, accused regarding their fees in the Travelgate affair at the White House.

We are talking about minimum wage, which I do not happen to support. I think it takes more jobs than it creates. But I am certainly willing to have a vote on it. I think it is interesting. You get accusations about politics. The minimum wage did not come up for 2½ years when the Democrats controlled the House and the Senate, as well as the White House. But suddenly—I guess it was just happenstance—when the AFL–CIO was here, they promised to give $35 million for the election, this issue came forward. I am sure that was an accident.

The TEAM bill, which seems to me to be pretty hard to argue against, is an opportunity for people to work with their employer to find ways to deal with issues that affect them as a business person. It seems to me that is a great idea. There seems now to be questions about whether it can be done, and that needs to be clarified. I support that.

The tax reduction, I think, is one of the most important things that we have talked about here. I was in the House when this came up. I voted against it for several reasons. One is that it does not have anything to do with the maintenance of highways. It does not have anything to do with roads. Someone in our hearing this morning said, ''Well, why don't we do the 10 cents that came up earlier?'' There is a significant difference between the two. This one goes into the general fund for social programs, or whatever. The other one goes to the maintenance of highways, which has traditionally been our system, where the gas tax goes for the maintenance and building of the highways.

The other is, of course, that it is another tax that is added on. It is a tax that some claim is used, of course, to balance the budget. I would like to suggest that we ought to be a little more proud about balancing the budget if we reduce the spending rather than raising taxes, rather than talking constantly about how we are coming closer to balancing the budget because we had the largest tax increase in our history. Instead, we might talk a little bit about how we might reduce the size of Government. I think people in my State say the Federal Government is too big, that it costs too much. But instead we talk about how we are going to balance the budget by raising taxes.

I am a little surprised that that tax increase passed at all, of course. The President said, and I quote from 1992. ''I oppose Federal excise tax increases for gas.'' That is when he was campaigning. After he was elected, then he started with a Btu tax and ended up with this one. Bill Clinton said in 1992, commenting on the gas tax proposal, ''It sticks it to the lower income, middle-income retired people in the country, and it is wrong''—talking about a gas tax.

So, Mr. President, I think we ought to move forward. I understand that this is the deliberative body. I understand the rules that, when I ask about them, I usually am told, ''Well, they have been that way for 200 years.'' But their needs to be a way for us to move forward. We are here to solve problems. We are not here to find ways to keep from solving them. I think we ought to move forward. I am pleased with what I hear from the leaders that we might be in a position to move forward and make some decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Rhode Island has been allocated 10 minutes.

The Senator from Rhode Island.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not take the entire 5 minutes, and I appreciate the indulgence of my colleague.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DORGAN. I listen from time to time, and I wonder some morning whether we will not come out to hear the other side blame the President for thunderstorms and tornadoes that rolled across the Midwest the night before. It seems to be a popular sport in the Senate. I guess I understand that.

However, I wanted to just comment for a moment on what it appears to me the vote will be on soon. It appears to me that the proposal to reduce the gas tax by 4.3 cents is a result of the gas price spiking up 20 or 30 cents in recent weeks. Some have come to the floor and said let us reduce the gas tax by 4.3 cents per gallon. I said this morning that is like treating a toothache by getting a haircut. There is no relationship between the two.

The 4.3-cent-per-gallon gas tax put on 2½ years ago was put on to reduce the deficit. The deficit has been reduced in half. The fact is after the gas tax was put on, for market force reasons the price of gasoline came down, having nothing, of course, to do with the tax.

Those who say let us reduce the gas tax now might listen to the oil company executives who are telling us there is no guarantee that the gas price is going to come down if you repeal the 4.3-cent-per-gallon gas tax.

So the question is, which pocket will be the beneficiary of some $30 billion in the next 7 years—the big pocket of the oil industry or the pockets of the drivers? There is no guarantee it is going to be passed on to the drivers.

The point I want to make is this. My understanding is that the bill brought to the floor by those who want to change the Constitution to require a balanced budget, by those who say today they are working in the Budget Committee to produce a balanced budget, will now result in a vote by a point of order on the budget; that we will be required to vote to waive the Budget Act, as I understand it, because this proposed repeal of the gas tax will increase the Federal deficit by $1.7 billion to the end of this fiscal year and by $2.8 billion by January 1. The offsets they propose will come apparently in 1998.

So we will have the interesting prospect that those who are bringing a bill to the floor saying we want to balance the budget also come to the floor to move to waive the Budget Act to allow the budget deficit to grow, as a result of their proposal on the gas tax, $1.7 billion in this fiscal year and $2.8 billion by January 1.

I will not intend to vote to waive the Budget Act to do that. But that will apparently be the vote, the vote to waive the Budget Act and against the point of order that will be made. It will be an interesting debate.

I think it makes no sense for us to begin running backward on this issue of the budget deficit. The budget deficit has been cut in half and is coming down 4 years in a row, down very substantially. If you reduce the gas tax 4.3 cents a gallon and to do so will increase the budget deficit, which is going to happen in this proposal and which is why the point of order and the motion to waive the Budget Act to increase the deficit, it does not make any sense. We will have an interesting debate about that. But that will eventually be the vote in the Chamber—to permit a higher Federal deficit in order to repeal a 4.3-cent-per-gallon gas tax which oil company executives say there is no guarantee it will show up in the price of gas at the pumps in this country.

Mr. President, I yield the floor.

Mr. PELL addressed the chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to reiterate that we should not rush headlong, like lemmings to the sea, to repeal the 4.3-cent-a-gallon gasoline tax. When this tax was enacted in 1993, it was specifically dedicated to deficit reduction, and experience to date indicates that the gas tax has been helpful in this regard. Under President Clinton, the deficit, which was at a high of $290 billion in 1992, has been brought down to an estimated $144 billion in the current year. Why repeal this tax, when to do so will slow down or reverse this favorable trend and add billions of dollars to the deficit? Rather, we should consider raising, not lowering the gasoline tax in order to further reduce our deficit.

I join the senior Senator from West Virginia [Mr. BYRD] in expressing the thought that we should not accept even a temporary repeal.

It has been suggested that the funds with which to finance this repeal may be found by cutting education spending, requiring banks to pay more to the savings association insurance fund, cutting Energy Department expenses, and/or, selling off unused wavelengths on the broadcast spectrum. The disparity of these suggestions seems to indicate that there exists no credible consensus as to exactly how we will be able to pay for this ill-advised tax cut.

Probably for these same reasons, the States show no inclination to cut the tax. Across the country, State gasoline taxes often exceed the Federal tax of 18.4 cents per gallon. The State tax on gasoline in my home State of Rhode Island is the second highest in the Nation, at 28 cents. Yet no State legislature thus far has moved to cut their gasoline tax, reasoning wisely, that it helps stave off operating deficits, enabling States to balance their budgets. A task, I might add, which they seem to perform better than we.

I recognize that higher gas prices impact adversely upon commuters and those whose daily livelihood depends upon the availability of low priced fuel. But it should be noted that the price of gasoline today, when adjusted for inflation, is as low as at any time since World War II. With prices relatively low, demand for gasoline has been steadily rising; motorists today are driving more, at higher speeds, and in cars that are less fuel-efficient than in years past. In consequence, we now depend on foreign suppliers for close to half of the oil we consume.

Partly as a result of this dependency, we now have a temporary shortage of supply, making it unlikely that prices will go down in response to this tax decrease. Rather, the forces of the market, inexorable as they are, will delay a drop in the price of gasoline until sometime later this summer, when supplies are expected to increase. To quote the Los Angeles Times, ''the grim lessons about over-dependency of the 1970's are being forgotten, and the conservation ethic is slipping away.''

Finally, there is absolutely no certainty that the oil companies will pass

this rebate on to the consumer. Economists across the spectrum, ranging from William Niskanen of the Cato Institute to Phillip K. Verleger at Charles River Associates, agree that the 4.3-cent-a-gallon cut will benefit the oil industry, not the consumer. The total effect of this gesture will be to add $2.9 billion to the Federal deficit over the next 7 months, while transferring the same $2.9 billion to the pockets of refiners and gasoline marketers.

I urge my colleagues to resist the siren's song of the inevitability of this tax cut. Economist Michael Toman of Resources for the Future is quoted in the Washington Post as describing such a cut as ''nutty.'' I would simply add that it is wrong-headed and ill-conceived. It should be rejected.

Mr. President, several weeks ago, when the Senate Labor and Human Resources Committee met to mark up S. 295, the TEAM Act, I once again spoke of my longstanding interest in innovations in the conduct of labor-management relations. As I said at that time, I have been particularly interested in the efforts of many European countries to involve workers in policy deliberations at all levels of corporate bureaucracy. In Europe, this practice is referred to as ''co-determination,'' and means that management and labor sit on the same board.

While it is not suggested that what works in Europe would work here in the United States, the notion of worker involvement is no less valid. Now, after years of regrettably bitter, contentious, and even violent interaction and with the ever-increasing demands of a high-technology workplace in a global economy, a more collaborative process has developed that brings workers and employers together on an ongoing basis. Companies ranging from Texas Instruments and IBM to Harley-Davidson motorcycles have instituted ongoing employer-employee work councils.

There is, I believe, little disagreement about the value of these councils. There is, however, considerable debate about the current legality of these groups. We are told by some that this disagreement produces a chilling effect that hinders the continued and future development of employer-employee work councils.

I have tried for some time to find the proper balance. During the last Congress, I introduced legislation, S. 2499, that, among other aspects, established a formal election process for employee representatives.

While not introducing legislation during this Congress, I have continued to explore other avenues in this area. I had hoped to offer an amendment during the Labor Committee markup that would give employees the right to select their own council representatives; ensure that council agendas were open to both employees and employers and, finally, prohibit the unilateral termination of a council. I decided not to offer language of this nature, however, because of a lack of support from both the majority and organized labor.

S. 295, the TEAM Act, is certainly not the answer. The bill, as passed by the Senate Labor and Human Resources Committee, amends the National Labor Relations Act to allow the employer, I repeat, the employer ''to establish, assist, maintain, or participate in any organization of any kind, in which employees participate to address matters of mutual interest.'' At no point in this section of the TEAM Act is there any mention of employee rights, nor are employees given the right to designate their representatives.

I must say I was very encouraged on Tuesday to hear that the senior Senator from Massachusetts [Mr. KENNEDY] suggested an amendment to the TEAM Act allowing workers to select their representatives.

I regret that we find ourselves faced with the current deadlock. Not only are Senators prohibited from amending any of the three issues under consideration but American workers are faced with the choice of giving up their rights in return for a raise.

It is clear that the path out of this predicament is to separate the minimum wage increase, the gas tax repeal, and the TEAM Act, allow each to be amended and then individually voted on.

Furthermore, the only solution to the stalemate over the TEAM Act—as I have said for many years now—is to allow employees to freely select the employee representatives of the work councils.

Mr. President, I ask unanimous consent that a document titled ''Co-determination in European Countries,'' prepared by my staff, be printed in the RECORD.

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

CODETERMINATION IN EUROPEAN COUNTRIES

GERMANY

Coal & Steel Co's (1,000+ employees): Equal number of worker and shareholder representation along with an additional independent member agreed on by both sides.

Joint Stock Company (less than 2,000 employees): worker reps. hold ⅓ of seats on Supervisory Board of company. These reps. can't be proposed by the union and must be elected by all company employees.

Limited Liability Co's. (500–2000 employees): worker reps. hold ⅓ of seats on Supervisory Board of company. These reps. can't be proposed by the union and must be elected by all company employees.

Others: An equal number of both employees and shareholders. Depending on size of company each side has 6–10 representatives. Trade union must have at least 2 reps, 3 if the total employee representation = 10. Other employee groups (blue collar, white collar, and executives) must also have at least one representative.

DENMARK

Co-determination laws only cover companies with 50 or more employees.

Workers are entitled to elect 2 or more representatives to the company Supervisory board. Shareholders appoint at least 3 members. There is no upper limit to the number of representatives but shareholder representatives must hold the majority.

LUXEMBOURG

Co-determination laws only cover companies that have had 1,000 or more employees for 3 years. The State also must have at least a 25% interest in the firm.

Worker representatives account for ⅓ of each Administrative Board. In reality, however, day-to-day work is handled by a separate Management Board that has no requirement for union membership.

FRANCE

Nationalized companies have Supervisory Boards with equal membership of Government representatives, worker representatives, and consumer representatives.

There are no legal provisions for worker representation in private sector companies.

UNITED KINGDOM

Boards of nationalized companies contain minority worker representation.

There are no legal provisions for worker representation in private sector companies.

THE NETHERLANDS

There are no legal provisions for worker representation in private sector companies.

BELGIUM

There are no legal provisions for worker representation in private sector companies.

Only the most liberal unions in the country favor worker representatives.

ITALY

There are no legal provisions for worker representation in private sector companies.

Italian unions view Co-determination as an effort to dilute worker power. Instead, they favor worker self-management.

REPUBLIC OF IRELAND

There are no legal provisions for worker representation in private sector companies.

Source: Intereconomics. No. 78, 1978, pg 200–204.

Mr. ASHCROFT addressed the Chair.

Mr. ASHCROFT. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

(The remarks of Mr. ASHCROFT pertaining to the introduction of S. 1741 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1741 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have had continuing consultation with the Democratic leader and with the majority leader. I believe we have worked out an agreement as to how we can proceed for the balance of the day.

I ask unanimous consent that notwithstanding rule XXII that the cloture vote occur on the Dole amendment at 5 p.m. this afternoon; that the mandatory quorum under rule XXII be waived, and the time between now and the cloture vote be equally divided in the usual form for debate only.

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

Mr. LOTT. Mr. President, I yield the floor for a point of order, I believe, from the Democratic leader.

Mr. DASCHLE. Mr. President, I have already articulated the concerns that we wish to raise about the pending amendment. I will simply restate, in its current form, it falls $1.7 billion short of the revenues needed to cover the offset the gas tax provisions in fiscal year 1996.

At this time, I make a point of order that the amendment violates section 311 of the Budget Act.

Mr. LOTT. Mr. President, it has been brought to my attention that the pending Dole amendment, which contains the Democratic proposal for the minimum wage increase, violates the Budget Act by creating an unfunded mandate.

Our friends on the other side of the aisle have been requesting they get a clean vote on this minimum wage amendment for some time now, and it seems to me if the amendment were to fall on the point of order just raised, that our colleagues would lose their opportunity for such a vote.

With that in mind, I move to waive titles 3 and 4 of the Budget Act for consideration of the Dole amendment No. 3960.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

Mr. DASCHLE. I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I believe now under the unanimous-consent agreement we do have time for debate under the agreement. I see Senator GRASSLEY from Iowa is waiting to speak. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to continue my remarks from this morning and express my support for the TEAM Act. I support the TEAM Act because it would allow employees the privilege to participate in workplace decisions, giving the workers a greater voice in matters of mutual interest such as quality, productivity, and safety. These are rational things and ought to be a subject of discussion between workers and employers. But, current law prohibits this type of participation.

The bill before the Senate would, among other things, encourage worker-management cooperation. It would preserve, without a doubt, the balance between labor and management, while allowing cooperative efforts between worker and employer. It would permit voluntary cooperation. It would do it between workers and employers and would allow all we want to encourage to continue working.

Current law prohibits 85 percent of working folks from talking with their employers in employee involvement committees. I know that does not sound reasonable, but present law prohibits it. It prohibits discussing things like the extension of employees' lunch breaks by 15 minutes; sick leave; flexible work schedules; free coffee; purchase of a table, soda machine, microwave, or a clock for the smoking lounge; tornado warning procedures; safety goggles for fryer and bailer operators; ban on radios and other sound equipment; dress codes; day care services, and no smoking policies. We know that because employee-employer committees have tried to discuss these things and their efforts have been found illegal. The President spoke in support of this sort of cooperation in his State of the Union message this year. He said:

> When companies and workers work as a team, they do better, and so does America.

Mr. President I agree with the President of the United States. I also agree with what Secretary Reich said in July 1993. He said this in an article in the Washington Post:

> High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instructions. The old top-down workplace doesn't work anymore.

As astounding as it might sound that a Republican would be agreeing with the Secretary of Labor, I wholeheartedly agree. But things said in Washington do not always come out at the end of the pipeline in policy the way that they are really stated. In other words, rhetoric is not always followed through by performance in office.

Just a few months ago, at a national union rally in Washington, DC, following a $35 million campaign pledge made to the Democratic Party and a grand endorsement by the AFL–CIO, Vice President AL GORE pledged President Clinton's veto of the bill that we are debating on the floor of this body right now. This bill, in every respect, fits into compliance with the statements made by President Clinton in his State of the Union Message and Secretary Reich's article in the Washington Post. The TEAM Act is an act that does nothing more and nothing less than legalize workplace cooperation between nonunion employees and management.

Union representatives tell me that they fear that the TEAM Act would prevent them from organizing union shops. I want to emphasize that this act does not apply to union settings and would not undermine existing collective bargaining agreements.

Under the TEAM Act, workers retain the right, as they should, to choose an independent union to engage in collective bargaining. But as it stands now, if employees choose not to organize—and 88 percent of the private sector has chosen not to—they are penalized by not being able to conduct this sort of worker-employer cooperation through committees.

In other words, they are gagged and prohibited from discussing workplace issues with their employers. Throughout this debate, I have heard some of my colleagues talk about how they mistrust the intention of management. My colleagues who make these statements must assume that workers and managers have a built-in adversarial relationship, or they want to promote some adversarial relationships, instead of promoting cooperation, which this legislation would allow them to do.

At one time that may have been true, but that was decades ago and is generally not true today. The employers, as well as the employees, whether from my State or other States—but I listen primarily to those in my State—tell me they only want the legal privilege to form partnerships to promote cooperative work environments. They just want to be able to talk to each other.

One of my colleagues on the other side of the aisle stated that most companies already legally meet with their employees. But I would like to tell him about the possible consequences that a company faces if they choose to do so.

The Clinton-appointed Dunlop Commission invited the Donnelly Corp. to testify before the commission. This company was chosen because it was a shining example of how well employee involvement in these committees works. The company was praised for its promotion of workplace flexibility and formation of worker-management teams.

But this public announcement brought them and their employees a great amount of grief. The Donnelly Corp. was slapped with a labor lawsuit filed by the NLRB. Why? Because of its progressive operations. The Corporation was temporarily forced to cease its employee involvement programs. The company was accused of breaking Federal law, a law that the TEAM Act would reform.

After a long year of litigation, the case was settled, but the company is still threatened by possible labor lawsuits, unless the law is changed.

In 1995, Secretary Reich, when speaking to the Securities and Exchange Commission, called on the SEC to find ways to encourage companies to voluntarily disclose workplace practices that contribute to higher profits. He said he had heard that many companies were reluctant to provide information about such programs to the market for fear that they would be sued.

He said, ''I believe there is a chilling effect. Why disclose if you subject yourself to potential liability?''

President Clinton, Secretary Reich, and their own commission, the Dunlop Commission, up until the union leaders made a $35 million campaign pledge to their party, supported reforms of current labor law. Now the Clinton administration has threatened to veto the TEAM Act in its present form.

The Clinton administration says that it is not beholden to special interests. But it seems like with a lot of vetoes, or a lot of threats of vetoes, this administration listens just to trial lawyers or to labor union leaders. Is it possible that the same administration that marches in lockstep with the National Education Association and the Trial Lawyers of America is more interested in a $35 million campaign pledge than in correcting the wrong that was done to the Donnelly Corp.?

So I encourage my colleagues today to recognize the need for the people to have a real voice in decisions affecting their workplace and urge them to support this act.

I know that everybody knows I am a Republican, and I know everybody believes that Republicans do not have any understanding of the workplace or the labor union environment. So I want to repeat what I stated this morning when I spoke about this same piece of legislation. I had the experience of working in a sheet metal factory from August 1960 until March of 1971. I worked on the assembly line, making furnace registers for the Waterloo Register Company in Cedar Falls, IA, a company that went out of business in 1971. I was a member of the International Association of Machinists from February 1962 until March 1971. I have an understanding of the workplace environment. I have an understanding of the cooperation that is necessary between labor and management if productivity is to increase. I have an understanding that you can have workplace committees and dialog between labor and management, outside of the normal collective bargaining process, and enhance productivity within the workplace.

Not only does it happen, but we need to encourage more of it, so that nothing is done in that process to interfere with the statutory right and the constitutional right that people have to organize in unions.

I was a member of the International Association of Machinists for that period of time. If I were still working at that company, I presume I would still be a member of that union. But the union that I used to be a member of, and most of these other unions that are stationed here in Washington, are against this bill. I think that is kind of like having your head stuck in the sand, because we are going to have to increase productivity in the workplace if we are going to keep up with international competition. We ought to be enhancing and doing everything we possibly can to make our manufacturing and our service industries more productive to meet the competition from overseas. And this bill would encourage that. I do not know why leaders here in Washington cannot understand that.

The people that were on the assembly line with me in the 1960's understood that, even though we did not have the international competition we have now. But also I think I learned something in the process, too, that labor union leaders here in Washington, DC, do not always represent the voice of their leaders at the grassroots. The people I worked with felt the necessity of encouraging this cooperation between labor and management so that we would be more productive, so that we could make more money, get higher salaries, and better fringe benefits.

So I hope that we can pass this bill and get it to the President. I hope the President will stick to his message in the State of the Union, that we have to enhance cooperation between workers and employers, because that is what this bill does.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, 2 weeks ago today, I attempted to offer an amendment repealing the 1993 4.3-cent-per-gallon gasoline tax. Two weeks ago today, the Democrats objected to that amendment coming up, and we find ourselves in a situation where, all over America, people are talking about the rising cost of gasoline and diesel fuel.

The President now says he is in favor of the repeal. Our Democratic colleagues say they are in favor of it. But yet 2 weeks after I tried to offer this amendment, we have yet to get an opportunity to vote on it. When I tried to offer the amendment, our Democratic colleagues said, ''Well, we want to vote on the minimum wage.'' So Senator DOLE said: ''OK, let us vote on the gasoline tax, and let us vote on minimum wage with a relevant amendment if the Democrats want to offer an amendment to try to guarantee a pass-through on the gas tax.''

The majority leader said that he would allow that amendment to be offered. If they come up with a reasonable amendment, we will support that amendment. But the majority leader said that, with the minimum wage bill, he would like to try to do something about an absurd situation which has had the effect of preventing workers and managers from using the teamwork approach which has increased productivity all over the world. The National Labor Relations Board has come in and denied employers and employees the ability to meet and talk together about such issues as company softball teams, appropriate work clothing for pregnant women, and other issues involving quality, efficiency and productivity because the union bosses believe that somehow their power is diminished if people who work for companies and people who run companies learn how to work together.

So, as a result, we are in a situation where the American people continue to await a repeal of the gas tax. I do not have any doubt in my mind that if we had a vote on repealing the gas tax this afternoon, 75 Members of the Senate, minimum, would vote for it.

The Democrats say they want to raise the minimum wage. The majority leader says: ''Great, we will give you that vote.'' Yet, here we are where people are affected by rising gas prices, where we have the ability through legislative action to reduce the cost of a tank of gasoline when working families fill up their car or their truck or their van—about $1 for every fillup. Yet, for 2 weeks nothing has happened.

I wanted to come over today to express my frustration. I think we ought to bring up the gasoline tax repeal and have a vote on it. The majority leader has said he is willing to bring up the minimum wage and have a vote on it. The majority leader would like to have a vote on the so-called TEAM Act. My guess is that 98 percent of the American people would support the concept of letting people who work in the same company, whose retirements are tied to the progress of the company, who have the shared goal of creating jobs and growth and opportunity, talk to one another. Only in America do we have an absurd system where the Government tries to stop people who work for the same company from talking to each other to improve safety and efficiency and to improve the quality of life. Yet, while we have three proposals and we have an agreement from the majority leader to vote on all three of them, we are denied that ability.

While I am in the process of listing legislative agenda items, recall that we recently passed a health care bill. It was touted by both sides of the aisle. It was going to help 25 million people in making health insurance more affordable and by making it more available. And the majority leader, in his capacity as majority leader, sought to appoint conferees so we could go to conference with the House, adopt this bill, send it back to both Houses, and attempt to make it the law of the land. Now we have an objection to even going to conference with the House because the Senator from Massachusetts does not like the makeup of the conference decided upon by the majority leader.

So it seems to me that what we are seeing here is an effort to prevent the will of the American people from being exercised in the Senate. I think it is

outrageous when we have had a consensus in the country for over 2 weeks, when we have probably 75 Members of the Senate who want to repeal the gasoline tax and bring down the cost of gasoline for working families, when we have a President who has said he would sign the bill, we cannot bring it up for a simple yes-or-no vote in the U.S. Senate. I think it is very clear to anybody who wants to watch the process that it is our Democratic colleagues who are denying us the ability to repeal the gasoline tax.

Let me say just a little bit about the gasoline tax. Many people do not understand, really, what this issue is about. Let me try to explain it in two ways.

First of all, prior to 1993, we had never had a permanent gasoline tax that was not tied to building highways. In fact, the gasoline tax has historically built up a transportation trust fund which has been used to build the transportation system of the country. It has in essence been a user fee. So you pay taxes on gasoline, and that builds roads. We have now taken part of that money, unwisely, in my opinion, and put it into mass transit, instead of a mass transit user fee paid for by mass transit. So we have mass transit systems all over the country, and nobody rides mass transit in many cases.

Quite aside from that point, before 1993 and the Clinton gasoline tax increase, the gasoline tax went to build highways. In 1993, the President tried to impose a general energy tax called a Btu tax. We defeated that tax. As an alternative, without a single Republican vote, the President and the Democratic majority raised taxes on gasoline, but none of the money that went into the Treasury from the gasoline tax went to building roads. For the first time, it went into general Government, which under the budget that we adopted——

Mr. FORD. Mr. President, will the Senator yield for a question?

UNANIMOUS-CONSENT REQUEST

Mr. GRAMM. I ask unanimous consent that the gasoline tax bill be made in order and be brought before the Senate at this point.

Mr. FORD. I object.

The PRESIDING OFFICER (Mr. DEWINE). Is there objection?

Mr. FORD. I object.

Mr. GRAMM. I would be happy to yield.

Mr. FORD. The Senator says this is the first time that we have ever used gasoline taxes for the general fund.

Mr. GRAMM. I said this is the first permanent gas tax we have ever had that did not go to the highway trust fund. We have adopted gasoline taxes in the past on a temporary basis, but we have never adopted a permanent one that did not ultimately go into the trust fund. This is the first.

Mr. FORD. For 1932 and 1956, all of it went to the general fund. That is No. 1. No. 2, the Bush nickel was divided, 2.5 cents for transportation and 2.5 cents went to deficit reduction. It did phase out in 1995.

So when you get back and start looking at all these things, there has been some tax that has been used in past administrations, and that is 10 cents, if you want to look at it, 5 in 1982 and 5 in 1990, and 2.5 cents was used in the general fund for 5 years. So when the Senator says it is the only one that has been dedicated, technically he might be right. But when you take it out of my pocket and you put it in the general fund, then I expect that I feel a little bit differently than the way the Senator explains it technically. So, yes, we have used taxes before for the general fund put on gasoline. Am I not correct, I ask the Senator?

Mr. GRAMM. Mr. President, reclaiming my time, obviously, before we established the highway trust fund, there was no trust fund to which the taxes could be directed. The Senator makes it very clear that we have had temporary taxes in the past that were not dedicated to the trust fund, but were planned to expire. The point I am making is this is the first permanent gas tax that we have had since we have had the highway trust fund that has not gone to the highway trust fund.

Let me tell you why that is important. We are taxing people who work for a living, people who have to get in their car or their pickup truck and, in my State, drive 30 and 40 miles to work to subsidize social programs for people who do not work, and I object to that tax. We are taxing people who live in the West and who live in rural areas who have to drive great distances to work for a living to subsidize people who live in the big Eastern cities, and I object to that tax. I do not think this is a fair tax.

I think it ought to be repealed on its merits. The American people want to repeal it because gasoline prices are up. The only thing we can do that will bring down prices at the pump is to repeal this tax.

Now, we have had the administration suggest that we have investigations. We have various committees that are holding hearings. But the point is, if we want to bring down the price of gasoline, we know how to do it. We could do it this afternoon. If the Senator had not objected and we had brought up the gasoline tax repeal as I just asked consent to do, we could have passed it this afternoon; it could have gone to the House; they could have passed it tonight; the President could have signed it tomorrow; and Saturday morning when every filling station in America opened, they could have lowered their posted price by 4.3 cents a gallon.

Let me also note that the price of highway diesel would come down 4.3 cents a gallon; the price of diesel used on the railroad would come down 4.3 cents a gallon; the price of commercial and noncommercial jet fuel and aviation gasoline would come down 4.3 cents a gallon. So we are not just talking about what you save filling up your gasoline tank. We are talking about consumers who pay this tax every time they go to the grocery store, because the cost of everything from red meat to beans has the cost of the diesel fuel tax in it because all of those groceries had to be brought in by truck or by rail to that grocery store. Every time you get on an airplane, you are paying this tax because it is built into the price of your ticket. So the plain truth is, the Joint Economic Committee has estimated that the annual cost of this 4.3-cent-a-gallon tax on gasoline to Texans is $445 million a year.

So my point is this. We have an issue here where the American people are overwhelmingly for repeal of this gasoline tax and in favor of bringing down the price of gasoline by about a dollar a tank. We should stop taxing working people who have to use their car or truck to go to work to subsidize social programs for people who do not work.

I do not understand, when we have such a clear consensus, when the President says he is for it, why we cannot vote on it.

Now, maybe they are not for it. I would never suggest that someone does not stand where they say they stand, but I think it is up to people who claim they are for repealing this tax but yet will not let us vote on it to explain to us why it is that they are for it. They think it is a good idea. The President, who is from their party, says he will sign it. But yet this now represents 14 days we have attempted to bring up the gasoline tax repeal, and we have been denied that ability.

So I just wanted to come over this afternoon to express my frustration at where we are. I do not understand. If people want to vote on the minimum wage, the majority leader has offered them an opportunity to have an up-or-down vote on it. People want to vote on guaranteeing the right of people who are in management and who are working on assembly lines to get together and talk and work together as a team, as the whole world is doing now and doing very effectively, and as American companies are doing but now they are being stopped by the National Labor Relations Board from doing it. I do not see why we cannot have a vote on it.

Now, I know that the people who run the AFL–CIO are against it, but I am against a lot of things that we vote on every day in the Senate. I do not know what gives them the power to dictate our agenda. I certainly wish we could submit this to popular referendum because most Americans would laugh in your face if you told them that you want to protect the ability of Government to tell employers and employees, blue-collar, white-collar workers working for the same company with the same interests that they cannot sit down and talk about safety clothing for pregnant women, about softball teams, and about jointly seeking quality.

It seems to me that is an eminently reasonable proposal. My point is why not vote on all three of these things? The one I am most concerned about, the one that I have tried now for 14 days in a row to get a vote on is repealing this unfair gasoline tax, unfair because it does not go to build roads; it goes to general revenues. It is being spent, every penny of it, on social programs, and we are taxing people who have to drive their cars and their trucks to work to subsidize in many cases people who do not work, and I do not think it is right. I would like to have a vote on it. I would like to be able to cut gasoline prices and do it today. I would like, when people tomorrow go to the filling station, that they look and see that the posted price is down 4.3 cents a gallon. If we acted today, we could make it happen.

I just express frustration that we are not allowed to bring it up and vote on it. If you are against it, fine, vote against it. We heard the Senator from Louisiana say yesterday that he was going to filibuster. Great, I admire that honesty. At least he admits that he is against the repeal. He is not pretending that he is for it and it is just that we are not going to bring it up and vote on it. He says, no, he thinks it is a lousy idea, he is against it and that he is going to filibuster. Great, let him filibuster. He has a right to do that, but let us bring it up. Let us let him talk, and let those of us in favor of repeal talk. And when everybody gets tired, then let us vote.

We could have cut gasoline prices 2 weeks ago if we had chosen to do it. So I hope when people go to the filling station to gas up the car for the weekend, when they are going to get the kids in the car and the dog in the back and go see mama, and they look at that posted price of $1.279, I want them to remember that Republican Members of the Senate wanted to cut that price 4.3 cents a gallon; when they filled up their Suburban with 42 gallons, we wanted to save them about $2. But we could not do it because people who say they are for repealing this tax, who are every day in the paper saying, ''Yes, we do not object to it; we could vote for it; the President says he could sign it,'' but, yet, these are the very people that are preventing us from repealing this tax and cutting the price of gasoline at the pump.

So let me say to Mr. and Mrs. America, when you fill up your tank on Friday to go see mama and you look at that posted price, remember those who wanted to cut the tax and remember those who said they were for it but they would not let us vote on it.

If you will just enshrine that in your elephantine memories, it will serve the public interest and perhaps bring some good to the U.S. Senate.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. FORD. Mr. President, I ask unanimous consent that order No. 374, H.R. 2337, be immediately brought to the Senate floor and taken under consideration.

Mr. GRAMM. Reserving the right to object, I would ask to amend that unanimous-consent request to say that the bill be brought up and that the gasoline tax be in order and that there be 1 hour equally divided on the gasoline tax.

Mr. FORD. I object.

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. He objects. Is it not wonderful? If you want something, they object. We want something—''we object.'' It is rather interesting around here.

What the Senator fails to tell us in his eloquent remarks, his Ph.D. philosophy here, and verbiage—and I am just a country boy from Yellow Creek trying to explain my position and I will do the best I can—what the Senator does not tell those who are watching on C-SPAN—and we had a big story on C-SPAN junkies today; he speaks to them—is that what the Republicans are trying to do is to have all this in one package. You have absolutely locked the minority out, and they cannot amend any one of those three items that you have talked about today. It is called the Dole gag order. The Dole gag order.

Let me quote what the distinguished Senator said, I guess back in 1993—we all go back to those—when he was frustrated. But he was wrong in his frustration. He says, ''But as the distinguished chairman knows''—talking about the distinguished Senator from West Virginia—''we also have rights.''

You said that—excuse me—the Senator said that. I want to be careful not to use improper language.

> One of the rights we have is to refuse to participate in a situation which we believe, though it is totally fair and totally within the rules, creates a playing field on which we believe that we are not capable of getting a fair contest underway.

That is the language of the Senator from Texas. At that time he had the ability to offer four amendments. Right now we have no time to offer any amendments. And it is not, ''Oh, we just want a vote.'' Vote on what? Vote on a package that you cannot offer an amendment to? They have us locked out. They have us locked out.

You know something, this 4.3 cents—look at it. Because it increases the deficit almost $2 billion this year. And there is no offset—no offset. To offset it in the language they have, they do two things. Over 6 years, they get the $800,000 out of the Department of Energy. And we have a $2 billion debt this year—deficit. Then they want to sell the spectrum. That cannot go into effect until 1998.

So we have no ability to amend it to be sure that the consumer gets the 4.3 cents. You say they could—the distinguished Senator from Texas says, ''The consumer could get it.'' If he had been at the hearing in the Energy Committee this morning, he would have found out there is nothing we can do. If we give the 4.3 cents back, we create a deficit of almost $2 billion, because you do not offset it for 6 years and the spectrum sale does not occur until 1998.

Now, I have heard about the Gramm-Rudman bill, you know. You ought to read what the former Senator, Senator Rudman, talks about, how we cannot get together here. That is one of the reasons he left.

So the Democrats are the minority in this case. We always want to protect the minority, that is one of the reasons for the rules of the Senate. Sure, I can quote the Senator from Texas again: ''We also have our rights.''

So we have our rights. We want a cloture; we want to have the ability to amend. We offered yesterday afternoon three stand-alones, one on the gasoline tax, with amendments, relevant. We wanted the minimum wage, with amendments, relevant amendments; and the TEAM Act, with amendments. That is all. That is our rights. To quote the Senator: That is all we are asking for, is our rights.

You know something? Ninety-six percent of all the businesses today have committees that get together and talk about the very things the Senator says that they want under this legislation. They talk about safety. They talk about that now. Mr. President, 96 percent of all the businesses have those committees now. If they want to talk about health, they all could talk about that. But in this bill they eliminate present law, and the employer will appoint the committee. The employees do not have the opportunity to make that selection.

You know, we get out here and it sounds so good, and we are so bad. If I had not been on the floor—I think it is kind of unprecedented that you ask for a unanimous consent when the opposite party is not on the floor. I just happened to walk out here and we get a unanimous-consent request. I suspect the Chair may have recognized that, and I think that would have been disastrous, not only for the Senate's procedures but for the Members themselves.

So, yes, we are ready to vote on the 4.3-cent tax, but we want to offer an amendment to say that the consumer will get it.

You go back and listen to the very crafty language of the Senator from Texas. He says you ''may'' get it. We can save you, but if the oil companies, when you take off 4.3 cents, add a nickel on, the only people who make any money really, putting more money into their pockets, is the oil companies.

If I represented Texas and big oil, I imagine I would want to do the same thing, but I am here trying to protect the low-income people in my State and in this country.

When gasoline prices go up and you have no control over it, only 4 cents,

and the minimum wage does not go up, they are still making the same amount of money, why do we not have our right?

So the choice here is whether we are able to have a question on the 4.3-cent gasoline tax removal and the ability to amend, that is all we ask. Then we have—and give a time agreement—and then we have the minimum wage. If you want to amend it, well and good. But the majority leader gave the Senator from Massachusetts exactly what he asked for. I doubt seriously if the Senator from Texas likes that. I do not imagine he does, but that is a stand alone. If they want to amend it—the other side—they can. We are giving them that right.

Then on the TEAM Act: stand alone, time limit, but give us an opportunity to amend it.

My dad used to tell me, ''Son, when you miss a train, stand there with your suitcase and hat and another one will be by.'' What goes around comes around. We can fill the tree one of these days, and some of the Senators on the other side may just be here —may just be here. I understand the rules of the Senate. I understand them very well.

So, Mr. President, we want to be sure that an offset is there, and it is not there in this bill for 4.3 cents. Just increase the deficit, increase the deficit, increase the deficit. I have been preached to ever since I have been here by the Senator from Texas about balancing the budget. Well, he wants to dig into Social Security, $147 million a year. I am not going to allow that. I have a contract with my senior citizens around the country.

I hope he is making a lot of notes on this. I want to hear the rebuttal. Probably will be good; probably will be good. I can hardly wait. I will wait with bated breath, I guess.

Insurance? The insurance bill that was agreed to here I think was something very good for the retiring Senator from Kansas, Senator KASSEBAUM. I think it was good that we had bipartisan agreement with Senator KENNEDY and Senator KASSEBAUM joining together and asked we have no amendments. An amendment was offered and it lost. Then you want to put conferees on who would say, even though we lost the amendment in the Senate on a vote, we are going to put it on in conference. Sure, you have something to object to. We have our rights. We have our rights, and that is what the distinguished Senator from Texas said: ''I have played by the rules in sending up the pending amendment.''

So we have our rights.

Well, we are going to have a little debate on the budget, I guess now. We did not have a chance to have any input into it. Read the paper today. It is the Dole budget. You know, it looks like they are reducing the amount of tax cuts, but it is a ''fooler.'' The last budget was for 7 years; this budget is for 6 years. So you have one-seventh more taxes into that one little frame—6 years.

So we have to be very careful. One thing Dad told me, too, ''The devil's in the fine print.'' If you do not read the fine print, you might not understand what you are voting on. That is one reason, I think, that we ought to be sure we understand that if the 4.3-cent gasoline tax comes off, we will have almost a $2 billion deficit this year, and this year ends September 30, and it takes 6 years to repay it. We cannot even pay for part of it until 1998.

We think we ought to have an ability to amend it to be sure that the consumer receives the money rather than ''might save,'' ''might receive.'' The dealer does not have to pass it on. I think that is a true statement. The oil companies do not have to pass it on. I think that is a true statement.

So give us an opportunity to amend, to the best of our ability, to be sure that the consumer receives the 4.3 cents. That is all we have asked. That is all the fairness we want, and I think that fairness is what the argument is about—not gridlock, not refusing to let you vote, but principle. I intend to stay here and work as hard as I can for principle and for the rules of the Senate and to operate in the best manner possible. So when you get down to it, that is all that you can ask for.

So I go back and one more time read:

> But as the distinguished chairman knows, we also have rights.

I am quoting the Senator from Texas.

> And one of the rights we have is to refuse to participate in a situation which we believe, though it is totally fair and totally within the rules, creates a playing field on which we believe that we are not capable of getting a fair contest underway.

So now I say to the Senator from Texas, all we are asking for is a fair contest. I think we have offered you a fair contest—or to the distinguished majority leader. Stand alone, give us an opportunity to amend. We cannot amend. You have it your way, we cannot get it our way.

Fairness in this Chamber is one thing that we have always prided ourselves on, but when we have a gag order—a gag order—and we are unable to amend, then I think we have every right under the Constitution and under the ability of use of the rules that we do the best we can.

I thank the Chair, and I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas.

Mr. GRAMM. Mr. President, I enjoyed listening to our colleague from Kentucky. I am always enlightened by his views. No one is saying that the Senator from Kentucky, or the distinguished minority leader, or every Democratic Member of the Senate does not have the right to deny us the ability to vote on repealing the gasoline tax.

I have certainly exercised my right as a minority Member of the Senate, when we were in the minority, as much as any other Member. In fact, we debated in one form or another the President's health care bill for 86 days. As much as any other Member of the Senate, I fought it and denied, until we had the votes to defeat it, the ability of the majority to vote on it. But the point is I never denied doing exactly that. In fact, I said in front of God and everybody the Clinton health care bill is going to pass over my cold, dead political body. I said in front of God and everybody, the Clinton health care bill is deader than Elvis.

Mr. FORD. Elvis is not dead.

Mr. GRAMM. Well, when he comes back maybe he could moderate this dispute we are having.

Mr. FORD. I would rather him than some I have.

Mr. GRAMM. Well, let me put it this way, the point is, for a period of time, I was one who helped deny a vote on the Clinton health care bill.

But the difference between me and my colleagues is I made it clear I was not for the Clinton health care bill. I never intended to see it passed. And it will not ever be passed. What I do not understand is all these people who say that they are for repealing the gasoline tax, but they will not let us vote on it.

Mr. FORD. Will the Senator yield on that point?

Mr. GRAMM. If I may just make my statement, then I will yield the floor and let our colleague have it back.

Mr. FORD. OK.

UNANIMOUS-CONSENT REQUEST

Mr. GRAMM. I will go back to the Budget Committee.

My colleague says all they want is an amendment to assure that if we repeal this tax it is passed along to the consumer.

I ask unanimous consent that the gasoline tax bill be the pending business of the Senate, that there be one amendment in order, to be offered by a minority Member to guarantee a passthrough to the consumer, and that debate on that amendment occur within an hour, and that there then be a final vote on the passage of the gasoline tax.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, I am considering modifying that to go to the Kennedy minimum wage amendment. What the Senator has done here—and I need to confer with the leader. I am sure you have not conferred with Senator DOLE as to your unanimous consent.

Mr. GRAMM. Senator DOLE—reclaiming my time——

Mr. FORD. Reserving the right to object, I have that time. So I want to consider modifying that amendment to add the minimum wage to that and under the amendment that was used by the majority leader in his proposal that we will vote on cloture at 5 o'clock.

The PRESIDING OFFICER. The Chair would note there is a pending unanimous-consent request. Does the

Senator from Texas modify his request?

Mr. GRAMM. I am not going to modify the request.

Mr. FORD. Then I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Reclaiming my time, the point I want to make is, despite our dear colleague from Kentucky saying all he wanted to do was to offer an amendment to guarantee that the tax cut was passed through to the consumer, that in fact——

Mr. FORD addressed the Chair.

Mr. GRAMM. That is not all that the distinguished Senator from Kentucky wants to do.

Mr. FORD. He is quoting me as all I wanted to do was to add an amendment. That is not true. I said—and I regret that he misunderstood me—that we have the right to offer an amendment or amendments—I said plural—and that we wanted to be sure that the consumer received the 4.3 cents and not the big oil companies that he represents.

Mr. GRAMM. Mr. President, the distinguished majority leader said yesterday and the day before and the day before that he would look at any language the minority had concerning a passthrough of the tax cut from the filling station to the consumer.

In terms of oil companies, I do not think—first of all, I am proud of the fact that my State is an oil producer, as I am sure my colleague is proud of the fact that his State is the producer of tobacco and cigarettes.

Mr. FORD. Add coal to that. That is energy.

Mr. GRAMM. My point is, the gas tax is collected by filling stations. They collect the tax. And they remit it to the Government. The average filling station in my State collects about $300,000 of gasoline taxes a year. If we want to lower prices, the quickest way to do it is to repeal that tax.

Let me touch on a couple of other things here.

Our colleague says, 96 percent of companies are engaged in some form of joint work between management and labor. That is not the point. The point is, the National Labor Relations Board is now denying companies that ability. What we want to do is to guarantee that workers and management on a voluntary basis can meet together and talk about things like safety and health and productivity.

Mr. FORD. Would the Senator say that includes collective bargaining and wages and hours worked and things of that nature under your proposal?

Mr. GRAMM. Under the proposal that I am making—I believe in free speech. So I think if people want to get together and talk about any legal act between two consenting adults, they ought to be able to do it. It is an amazing thing to me that two consenting adults can engage in any kind of activity other than industry, commerce, work, investment, job creation, but when they try to do those things they stand either naked before the world in terms of protection from our Government or they are impeded. If they want to do any other thing as consenting adults, they have a right to do it. I have never understood that. But there are many things that I do not understand.

Finally, I see two of our other colleagues are here. I want to yield the floor, but here is my point. For 2 weeks we have been trying to repeal the tax on gas. It is a simple issue. It is not a complicated issue. You either want to repeal the 4.3-cent-per-gallon tax or you do not. I do. A few people say they do not. Most people say they do. But yet we do not get a vote on it.

I am simply frustrated about it. But I have been frustrated before. But I just hope people will make note of the fact that even though for 2 weeks we have been talking about it, even though for 2 weeks people say they are for it, for 2 weeks we have not been able to do it. I hope that something can be worked out. I certainly, for my part—this is a decision that will be made by the majority leader and the minority leader—but I am perfectly willing to see votes on other issues. I want a vote on repealing the gasoline tax. I hope something can be worked out. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been sitting in on this debate, and I have been presiding during part of the time. There are some things that I think should be said at this point that have not been said so far that would be appropriate.

It is shocking, it seems to me, the issue of raising taxes is a partisan issue. I mean, if you look at the way that the debate is going, those on the Democratic side are trying to raise taxes.

I reread a statement that was made by Laura Tyson who is the chief economic adviser to the President of the United States. I am going to quote it right now into the RECORD.

> There is no relationship between the level of taxes a nation pays and its economic performance.

If you really believe that, then it is understandable why we are having the discussion that we are having today. But the difference in the way we treat our attitude toward taxes, between the Democrats and the Republicans, is incontrovertible.

In the 103d Congress, under a Democrat-controlled Congress, they had the ''largest single tax increase in the history of public finance in America or any place in the world.'' That is a direct quote from PATRICK MOYNIHAN who at that time was the chairman of the Senate Finance Committee.

Mr. FORD. Will the distinguished Senator yield?

Mr. INHOFE. Not until I am through with my remarks.

Mr. FORD. I have a question about that.

Mr. INHOFE. I am kind of slow, and it takes me long to get my train of thought back.

During that time, it was the first ever retroactive tax increase, in other words, we passed a tax increase that went back and imposed taxes on people who were adjusting their behavior and their activities predicated on the existing tax structure at the time. They made it retroactive.

The third thing they did—the top tax rate increased to 39 percent, a dramatic increase. It has been increased again since then to 42 percent. The tax on Social Security for many of the senior citizens in this country went up by 50 percent to a total of 85 percent.

I believe we need also to make a couple of statements in response to what has been said about the economy, this glowing economy that we supposedly have right now. I have some figures here that show there is no glowing. I know if you say it is long enough, the people will believe it. Then they will say, ''Well, someone's doing a very good job.'' But it is not.

Right now, under President Clinton, the economy grew at a slower rate in the first quarter of 1996, 2.8 percent, than it did in the first quarter of 1992, which was 4.7 percent. There have been lost—this comes right out of the Bureau of Statistics, published on May 3, 1995—in that particular year, 17,000 manufacturing jobs were lost in April, bringing the total number of jobs lost in that sector to 338,000 since last March.

I guess the reason I bring this up is that I am one of those individuals who has read history and who believes that you can increase revenues by reducing marginal rates. We saw this happen in the 1980's, during the decade of the 1980's, when we saw the largest number of rate decreases. We increased revenues substantially. The total revenue that was generated in 1980 was $244 billion for marginal rates. In 1990, it is $466 billion. We almost doubled it by reducing dramatically the rates.

This is not just a Republican concept. President Kennedy, back when he was President of the United States, made a statement, ''It is a paradoxical and economic statistic that the way to increase revenue is to reduce marginal rates.''

It is something we have seen history repeated over and over again. You are not going to increase revenue by increasing taxes. Therefore, if we can reduce any of these taxes, we should take this opportunity to do it.

As he said, 1993 was the largest single tax increase in the history of public finance in America or any place in the world. If you opposed that increase, the largest increase in history, you should be supportive of repealing any part of it. This is just a small part of it.

I think, also, if you remember what President Clinton said in Houston not too long ago when he was talking to a

group of people who were pretty offended by the increases in taxes, he said, ''A lot of people think I increased taxes too much in 1993. It might surprise you to know that I think I did, too.''

I want to help the President. I want to help him reduce the taxes that he admits were too high in 1993. I yield the floor.

Mr. FORD. Mr. President, a couple of items. The Senator from Texas [Mr. GRAMM] talked about the payment at the pump, the taxes collected at the rack. That is what I thought. I was not sure. I got the information. So the wholesaler or the distributor collects the tax, and it is not the dealer that would be able to give or reduce his price. I thought that ought to be brought out here now. I do not want my service station operator to be jumped on when we say you did not get the 4.3-cent reduction tomorrow or next week. It is at the rack. So I am trying to protect them.

My colleagues, as they make these speeches, they leave the floor. I have to give the Senator from Texas a compliment because he stayed here and we had a little back and forth. The Senator from Texas is going to the budget meeting, I understand. My figures—and I always stand corrected because somebody will find a way to get at me with words—but under the Republican Budget Committee's mark yesterday, taxes will increase more over the next 6 years than they did over the past 6 years.

Think about that: $415 billion. Under the Republican budget chairman's mark advertised yesterday, taxes will increase more over the next 6 years than they have over the past 6 years. That is $415 billion, if I figure that right.

Everybody will say, well, the economy is increasing and all that stuff. If it is increasing, give this administration some credit. I understand the criticism. This has become a Presidential campaign Chamber. It is not a Chamber dedicated to the people of this country, trying to do the best job we can for them. If we could stop the Presidential campaign in the Chamber, I think the overwhelming majority of U.S. Senators could get together and pass something in the best interests of the people.

We just cannot continue to have the Democrats shut out with a gag rule on us. The principle here is not whether we are for or against a 4.3-cent reduction in gasoline tax. That is not the question. The question is, we are being eliminated from having the opportunity to debate it and offer amendments.

The Senator from Texas said that he could not guarantee they could give them 4.3, or the big oil companies could keep it, or the wholesaler at the rack could keep it. It does not have to pass this price on. We just want to have the opportunity.

The point of being for or against removal of that tax is not the question. Fairness is the question, and the ability to have an up-or-down vote and to offer amendments. We have offered stand-alone amendments and a time agreement on each one of those three. We have been turned down. We will consider an amendment to get this, but we want to put it in our package. We do not want it outside that package. So the gag rule still is extended.

Nowhere, nowhere—we may have filed cloture, but we did not say you could not file amendments. I quoted from the Senator from Texas in 1993 where he said that he had his rights. That is the same thing I am talking about. Nothing different. When he was fussing then, he had the ability to offer four amendments under that tree. He had a right to offer four amendments. We never excluded anybody from offering amendments, as is happening to us now.

Where is the fairness, Mr. President? All we are asking is for a little fairness.

The gag rule is being applied to the minority. The gag rule is being applied to the minority. As long as I have the ability and breath in me, I am going to speak out against that, as the Republican side of the aisle did for so long. I listened to it. We can quote and quote and quote what they said and what statements they made, and now we are trying to say the same thing. We never instituted a gag order on the minority in all the 22 years I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Delaware.

Mr. ROTH. Mr. President, it is time to repeal the 1993 Clinton gas tax increase. On Wednesday, Senator DOLE, Senator GRAMM and I, along with a number of our colleagues, introduced legislation that would do just that. I wish we would have been able to repeal this tax on tax freedom day. Unfortunately, my colleagues on the other side of the aisle were unable to agree to the compromise package that Senator DOLE had offered them. Today is another day, one in which I hope we will see repeal of the 4.3 cent per gallon motor fuels tax.

During the 1992 Presidential election campaign, then-candidate Clinton, when asked about Federal excise taxes, said, ''I oppose Federal excise tax increases.'' But as with other views that Bill Clinton has held, this one was not adhered to for very long. In fact, in 1993, President Clinton, as part of a $268 billion tax increase, the largest tax increase in history, embraced a permanent 4.3 cent per gallon motor fuels tax.

I like to remind my colleagues that President Clinton originally proposed a Btu tax, which translated into a 7.3 cent per gallon motor fuels tax increase. Just last October, the President admitted to Americans that he had raised our taxes too much. I agree and believe that right now every driver in America also agrees.

Last month, gas prices were higher than they had been in a decade. The administration and some of my colleagues on the other side of the aisle have responded to this crisis by calling for investigation of the oil companies.

Certainly, if there is any price gouging going on, we ought to know about it and we ought to stop it. But, we need to take action now. What we in Congress can do right now is repeal a tax that only adds insult to injury for every driver in America, a tax that, again, is part of a package of increases that Bill Clinton himself admits is too high.

Last Friday, the Finance Committee held a hearing to discuss the effect of the Clinton 4.3 cent per gallon motor fuels tax increase and to explore the possibility of repeal. We heard from several representatives from industries that are affected by the increase. The panel included representatives from the Air Transport Association, the American Trucking Associations, the American Bus Association, the Association of American Railroads, as well as the Service Station Dealers of America and Allied Trades. These panelists provided our committee with useful insight to the damaging effect the permanent 4.3 cent per gallon motor fuels tax has upon their industry and their customers. In addition, the American Automobile Association, which serves more than 38 million drivers, submitted testimony supporting repeal of the 4.3 cent per gallon motor fuels tax.

The American Automobile Association said in their written testimony that repeal of the 4.3-cent-per-gallon motor fuels tax restores the integrity to the gasoline tax as a user fee, and it helps restore public trust in the Federal Government and integrity to the Highway Trust Fund.

Some of my colleagues on the other side of the aisle at the Finance Committee hearing and here on the Senate floor have expressed concern that the tax benefit derived from repeal of the 4.3-cent-per-gallon motor fuels tax would not be passed on to consumers. During the hearing, one of the witnesses was Mr. Melvin Sherbert, chairman of the legislative committee of the Service Station Dealers of American & Allied Trades. He is also an owner and operator of two Amoco stations in Prince Georges County, MD. I asked Mr. Sherbert whether he and other service station owners would pass on the tax benefit from repeal of the 4.3-cent-per-gallon motor fuels tax. Mr. Sherbert responded, and I quote:

> I know that [prices] would go down. . . . The moment we receive [the benefit from repeal of this tax] we would put that on the street.

The other witnesses at the hearing testified that they too would pass on the benefit. Since the hearing we have also received letters from a number of oil companies and industries assuring us that the benefit from repeal will be passed through to their customers. We

in Congress cannot control market prices. But what we can control is the tax burden we impose on the American people. Repealing the 4.3-cent-per-gallon motor fuels tax, therefore, will reduce the tax burden on gasoline and that which the American people must bear. It will also send a clear message from Congress to the industry, that we want to keep prices low for the consumers, and that we are willing to do our part. We strongly encourage them to do theirs.

I would like to remind my colleagues, that when President Clinton raised taxes $268 billion in 1993, he said he was raising them on the rich. We knew then that that was not true.

Now there is no doubt. President Clinton has raised taxes not only on the middle class but also on low-income families, and now my colleagues on the other side of the aisle are denying these low-income families tax relief. The truth is, Mr. President, that every person who drives a car, who buys groceries, who takes the bus, the train, or a plane has to pay this tax. These are not all rich Americans. In fact, Americans who are hit the hardest by this regressive tax are people at the lowest income levels, those making less than $10,000 a year. Repeal of this regressive tax, therefore, would benefit all Americans, especially those with modest incomes.

It is a well-known fact that 4.3-cent-per-gallon motor fuels tax not only disproportionately affects low-income people, but it also hits people in rural areas harder than it does those in more metropolitan areas. President Clinton knows this. In February 1993, just months before he signed into law the largest tax increase in history, said:

> For years there have been those who say we ought to reduce the deficit by raising the gas tax a whole lot. That's fine if you live in the city and ride mass transit to work. It's not so good if you live in the country and drive yourself to work.

Despite this statement, the 4.3-cent-per-gallon-tax increase was enacted. I agree with President Clinton's 1993 statement. People in rural areas should not be penalized because they live in areas that require them to use their cars and travel longer distances. For example, in my home State of Delaware, which contains many rural areas, the average family pays $463 in gas taxes per year. This figure includes both State and Federal gas taxes. When the 4.3-cent-per-gallon motor fuels tax is repealed, the average Delaware family's tax burden will be reduced by $48—a good first step.

Some of my colleagues argue that the 4.3-cent-per-gallon motor fuels tax is no different than other gas tax increases used for deficit reduction. I disagree. The 1993 Clinton gas tax increase is different from other gas tax increases before it. This gas tax increase went, and continues to go, entirely to the general fund. Unlike in past years, no portion of the Clinton gas tax increase goes to the highway trust fund. Thus, none of this money goes to pay for building and repairing highways. President Clinton and many of my colleagues from the other side of the aisle have argued that this tax is going to reduce the deficit. But, in fact, a study released last week shows 44 cents of every dollar Americans paid for the Clinton tax increase did not go to reduce the deficit. Instead, once again, Americans' tax dollars went to pay for more Government spending—for bigger government.

The Clinton gas tax increase did not get a single Republican vote because Republicans believe in cutting wasteful Government spending, rather than increasing taxes to pay for more Government spending. So while in the scheme of Government programs the 4.3-cent-per-gallon motor fuels tax may not seem to be a paramount issue, it represents what separates Republicans from the big Government spenders. While the President purports to favor balancing the budget, at best he would do so by matching big spending with high taxes. Our belief is that we should cut spending and lower taxes on the American people.

Mr. President, it is time to give Americans a break from taxes and big Government. I hope that my colleagues on the other side of the aisle will allow the Senate to move forward, and stop blocking tax relief for working Americans.

Finally, Mr. President, I would like to take some time to respond to a remark made by President Clinton in his press conference Wednesday. President Clinton said, and I quote, ''I ask the Republicans in Congress to consider something else. This is the first time your party has controlled both Houses of Congress at the same time since 1954. What is the record you will present to the American people and leave for history?''

Well, I must say I am glad that President Clinton asked. As chairman of the Senate Finance Committee, I would like to respond in the area of taxes: this Congress cut taxes. By contrast, when President Clinton's party controlled Congress, taxes skyrocketed Again: we cut taxes. President Clinton and the 103d Congress raised taxes.

Here is a chart that shows what happened to taxes when the Democrats controlled both the White House and the Congress: taxes increased by the largest amount in history—$268 billion. Now, on the other side of the chart, in green, we see what happened with the Republicans in control of Congress—we passed a $245 billion tax cut. But, that was vetoed by the same President who signed the $268 billion tax increase.

So, our Republican record is of tax cuts—letting Americans keep more of what they earn so that they can spend it or save it as they see fit. Tax cuts that allow businesses to expand, hire more people and pay their employees more. Tax cuts that allow Seniors to keep more of their Social Security benefits. Tax cuts that allow more Americans to save tax free for their retirement, or their first home, or their children's education, or their health care. Tax cuts that end the Tax Code's penalty against marriage.

President Clinton, tax cuts are the record of this Republican Congress. What is the record of President Clinton and the 103d Congress? A world record tax increase and a veto of a tax cut. Frankly, Mr. President, I prefer our record, and I think that most of America does too.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

Mr. President, I want to commend the distinguished chairman of the Finance Committee. I would add, in addition to his answer to the President, what has been the record of this Congress. This Congress, despite news coverage and quarrelsome attacks from our opponents, has been able to change the pattern of Government spending. We just reduced discretionary spending $23 billion. Most people do not know that. We have put appropriations bills through that actually cut Government spending—unheard of in recent years. A little over a month ago we put through a very significant regulatory reform measure that is going to benefit small businesses, farmers, ranchers, and others who believe that Government regulation, while necessary, ought to be reasonable and sensible. We got that done. I am proud to say that we did that one in this body on a totally bipartisan basis. So we can make progress.

But, Mr. President, I want to talk today just a few minutes and set the record straight on something called the TEAM Act. Our Small Business Committee recently held a hearing on the TEAM Act. We heard from small businessowners who achieved better productivity, quality, and safety by involving their employees in workplace decisions. Frankly, in the years when I was Governor, we tried to figure out how we could help small businesses improve their productivity. We talked to the best civil and manufacturing engineering and engineering talent from the University of Missouri at Columbia, and from the University of Missouri at Rolla, people who set up the Japanese management style, who said we could really improve productivity by involving employees in decisions to improve productivity, getting them actively involved in teams, not the same as the TEAM Act today, but we used teams. Small businesses seized on that model, and they were successful and they did reduce their costs. They were able to achieve productivity increases, getting better wages, and keeping their jobs because of it.

At the hearing that we held in the Small Business Committee, we were bringing in people to talk about it, and some of those people had great stories. Let me tell you that five other

businessowners and their employees who had enthusiastically agreed to come and testify before our committee had to back out. They backed out because their lawyers said they were crazy, because, if they went in front of a Senate committee and admitted that they had involved their employees in improving productivity, they might be brought up by the NLRB for violating the National Labor Relations Act. They were proud of their accomplishments and proud of what employees had done, working together with their employers, to improve productivity and their job security for the future.

Mr. President, I think employee involvement has special implications for American small business. By definition, small business employees have to be used in a variety of ways because the small business owner has many duties to delegate and the line between manager and employee is much less distinct than it might be in a larger business. The TEAM Act is also important because many small employers cannot afford to hire a labor law expert or consultant or lawyer each time they want to try something new or to talk with their employees.

I can tell you from listening to small employers throughout America that they are scared to death of having another expensive confrontation with the Federal Government. They particularly are afraid of having the NLRB come down on them. No small businessowner wants to invest precious time and resources in an employee-involvement system to utilize the good ideas of their employees and then find out it has to be dismantled if the union, or the NLRB, gets wind of it.

My distinguished colleague from Massachusetts, in arguing against this measure, has emphasized that employee involvement is used in many businesses now. That is probably true. But this does not change the fact that many of the employee-involvement teams in existence today may actually be in violation of the law as it is written. The argument, I gather, that is being made on the other side is that because some businesses and employees work together and do not get caught by the NLRB, they do not need a law. That sounds a little strange to me.

Secretary Reich and President Clinton have said we need to encourage corporate citizenship and employment and employee involvement in decision-making if America is going to compete globally. It is not just a question of competing globally. For many small businesses in my State, it is a question of competing in the marketplace right now. They can do it. They can provide a better product or a better service for their customers. But they want to be able to rely on the good ideas of their employees. The reality of the modern workplace for businesses of all sizes is that workers are being given more power, and that is good. Management likes employee involvement because it increases productivity, improves safety, and creates skilled workers. Employees like to work in teams because it gives them a voice both in their working conditions and the quality of the goods or services they provide.

The National Labor Relations Act apparently right now gives employers and managers two options: employee involvement through unions, or no involvement at all. This means that 90 percent of workers in America who do not belong to a union, or who have chosen explicitly not to belong to a union, are not allowed to have a substantive voice in what they are doing in the workplace. The TEAM Act offers employees who are not unionized a way to participate.

Opponents of the TEAM Act have argued that employee teams are really sham unions that delude employees into thinking they have power. I must tell you sadly that I heard one news report this morning which said that the purpose of the TEAM Act was to permit companies to establish unions. That is just not true. That is absolutely false. I do not know who is spinning the story, but they really suckered a news broadcaster on that one.

The TEAM Act amends the National Labor Relations Act, section 8(a)(2) to allow employees and managers at nonunion companies to resolve issues involving terms and conditions of employment. These include things such as scheduling, safety and health, even when they get coffee, and company softball teams, but it does not allow and it would not allow employee teams to act as exclusive representatives of employees or participate in collective bargaining. In other words, the teams of employees would not have the power of unions. Section 8(a)(2) would continue to prohibit the domination of unions by the employer. So employers that tried to set up teams of employees to bargain collectively would still be in violation of 8(a)(2) both because they are dominating and because of the collective bargaining aspect. It is important to note that any bad-faith actions on the part of the employer would also result in violations of other parts of the National Labor Relations Act, particularly section 8(a)(1).

Mr. President, we have seen the National Labor Relations Board. I do not think there is any problem with their being vigilant to make sure that the statutes that will remain on the books are thoroughly enforced. I think it is time to give employees and employers a little credit for good sense.

Workers are smart enough to know when they are getting a fair shake from management and to look elsewhere if they are not. Management knows that without meaningful employee involvement the improvements in efficiency, safety, and quality simply are not going to be there. Employees and employers must be given the right to choose what is right for them—unions if they want it, employee involvement if they want it, or maybe in some circumstances both or neither. We ought not to be saying that employees cannot work in teams with employers or employers cannot work with teams of workers when they are not bargaining collectively. Small business owners want to work closely with their employees. These employees have often been there from the inception of the small business. They are the ones who can make it grow. They are the ones who can ensure it prospers. They are the ones who can ensure that it will provide good job opportunities in the marketplace.

President Clinton has said time and time again he is a friend of small business, but the fact that he has already issued the veto threat and called the TEAM Act a poison pill shows that simply is not true. He is marching to a different drummer. It is not the drumbeat of small businesses and their employees today who know how they can compete and provide a better product and get more satisfaction from their jobs.

America's business needs the flexibility and the legal ability to involve employees in every facet of business in order to compete with large businesses, with other businesses and to compete globally.

I sincerely hope that we can move to votes on this measure and adopt into law reform, incorporating the provisions of the TEAM Act which will let businesses and employees work together.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, what we are doing this afternoon is trying to move forward to get approval of a piece of legislation, S. 295, called the TEAM Act—T-E-A-M, TEAM Act.

Now, what the TEAM Act says is that it is perfectly permissible for an employer to sit down with a group of his employees and say, what do you think is the best way to make this place more efficient? Or how can we make this place safer? Or what can we do to increase our productivity? Now, apparently—and I must say I was stunned to learn this—that is illegal. You cannot do that. Now, of course, it is happening across the country, but if it is discovered it is illegal, you can be hauled up before the National Labor Relations Board.

There is something about this that has an Alice in Wonderland complex to it. What is going on in the United States of America when an employer cannot say to a group of workers out there, the fellow down the road is producing our product at a lower price and faster than we are. What can we do to improve our productivity? And so they give him some suggestions. But it turns out that is against the law. It is against the National Labor Relations Act which was passed in 1935. So we are held up, ensnarled in an act that was passed 61 years ago.

So what this act, introduced by the Senator from Kansas [Mrs. KASSEBAUM], reported out of the committee, says is that there are certain things you can do. No, you cannot do collective bargaining with a group of employees like that. That is separate. But certainly you can sit down and decide how you are going to increase productivity or how you are going to make the place safer or what can we do to make it more attractive to get other workers to come and join with us in this effort.

That is what this is all about. The mere idea that we need a law to do this seems to me—I must say I never dreamed this would be required. Frankly, when they started talking about the TEAM Act, I did not know what it was and had to have somebody spell it out. So that is why we are here today. This is vigorously resisted by the unions, and it is vigorously resisted by the administration. The administration has gone so far as to say if this law is passed, this TEAM Act, it will be vetoed.

I must say I think that is unwarranted and extremely shortsighted. There are two factors, it seems to me, that make it very important we pass this legislation. First—and this is no secret to anybody who is watching this or in the galleries or anywhere—American industry is in the fight of its life against competition. We now have a global economy, no question about it. Something made in China or the Philippines or in the Caribbean nations comes into the United States and is sold is competition.

So we in this country have seen the loss of tens of thousands of high-paying American jobs. I have seen this regrettably in my State to a considerable degree. So what this intense competition abroad has required is for American industry to produce better products at a lower price, increase productivity and be more efficient in every fashion. So this painful but necessary reexamination has required more intensive labor and management cooperation than in the past.

The second thing that has taken place—the first is the global competition. We have to compete or our jobs will not survive—our laws have not kept pace and in many ways impede our progress toward reaching this global competitiveness. Labor law must change just like manufacturing processes must change or cooperation has to be greater. And that is true of labor laws likewise. Labor laws have to reflect the need for cooperation and teamwork that is critical for our survival.

The National Labor Relations Act, as I previously mentioned, was enacted in 1935 and has changed very little in those ensuing 61 years. Unfortunately, that law is rooted in adversarial—when that law was passed in 1933, it was there to take care of a situation. At that time, there was great turbulence in our industries. There was an adversarial situation between labor and management. Indeed, workers were prohibited from organizing in many States. They were prohibited from going on strike. All of that changed in the early 1930's with the National Labor Relations Act and other laws such as that.

The act, as I say, has not been adequately changed in the 61 years that have passed, and it does not recognize that now there is a great deal of cooperation that is needed in our factories and workplaces, so efforts to increase workplace cooperation were substantially hindered in 1992 by a decision called the Electromation case. That was a National Labor Relations Board case some 4 years ago. In that case, the National Labor Relations Board said that employers and employee committees which talk about attendance—people are not getting to work on time. What is going on around here? What can we do to increase the attendance? We have a lot of people who are not showing up. We have some people who work a 4-day week when they are meant to be here 5 days. What can we do about it? What can we do about no-smoking policies? What do you want? Do you want a separate place to smoke? Do you want no smoking? What do you want? It was decided you cannot do that. You cannot even talk to your employees about what is the best smoking policy or no-smoking policy.

This act we are talking about today, called the TEAM Act, would simply conform labor law with what is already happening. As I say, all across our country there are, in fact, these committees, and our managers and our owners of these companies do not realize it is against the law. Indeed, there are some 30,000 of these labor/management committees across the country. But if any one of them is discovered, it could well be that it is in violation of the National Labor Relations Act and could be punished with fines of a very severe nature.

It is said that this bill is a threat to labor unions. I must say, I do not understand the rationale for that argument. This bill specifically states in its language that the committees that are entitled to be formed under this act cannot negotiate, cannot amend existing collective bargaining agreements. All they can do is talk about better productivity, talk about greater efficiency and matters of that nature.

As has been mentioned previously, the hitch is that the law says employers cannot enter into the formation of any organization that deals with these problems that I have mentioned: attendance, productivity, efficiency. This, as I further mentioned, has received a very broad interpretation from the National Labor Relations Board. So it makes illegal most of those employee-involvement committees that I previously dealt with and mentioned.

What we seek in this act is to have some clear definition of what we might call a safe harbor. What is a safe harbor? A safe harbor is an area where the employer knows it is safe for him to enter into discussions with employees without running afoul of the law. That is what this is all about. The TEAM Act is this safe harbor. It would do nothing to undermine union organizing or collective bargaining. It would recognize and authorize a simple fact of life: Employers are, indeed, nowadays looking to their employees more than ever before to help them, the employers, have a better workplace, a smarter workplace, a more efficient workplace, a more successful workplace that, hopefully, will result in more jobs, not only for those employees and their families but others across our Nation.

This is very simple. It is a good idea that, as I say, I am stunned it is causing this furor, this fuss, because it ought to be adopted, I think, unanimously. Democrats and Republicans and unions all ought to embrace something that is going to make our country more efficient.

I do hope this TEAM Act, S. 295, will be adopted, and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BENNETT. I yield 6 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 6 minutes.

Mr. ASHCROFT. Mr. President, I rise again to support the concept that workers are America's most valuable asset. If we are to succeed in the next century, if we are to survive in a world of universal competition, we cannot go into the competition forbidding workers and employers from talking to each other.

If the 1960's and 1970's taught us anything at all, it was a lesson taught when foreign competition, especially in automotives and electronics—competition that gained from taking suggestions from the production floor and incorporating them in the process of the operation—almost drove some American businesses under. Suddenly, American manufacturers began to replicate this awareness of the great resource that employees can bring to business. I watched that happen when I was Governor of the State of Missouri. I observed as companies started to develop a sensitivity and how they would increase their productivity in the process.

On numerous occasions I have come here to support the TEAM Act, which

provides specific authority for employers to talk to employees, even in the absence of a labor union—specifically in the absence of a labor union—in order to gain the benefit of those employees, their views and their opinions.

A series of cases with the National Labor Relations Board has found illegal the contacts between employers and employees on fundamental issues like safety, like working conditions, like working hours, like flexible work time, something that would help resolve this tension that exists between the demand that we seem to have for both parents being in the workplace and the fact that we need to raise children in our homes.

I believe it is good to say to our companies, ''Talk to your workers, get their suggestions, become more competitive, become more productive and, as a consequence, help us be survivors in the next century; be swimmers, not sinkers, in the competition which we're going to be encountering all across the world as those tremendous nations of the Far East come on line, nations like China, like Korea, Japan, Singapore, Indonesia, tremendous populations which will be very competitive.''

So I believe the TEAM Act is one of those fundamental things that America should stand for, and that is working together.

This already can happen in union settings. But only one out of nine workers is a union worker in the United States—outside of government—and we do not want to tie the hands of eight out of nine of our competitors by not allowing them the advantage of working together with management to improve situations.

One of the great examples that has been talked about in this entire debate has been a company named EFCO. It is a company in the State of Missouri that makes architectural glass, window wall systems. If you build a skyscraper that is going to be made out of glass, you order glass from someone like EFCO.

In the process of their conferring with their workers, they went from about 70 percent on-time deliveries to well over 90 percent on-time deliveries. They improved their performance so substantially that the company exploded the jobs and literally had lots of new jobs, and that is the kind of thing we want to have happen.

One of the Senators came to the floor to criticize the EFCO company, and in listening to him, I cannot really tell you that it is much of a criticism. But in attempting to criticize the company, he said the committees met on company property. I think that is nice for the company to say to employees and their committees that they are interested in helping the employees by allowing them to use company property.

They met during working hours. I think that is good. It did not require these folks to come back away from their families.

He said they had high management officials who attended these meetings. I think it is good when management and workers talk together.

He said the committee members were paid for the time spent on committee work and that EFCO provided any necessary materials or supplies.

I suppose that might be an indictment, but it does not sound like an indictment to me.

But also represented was that somehow these committees were established in response to union activity. But the conclusion of the administrative law judge, who reviewed the evidence in this case, indicated that simply was not so.

These committees were started in 1992, and the administrative law judge indicated, in his opinion, that there was no ''noticeable union organization'' activity until July 1993. The first committee was established in April 1992 which was 15 months before any noticeable union activity. Besides, the case law states the employer's motivation would be irrelevant in any event.

The Senator who came to the floor to criticize the EFCO decision said that EFCO was found to have dominated these discussion groups; it sort of had a dark and nefarious tone about it. Let us find out what this domination really amounted to.

The company set up the committee and said, ''We want to talk.'' I do not find that to be particularly onerous. I think that is really nice. So many companies do not bother to listen to their employees. As a matter of fact, that EFCO set up the committees is a commendation for EFCO.

No. 2, that Senator said it was pretty bad that EFCO initially selected the members of these committees. What a terrible thing that is. To get them started they did. What was not said is they wanted to have broad membership and, second, that the employees soon established a policy whereby they chose their own members.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I yield an additional 2 minutes.

Mr. ASHCROFT. Mr. President, I thank the Senator.

It sounded pretty bad that the company chose the members until we found out that was just a way to get it started, and then it sounded very generous that the company allowed the employees to select the members after that. That is more generous than most labor unions that unilaterally select employees.

Then it was charged that management participated in most of the meetings. It turns out they participated, but they did not vote on matters before these committees. They wanted to participate for purposes of discussion and learning. In addition, they attended the first committee's meeting, but then after that, they only attended by invitation of the workers.

Of course, it was then charged that management in some instances suggested issues. I happen to believe that such employee groups would want to hear from management and management would want to hear from the employees.

All these things that were said to have been so disastrous seem to me like good, constructive things to do, and that is really why we need to pass the TEAM Act.

This company was hauled into court for asking for the opinion of employees, for letting them express their opinions on company time, for providing a place where they could meet, for providing supplies, papers and pencils upon which notes could be taken. That is a throwback to a bygone era that we can no longer afford to tolerate.

Because this company has provided that it would share not only decision-making with its employees but share ownership. Twenty-five percent of the company has now been transferred to a special account for employee ownership. I think that is the kind of company we want to have, and it is a shame that this company owner, Chris Fuldner has had to spend $64,000 defending himself from having conducted himself so nobly. We ought to pass the TEAM Act.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the Senator from New York, Senator MOYNIHAN, I believe is on his way, and some others are on the way additionally to visit on our time.

My understanding is we are discussing several areas. One is the TEAM Act. The other is the proposed reduction of the gas tax. And a third is the minimum wage proposal to adjust upward the minimum wage.

All of this, of course, started some weeks ago when some of us suggested it was important to consider some kind of an adjustment in the minimum wage. Those who work at the bottom of the economic ladder, the lower rung of the economic ladder, have not had an increase for 5 years. The minimum wage has been frozen for 5 years.

It is easy, I suppose, for some, especially some in this body, perhaps to not think much about those who work on minimum wage, not be acquainted with those who are trying to live on minimum wage. But there are a lot of folks in this country who go to work, work very hard all day, are paid the basic minimum wage in this country of $4.25 an hour, and at the end of a long week still cannot make ends meet.

There is a legitimate reason to question should there be a minimum wage, and there are some, I think, in this body who think we should not have a minimum wage. I know there are some in Congress who said publicly we should not have a minimum wage, and that is a very legitimate position. I do not share it, but some believe there should not be a minimum wage. They do not bring legislation to the floor of the Senate suggesting we repeal the current minimum wage, but they just say a minimum wage is inappropriate.

But, by far, the majority of the Congress would say it is appropriate to have some minimum wage. Not only does the Federal Government have it, but virtually every State has a minimum wage, and some States have a minimum wage nearly identical to the Federal Government. Some have a higher minimum wage than the Federal Government does.

But if you believe there should be a minimum wage, then certainly you would believe from time to time it ought to be adjusted.

Among all recent Presidents during their terms, we have had some adjustment in the minimum wage. Sometimes it occurs after 4 or 5 years, sometimes a little longer. By and large, we do make periodic adjustments in the minimum wage.

I received a letter from a woman last week, and I will not use her name. I will not read it. But I read it last evening because, like most Members of the Senate and the House, I spend my last hours of the evening reading and signing mail and going through the substantial amount of paperwork that we do in the Senate, and I read constituent mail and sign mail, sign letters back to them late in the evening.

I read this letter late in the evening, and it almost broke my heart. It is a letter from a woman. I am just going to read the last two paragraphs, but it is a 4-page letter. She describes her circumstances and her husband's circumstances and her children's circumstances, medical problems, problems of not being able to get the education they wanted. They tried, but they had to quit school to take care of this or that and getting pregnant, having four children.

What she describes in this letter is a rather long list of setbacks from two people who married very young and struggled and tried to make it but without much skill and without much education were always forced to take a job at the bottom of the economic ladder and were always forced by circumstances, a fire that destroyed their trailer home and every single thing in it, and no insurance, always forced by circumstances like that, just as they started to get ahead a little bit, to be completely pushed back to start over.

It is a 4-page letter. I shall not read it, but it does break your heart to read these kinds of things. And it is not just this woman, it is so many people in this country who try very hard to get ahead but never quite seem to be able to do it.

She talks about all of her circumstances, and she said:

> I wonder how we can make it like this. How can I tell my children? I wish somebody in some official office would help me tell my boys that they're not going to be able to play baseball this summer because I can't afford a $25 fee for each of them, let alone paying for the baseball glove, the bats they would need to play ball this summer.

She says:

> We don't spend our money on alcohol or drugs. We don't go out on the town. Our lives revolve on trying to make ends meet. Our dream of owning a home and of being financially secure is long gone. We're better off, I know, than a lot of other people that, for instance, have to live on the street, but how far are we from that? One paycheck? Maybe two? We're the forgotten people in this, called the working poor, the people who fall through the cracks somehow.

Her point is, after setting out her story in 4 pages, that they work for the minimum wage, both her and her husband, and just cannot make ends meet. They cannot balance buying groceries, paying the rent, trying to handle child care expenses and paying all their bills at the end of the month.

So some of us think that there should be an adjustment in the minimum wage. It ought to be a reasonable adjustment. I am not suggesting that we have an adjustment that is out of line. But I think there is a reason for an adjustment.

Some people have talked about it for some while. That is one of the discussions here in the Senate. Ultimately, I think there will be an adjustment this year, and I think one that will probably gain some bipartisan support.

The second issue that was introduced in this discussion was a 4.3-cent gas tax reduction. Presumably the 4.3-cent gas tax reduction was to draw attention to the fact that a 4.3-cent gas tax was added in 1993. That is true. I voted for that. I do not regret voting for it. It was included in a long list of tax increases, some tax increases, mostly on upper income folks, but some tax increases, spending cuts, and other approaches to try to reduce the Federal budget deficit.

The Federal budget deficit has been reduced in half since that time. And 4 years in a row the budget deficit has come down. I do not regret voting for that. But would I like to see lower gas prices? Yes, I would. Gas prices spiked up 20 to 30 cents a gallon in recent weeks, and as a result of that price spike, we are told now that we should reduce the gas tax 4.3 cents a gallon.

I said this morning, it is a little like treating a toothache by getting a haircut. I do not see much relationship here. The gas price spikes up and they say, let us reduce the gas tax 4.3 cents a gallon. The industry executives say there is no guarantee it will be passed through to the consumers at the pump, there is no guarantee that the consumers will see a lower gas price at the pump. ''Experts Say Gas Tax Cut Wouldn't Reach the Pumps.''

Energy expert Philip Verleger says, according to yesterday's paper:

> [This] . . . is nothing more and nothing less than a refiners' benefit bill. . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

If it is not going to go to the consumers—and there are an army of people out there who suggest there is no guarantee this is going to result in a lower pump price—then the question is, who is going to get it? And it is not pennies. I know they are talking about from now until the end of the year, but there is a discussion of a 7-year proposal for $30 billion. The question is, who divides the $30 billion pie? Who gets the $30 billion?

The proposal that is before us has a point of order against it. And that brings me to the reason I rose again. The point of order against the proposal is that the proposal violates the Budget Act because the proposal that is brought to the floor to reduce the gas tax by 4.3 cents a gallon, an act that will not guarantee lower prices at the gas pump, violates the Budget Act.

Why does it violate the Budget Act? Because it increases the Federal deficit in this fiscal year by $1.7 billion. So this proposal violates the Budget Act by increasing the deficit in this fiscal year $1.7 billion. So the next vote that will occur, after the cloture vote at 5 o'clock this afternoon, will be a vote to waive the Budget Act so that Congress can reduce a gas tax that the experts say the consumers will not ever get the benefit of, and in doing so we will waive the Budget Act to increase the Federal deficit.

I do not know whether others think this is kind of an incongruous situation, at the same time we are talking about bringing a constitutional amendment to balance the budget to the floor of the Senate this week—which has now been postponed, I guess—and at the same time the Senate Budget Committee is talking about constructing a 7-year balanced budget plan, we are also constructing a mechanism now to have a vote on waiving the Budget Act in order to allow an increase in the Federal deficit in this fiscal year of $1.7 billion in order to accommodate a reduction in the gasoline tax that the experts say may never reach the pockets of the consumers.

I come from a town of only 300 people. I graduated in a high school class of nine. They might not have taught the most advanced or the highest mathematics available to students in America, but this does not add up. This does not pass the test. Those who say they want to balance the budget require the next vote to be one in which they will vote to waive the Budget Act so they can increase the deficit to create a tax break that the experts say is not going to reach the consumer. It sounds to me like a deal the American people can easily resist.

I have heard huffing and puffing and ranting and raving. I have seen sidestepping that would befit an Olympic contest out here on the floor of the Senate in recent years about the issue of a balanced budget. And we have people who stand up, and they arch their back, and they point across the room, and they say, ''We're the ones that fight for a balanced budget. And none of you cares. You're big-time spenders who want to spend this country into oblivion.''

Yet, in 1993 the last serious effort to do something to balance the budget, every one of us, every single one of us

cast the votes that were necessary to pass the bill to reduce the deficit, which has brought the deficit down by half, and we did not get one vote from the other side even by accident.

I am not backing away from that vote. I say, I am glad I did it. Maybe there are legitimate reasons to be critical of some parts of it. I understand that. But I am not somebody who says I wish I had not done that. We did the right thing. But it is an incongruity, it seems to me, to decide with the first winds of politics that we should, on the floor of the Senate, decide to waive the Budget Act so we can increase the Federal deficit this year, to provide a tax cut the experts say will not reach the American people.

There is room for disagreement. I mean, we are talking, as I said when I started, about three different issues, the TEAM Act and the minimum wage and the gas tax. There is great room for disagreement.

I notice Senator BENNETT, from Utah, on the floor. There are few in this institution for whom I have higher regard than the Senator from Utah. I think he is a straight shooter and a fellow who calls it like it is. There is plenty of reason for us to disagree when we disagree on the merits of issues. I understand all that.

We might feel strongly about things and line up and end up on different sides of the same question. I think the country would be better off if on issues like this—and I admit to those who question that there is politics on all sides of this Chamber, and when the charge of politics ricochets back and forth across this room, there is plenty of blame to go around. I understand all that. I just observe that the closer we get to the first Tuesday in November of an even-numbered year, the more likely it is that we will be seduced into easy decisions that are fundamentally wrong, that will move this country in the wrong direction. It is the wrong direction to decide now to increase the Federal deficit to accommodate a gas tax that the experts say will not reach the pockets of the American people.

I hope as we move along here that we will find a way to not vote on this issue of waiving the Budget Act and increasing the deficit. Maybe this will be withdrawn and we can look where we ought to look: What caused the 20- to 30-percent increase in taxes? We can deal with that. Maybe it is simply supply and demand relationships. Maybe it is other things. Maybe those are things we can do something about. I hope we start looking in the right direction and choose the right set of public policies.

Mr. President, I notice a colleague is waiting for the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I commend my colleague for his comments on the issue pending before the Senate. It has gotten so bad it is hard to figure what is pending before the Senate.

I want to comment on two things—what we are trying to do, and a little bit on the merits of one of the proposals.

I said, I guess, 2 days ago the Senate looked like what we were trying to do is mix and match pieces of legislation in order to try to accomplish something. It is like a woman who goes shopping for an outfit. My wife calls it mixing and matching because she buys a little bit of this, a little bit of that, and a little piece over here, and tries to put it all together and hope that it comes out in a wonderful, exciting new outfit by mixing and matching the different parts. That might be a good concept for buying clothes, but it is a very bad concept for writing legislation.

I think that is exactly what the Senate is being asked to do here today, take a little bit of minimum wage, put it together with a little bit of TEAM Act, and stir in a little bit of gas tax repeal, stir it up, and hope it comes out as a good legislative package. It kind of reminds me in Louisiana of trying to make a gumbo. We put everything in the pot, stir it up, and hope it comes out eventually, after you cook it along with something that is edible. The problem is you have to be careful what you put in the pot. If you put something that will not fit, it will come out tasting pretty bad.

The same analogy is true with regard to trying to legislate. There is no reason in the world why we should try to be putting a minimum wage bill on the back of a gas tax repeal and attach it to this TEAM Act dealing with labor-management relationships. There is not a lot of relationship between any of these three provisions, except politics.

I said on the floor the other day, and I asked the distinguished majority leader, why do we not just take the bills up and vote on them in the normal course of following the Senate rules, debate minimum wage, vote on it, pass it if there is a majority for it and kill it if there is not. Do the same thing with the repeal of the gas tax. Let us debate it, let us vote on it, and then decide what the will of the Senate happens to be. The same thing on the TEAM Act. Bring it up, amend it, talk about it, debate it, have the normal rules of the Senate apply.

I think our side has even gone further than that and offered bringing the measures up separately and give up one tool that the Democratic side, as members of the minority now, would have as a legislative tool. That is the filibuster. Just bring it up and agree that we will debate these measures and that we will offer amendments, but that we can agree on a time certain in which to vote, that we will not filibuster if it is not going our way, being willing to let us have a vote on these legislative packages. I think that is a pretty generous offer. I thought that the majority leader had agreed to that in his press conference yesterday but find out later on, no, that is not really what he meant.

For the life of me, I do not understand why we do not just bring these three bills up and debate them and vote on them, and if we get a majority for them, they pass; if we do not, they do not pass. That is sort of the way legislation is supposed to be written.

What we are engaged in now is a mix and match proposition where we are trying to mix and match things that do not mix and match. I do not think that is the way to legislate. Again, it may be the way to buy clothes, but it is not the way to produce legislation that is good for the people of this country. I think they desperately want us to start working in some type of a fashion that makes sense for the rest of the country.

The other thing I want to comment on is the proposition that we should repeal the gas tax. There was an article that caught my attention this morning, the headline of the Los Angeles Times. The last time I was on the floor I talked about the law of supply and demand, which I thought really is what should govern this country, as opposed to price controls coming out of Washington, DC. What a frightening thought it would be to think that Washington will regulate the price of everything. I do not think we are qualified to come close to getting that done. Yet I think that, if we are going to say by removing the gas tax we will guarantee that people that buy gasoline at the pump are going to get the benefit of that reduction, the only way we can do that, folks, is very simple, and that is price control. The only way we can guarantee that tax cuts somehow worked their way through to the ultimate consumer is by passing a law that mandates that. That is price control. We have tried that, and it has not worked in the past. It will not work in the future.

What does work and has always worked in this country is the law of supply and demand. The headline of today's Los Angeles Times is ''Gas Prices Show Signs of Decline as Production Surges.'' ''The average cost at the pump falls half a cent, and State officials predict more reductions. After lagging, refineries again operating at close to normal output.''

That really should not be a headline. That is normally what happens; that is not news. But the law of supply and demand is at work. When the demand is great, the supplies are increased to meet that demand and prices adjust according to the ability to meet the demand. That is exactly what is happening.

I also said 2 days ago that the price of crude oil in this country between April 23 and May 6 decreased 10 percent. That is over $2 a barrel that oil dropped. It usually takes 30 days from the drop of price in crude oil to be reflected in the finished product at the pump. It dropped 10 percent in 1 week, over $2 a barrel. That, naturally, shows up in the normal course of doing business at the pump and lower prices. This headline is not a surprise. It is not really news. Yet it is the lead story. It

says ''Gas Prices Show Signs of Decline as Production Surges.'' That is what has happened.

This Congress is in a panic. This Congress is running for cover. We are hiding behind our desks trying to say, ''Well, we will fix the problem. We are going to lower the price of gas.'' That is not what this proposition does at all. It only lowers the tax that oil companies pay per gallon of gas. There is no guarantee that they do nothing more with that than put it in their pocket and take it as an extra profit over their normal course.

The less we get into the business of determining what prices should be for all products, the better off Americans will be. Every time the price of wheat or corn or cotton or rice is going to go up, are we going to rush in here and say, ''Wait, we are going to regulate the price''? Are we going to go back to production and wage and price controls? I think not.

I want to say from my home State of Louisiana, I think people who are outside the thin air that sometimes I think we breathe too much of here in Washington are thinking, I think, more sanely and more responsibly than we are here, and less politically. I think they know what this is all about. We have a Presidential election, a congressional election in a couple of months, Senate elections in a couple of months. People are desperately running everywhere they can to try to do something that was not the priority of the people of this country. I think the priority was for us to balance the budget.

When they say, ''We want to do something for families,'' I say the best thing we can do for families in this country is to produce a balanced budget. That is what families want, so we will give them lower mortgage rates, lower interest rates on home loans, lower rates on sending their children to college and educating their families, and produce a more stable environment, make more money available, and add to the economy for growth, expansion, and job creation.

One of the papers in the State of Louisiana, the Times-Picayune, has a column written by a guy named Jack Wardlaw, whom I know. The name of his column, I say to the Senator from Utah, is called ''The Little Man.'' He always sort of takes the side of the ''little man'' and represents what is good for the little man as opposed to what is good for the ''big man,'' big business, or the big corporations. His headline in today's paper says, ''Gasoline Tax Cut Will Mean More Red Ink in the Budget.'' He makes some good points. I will refer to a couple because I think it really says what I think we should all be thinking. He says, ''Sometimes it seems like Members of Congress have the attention span of a honey bee.'' It goes on to say, ''Congress has just come through months of tedious in-fighting over the national budget, the goal of which we were constantly told was to agree on a way to, over a period of years, get rid of the red ink. Now, all of a sudden, nobody cares about balancing the budget anymore. All of a sudden, the main thing to do is to cut the gasoline tax. Is everybody crazy?''

I think that, by asking the question, he sort of also answers the question himself because of what he thinks we all are about at the present time by our actions. He says, ''It is a little hard to figure out what is going on, except that the national news media have been exaggerating what is going on. CNN puts on pictures of pump prices of $2.09 a gallon, but who is paying that?'' he asks. He points out that, in New Orleans, at his neighborhood gas station, the posted price for a gallon of unleaded regular was $1.19 a gallon, which had gone up from around $1.05 3 months ago. He later passed a convenience store offering the stuff for $1.14 a gallon. ''It appears to me that prices are dropping back into line on their own, without any action of Congress.''

The same thing in Los Angeles: ''Gas Prices Show Signs of Decline as Production Surges.''

This is the marketplace at work. We have had economist after economist—they generally are very nonpolitical—say this is the wrong thing to do. This proposal is a dagger to the heart of any effort to balance the budget. It would take over $30 billion out of any effort to balance the budget over a 7-year period. A penny tax per gallon is $1 billion a year. I suggest that we should be concentrating more on how we, in a bipartisan fashion, can come together and do the right thing with regard to balancing the budget.

I think we clearly do the wrong thing when we do what I think is about to happen, and that is, to make it even more difficult, if not impossible, to reach a balanced budget agreement.

Let me close by saying that I have expressed my opinion on the gas tax repeal. There are others who will argue that it is the most important thing we could do. I disagree. Whether we agree or disagree, we should not try to concoct this scenario, whereby in order to pass one bill, you have to pass another bill, and in order to pass a second bill, you have to pass a third bill. Let us take them up separately, debate them on the merits. Let us consider and hear amendments that would be offered through these pieces of legislation. Perhaps the proposals can be improved by serious amendments that would be offered. But let us vote on the bills. Let us vote on the minimum wage. Yes, let us vote on the TEAM Act. Yes, let us vote on the repeal of the gas tax.

What is wrong with taking up legislation, considering bills that have been offered, debating them? I think I signed an offering to do this without the use of the filibuster. It is a most generous offer—incredibly generous. Look, we are in the minority, and we are not going to filibuster. We can take it up and vote on it. Why try to mix and match? Maybe that is good when buying clothes, but it is very bad when trying to write legislation on the floor of the U.S. Senate. A bad bill cannot be made good by adding another good bill to it. It still is, in essence, a bad bill. The converse is also true.

So my suggestion is, let us follow the proposal of the leaders on this side of the aisle to take these pieces of legislation up, debate them, consider them, vote on them, and move on with what I think is a priority in this Congress: to try to reach a bipartisan balanced budget agreement.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are under a time agreement, and we will be voting at 5 o'clock. The time has been divided earlier today. As I understand it, there are 45 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator is correct. The minority has 43 minutes 36 seconds. The majority has 57 seconds.

Mr. KENNEDY. Mr. President, I see my friend and colleague from New York, who would like to address the Senate as well. I will take 15 minutes, and then whatever other time is available I will yield to the Senator.

I ask unanimous consent to yield myself 15 minutes at this time.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. KENNEDY. Mr. President, in the past several weeks, we have seen the majority in the Senate and the House use every parliamentary trick, every legislative gimmick, every inside-the-beltway tactic they could conjure up to avoid a vote on increasing the minimum wage.

At the same time, particularly when they were outside the beltway, they talked about helping America's working families make ends meet. It is not enough to say you care about working families, and it is certainly not enough to concoct a so-called alternative proposal that would raise taxes on 4 million of our lowest paid workers. The majority may think they can fool the American people, but the only people fooled by the Republican magic tricks are the Republicans themselves. The American people cannot be fooled by legislative sleight of hand. They want an increase in the minimum wage, and they want it now.

While Republicans in Congress complain that increasing the minimum wage is a political issue, the American people know that it is an issue of fundamental fairness. The American people know that the time has come to raise the minimum wage and make work pay for millions of working families. The American people know that inflation has eroded nearly all of the bipartisan 1989 increase in the minimum wage. The American people know that the minimum wage is about to reach its lowest real value in 40 years. The American people know that there

are minimum wage workers who work 40 hours every week, yet their families live in poverty. The American people know that refusing to raise the minimum wage is wrong, it is unfair, it is unjust, and it should not continue.

Nearly every national survey finds overwhelming support for raising the minimum wage. A national poll conducted in January 1995 for the Los Angeles Times found that 72 percent of Americans backed an increase in the wage. That survey confirmed the results of a December 1994 Wall Street Journal/NBC News survey, which found that raising the minimum wage is favored by 75 percent of the American people. A poll for ABC News in January 1996 found that 84 percent of the American people support a minimum wage of $5.15 an hour. Other recent polls confirm that support for an increase in the minimum wage now stands at nearly 85 percent.

This support cuts across political parties. It cuts across gender and age lines. It cuts across ethnic and racial groups. In every segment of our society, in every region of our country, a large majority of Americans want the minimum wage to be a living wage. No one who works for a living should have to live in poverty.

Another measure of broad support for raising the minimum wage is the large number of editorials from newspapers across the country supporting a higher minimum wage. Here are a few of the editorials.

Here is a New York Times editorial of April 5, headlined, ''Boost the Minimum Wage:''

There is a strong case for raising the minimum wage by a modest amount. Unfortunately, the issue is caught up in election-year politics, making compromise unlikely. . . .

The Democrats proposed raising the minimum wage over two years to $5.15 an hour, which would raise earnings for these workers by 90 cents an hour, or about $1,800 a year. Even at $5.15, the minimum wage would, after taking account of inflation, remain 15 percent below its average value during the 1970's.

Will low-paid workers lose their jobs if employers must pay higher wages? Yes, but there is widespread agreement among economic studies that the impact would be very small. A 90-cent wage hike would probably wipe out fewer than 100,000 of the approximately 14 million low-paid jobs in the economy—less than a 1 percent loss. Indeed, 100,000 represents only about half the number of jobs the economy typically creates each month.

And the editorial goes on.

The Washington Post headline: ''The Minimum Wage'':

The purchasing power of the minimum wage is about to fall to its lowest level in 40 years. The last time Congress voted to increase it was in 1989. It is time—you could argue well past time—to do so again.

President Clinton has proposed to raise the minimum 45 cents in each of the next two years, to $5.15 an hour. That's a one-fifth increase, and no such step is ever cost-free. It would have a broad effect on wages, not just those at the minimum but those in the zones immediately above, and it would add to the pressures on smaller businesses particularly to cut costs in order to survive. But the president is proposing to restore the wage, not break new ground. In real terms, it would remain well below the levels that obtained from the 1960s through the early 1980s, and would be only a dime above the level to which George Bush agreed, and Bob Dole and Newt Gingrich voted for, in 1989.

The Atlanta Journal-Constitution, its headline is ''Workers Due for a Raise'':

President Clinton has picked a good time politically and economically to push for a modest increase in the minimum wage. Millions of workers need the raise, and the economy is healthy enough to absorb a hike without causing many job losses or inflation.

The administration and congressional Democrats want to raise the minimum wage to $5.15 in two 45-cent steps over the next two years.

A raise would help the 4 million workers who get the minimum of $4.25 an hour, and would nudge up the wages of another 8 million who earn between $4.26 and $5.14 per hour. The minimum wage hasn't been raised in five years. In terms of purchasing power, the wage will fall to a 40-year low this year if Congress doesn't act.

Such low pay for workers puts a strain on society. Making about $8,500 a year, a full-time minimum-wage worker with children needs food stamps and welfare to survive. The poverty line for a family of four is $15,600 a year which means a worker would have to make at least $7.80 an hour to keep a family out of poverty.

The St. Louis Post-Dispatch headline: ''The Politics of 90 Cents an Hour.''

President Bill Clinton made some interesting observations the other day about Congress' failure to raise the minimum wage. He pointed out that since the last time the federal minimum went up—five years ago on Monday—senators and representatives have increased their own salaries by about one-third. He also noted that a member of Congress made more money during the month that the government was shut down last year than a minimum-wage earner makes in an entire year.

Add those stark statistics to the more philosophical point—that the GOP majority always stresses the need for people to make it on their own, without the help of government—and the Republican roadblock to raising the minimum wage becomes even harder to swallow. At $4.25 an hour, a full-time worker earns less than $8,900—far below the $15,600 poverty line set for a family of four. How can politicians try to push families off the welfare rolls on the one hand and filibuster attempts to let them earn a livable wage on the other?

The San Francisco Chronicle, ''Rewarding the Work Ethic.''

The minimum wage is approaching a 40-year low in terms of its purchasing power.

For those fortunate enough to have no idea what the minimum wage is these days, it is $4.25 an hour. It has been at that level for five years, while inflation has steadily gnawed into the paychecks of workers at the lowest rung of compensation.

President Clinton has proposed a modest increase of the minimum wage to $5.15 an hour.

Unfortunately, the Clinton plan has become mired in election-year politics. Republicans have characterized the proposal as a big favor to organized labor that would cost jobs and mostly benefit middle-class teenagers.

Wrong, wrong and wrong.

Yes, organized labor is supporting the minimum-wage increase, but this is hardly a bonanza for unions. At most it would have a slight indirect effect on collective bargaining, as union negotiators try to keep rank-and-file pay above the minimum wage.

The St. Petersburg Times, ''Let's Vote on Minimum Wage.''

Now that he has clinched the Republican nomination for president, Bob Dole is back at work in the Senate. Last week the Senate majority leader spent most of his energy trying to keep Democrats from bringing a proposed minimum wage increase to a vote.

Dole should end the debate and allow senators to vote. Democrats say they will keep trying to force a vote. Everyone knows a minimum wage increase has little chance of clearing the House. But that hasn't kept either side from trying to score political points on this issue.

Disregard for the country's poorer workers, those who try to live on an annual salary of $8,500, is one of the hallmarks of the Grand Old Party. As usual, opponents of a minimum wage increase claimed they were acting in the interests of the working poor. Allowing those workers another 90 cents per hour, they argued, actually could do them more harm than good.

Similar arguments have been made against every previous increase in the minimum wage, and each has been proved wrong.

Mr. President, I ask unanimous consent that an editorial from the Seattle Times and all of those editorials to which I have referred be printed in the RECORD in their entirety.

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

[From the Seattle Times, Apr. 5, 1996]

HELP THE WORKING POOR, RAISE MINIMUM WAGES

Presidential politics threaten an overdue 90-cent increase in the federal minimum wage. As Republicans and Democrats argue over who is the greater champion of the working poor, the buying power of their paychecks wheezes near a 40-year low.

The current $4.25 hourly wage, which was last increased in 1989, is earned by four million Americans, and another eight million workers range up to the proposed $5.15.

Republicans are loath to help Clinton fulfill a 1992 campaign pledge, and Democrats want to scorch Dole for raising his own congressional pay, and not the incomes of those whose full-time jobs only bring in $8,500 a year. . . .

Seven years ago another 90-cent increase was a largely nonpartisan event, with Dole, Georgia congressman Newt Gingrich and most all Republicans voting for the first increase since April 1981.

Over the years, the economic facts of life have drained the issue of ideological force. Americans have overwhelmingly supported the concept of a minimum wage since its creation in the Great Depression. Current polls show strong support for efforts to help poor people willing to work.

Liberal and conservative economists agree that moderate increases in the minimum wage have a negligible effect on employers or the number of low-paying jobs available, especially in the service industries where they are concentrated. Most minimum-wage workers are over age 20, and 40 percent are the sole breadwinner in their family, according to Secretary of Labor Robert Reich.

Increasing the minimum wage to $5.15 is no windfall; that is 15 percent below the wage's buying power of the 1970s. (Today a worker

has to earn $7.80 an hour to even reach the federal poverty line of $15,000 for a family of four.)

Raising wages takes on added importance if the Republican Congress follows through on plans to cut the Earned Income Tax Credit, which holds the working poor harmless from income and payroll taxes. The EITC, a favorite of former President Reagan, has been denounced by House Ways and Means Chairman Bill Archer, R-Texas, as just another welfare program.

One advantage of the minimum wage is that it puts money in people's pockets quicker and throughout the year. EITC is a vital supplement, but it is a one-time payment geared to tax season, and people who file returns.

The twin helping hands of a higher wage and the EITC recognize the effort millions of Americans are making to help themselves.

[From the New York Times, Apr. 5, 1996]

BOOST THE MINIMUM WAGE

There is a strong case for raising the minimum wage by a modest amount. Unfortunately, the issue is caught up in election-year politics, making compromise unlikely. . . .

The Democrats proposed raising the minimum wage over two years to $5.15 an hour, which would raise earnings for these workers by 90 cents an hour, or about $1,800 a year.

Even at $5.15, the minimum wage would, after taking account of inflation, remain 15 percent below its average value during the 1970's.

Will low-paid workers lose their jobs if employers must pay higher wages? Yes, but there is widespread agreement among economic studies that the impact would be very small. A 90-cent wage hike would probably wipe out fewer than 100,000 of the approximately 14 million low-paid jobs in the economy—less than a 1 percent loss. Indeed, 100,000 represents only about half the number of jobs the economy typically creates each month.

The benefits of a higher minimum wage would be substantial. At $4.25 an hour, minimum-wage workers cannot count on earning their way out of poverty. But at $5.15 an hour, or $10,700 a year, the goal is in reach. By combining earnings, food stamps worth about $3,000 and tax credits of $3,500, such workers can clear the poverty threshold for a family of four—about $16,000—even after payroll taxes. That would be a victory for public policy.

The best antipoverty strategy is to mix the tax credits and minimum wages. At President Clinton's urging, Congress recently raised the [Earned Income] tax credit. The next step is to raise the minimum wage by the modest amount the Senate Democrats have proposed. The Democrats should try again. Republicans supported such policies in the past. perhaps Senator Dole can summon the will to do so this election year.

[From the Atlanta Journal and Constitution, Apr. 3, 1996]

WORKERS DUE FOR A RAISE

President Clinton has picked a good time politically and economically to push for a modest increase in the minimum wage. Millions of workers need the raise, and the economy is healthy enough to absorb a hike without causing many job losses or inflation.

The administration and congressional Democrats want to raise the minimum wage to $5.15 in two 45-cent steps over the next two years.

A raise would help the 4 million workers who get the minimum of $4.25 an hour, and would nudge up the wages of another 8 million who earn between $4.26 and $5.14 per hour. The minimum wage hasn't been raised in five years. In terms of purchasing power the wage will fall to a 40-year low this year if Congress doesn't act.

Such low pay for workers puts a strain on society. Making about $8,500 a year, a full-time minimum-wage worker with children needs food stamps and welfare to survive. The poverty line for a family of four is $15,600 a year which means a worker would have to make at least $7.80 an hour to keep a family out of poverty.

Even though the Clinton wage proposal is quite modest, Republican leaders are fighting it aggressively. Last week, in a 55–45 roll call, Democrats in the Senate fell five votes short of forcing a vote on an amendment to boost the wage. In other words, most senators wanted to increase the wage, but GOP leaders blocked the vote.

Republican reasons for opposing the wage increase are weak. If the country were in a recession, blocking the raise would make sense because higher labor costs could cause more unemployment. Certainly, a higher minimum wage is not always a good idea: Timing is important.

But this is the right time. In today's economy, low-wage jobs are being created at an incredible pace. The unemployment rate is at a mild 5.5 percent and inflation last year ran at just 2.5 percent.

Several highly respected economic studies in recent years have suggested that few jobs would be lost if the minimum wage were to rise slightly. Robert Solow, a Nobel prize-winning economist, says that among members of the American Economics Association, a consensus has emerged that ''the employment effect of a moderate increase in the minimum wage would be very, very small.''

Polls show that about three in four Americans want the wage to rise. Republican senators, whose pay has increased by a third over the past five years, ought to get out of the way and allow the majority to increase the minimum wage.

[From the St. Louis Post-Dispatch, Apr. 2, 1996]

THE POLITICS OF 90 CENTS AN HOUR

President Bill Clinton made some interesting observations the other day about Congress' failure to raise the minimum wage. He pointed out that since the last time the federal minimum went up—five years ago on Monday—senators and representatives have increased their own salaries by about one-third. He also noted that a member of Congress made more money during the month that the government was shut down last year than a minimum-wage earner makes in an entire year.

Add those stark statistics to the more philosophical point—that the GOP majority always stresses the need for people to make it on their own, without the help of government—and the Republican roadblock to raising the minimum wage becomes even harder to swallow. At $4.25 an hour, a full-time worker earns less than $8,900—far below the $15,600 poverty line set for a family of four. How can politicians try to push families off the welfare rolls on the one hand and filibuster attempts to let them earn a livable wage on the other?

The administration is seeking to increase the minimum wage to $5.15 an hour. The Bureau of Labor Statistics says that, measured in current dollars, the value of the minimum wage has fallen 31 percent since 1979.

At the same time, the percentage of hourly wage earners who make the minimum has also declined, meaning that an increase would affect proportionately fewer workers.

Opponents of the increase often portray the typical minimum-wage worker as a teenager peddling french fries to earn gas money for his car.

But Labor Secretary Robert B. Reich points out that most such employees are age 20 and over, and 40 percent of them are the only wage earner their family has.

Given such facts, the strong support that pollsters find among Americans for raising the minimum wage is understandable. Harder to fathom is Republican opposition. The traditional GOP argument, that a higher minimum wage means smaller payrolls, has lost credibility; a study by two Princeton professors of the effects of a higher minimum in New Jersey showed no drop in employment at 331 fast-food restaurants.

Bob Dole and his Senate colleagues can stick to that tired logic if they want, but it only highlights the differences in philosophy and compassion between him and Mr. Clinton.

The majority in the Senate blocked the increase last week, but when Congress returns from its spring recess, the issue will return, too. As House Minority Leader Richard Gephardt put it, ''We're going to bring it back and back and back and back until we finally prevail for America's families and workers.'' Those families and workers are also voters, and come November, they won't forget who stood in the path to a decent wage.

[From the San Francisco Chronicle, Apr. 8, 1996]

REWARDING THE WORK ETHIC

The minimum wage is approaching a 40-year low in terms of its purchasing power.

For those fortunate enough to have no idea what the minimum wage is these days, it is $4.25 an hour. It has been at that level for five years, while inflation has steadily gnawed into the paychecks of workers at the lowest rung of compensation.

President Clinton has proposed a modest increase of the minimum wage to $5.15 an hour.

Unfortunately, the Clinton plan has become mired in election-year politics. Republicans have characterized the proposal as a big favor to organized labor that would cost jobs and mostly benefit middle- class teenagers.

Wrong, wrong and wrong.

Yes, organized labor is supporting the minimum-wage increase, but this is hardly a bonanza for unions. At most it would have a slight indirect effect on collective bargaining, as union negotiators try to keep rank-and-file pay above the minimum wage.

The lost-jobs argument is sharply refuted by many respected economists, who have calculated that the minimum wage would need to approach $6 an hour before having a measurable effect on employment levels.

And this debate is not about how much high-school students should be paid for flipping hamburgers. Of the 10 million people earning $4.25 an hour, 69 percent are age 20 and older.

It is, indeed, a tough living. Ninety cents an hour—or $1,800 a year for a full-time worker—can make a difference for someone at the poverty line.

Politicians like to talk about restoring the work ethic, about encouraging people to leave public assistance. Millions of people are answering the call—and getting too little in return.

Congress should vote them a raise.

[From the St. Petersburg Times, Apr. 1, 1996]

LET'S VOTE ON MINIMUM WAGE

Now that he has clinched the Republican nomination for president, Bob Dole is back at work in the Senate. Last week the Senate majority leader spent most of his energy trying to keep Democrats from bringing a proposed minimum wage increase to a vote.

Dole should end the debate and allow senators to vote. Democrats say they will keep trying to force a vote. Everyone knows a minimum wage increase has little chance of clearing the House. But that hasn't kept either side from trying to score political points on this issue.

Disregard for the country's poorer workers, those who try to live on an annual salary of $8,500, is one of the hallmarks of the Grand Old Party. As usual, opponents of a minimum wage increase claimed they were acting in the interests of the working poor. Allowing those workers another 90 cents per hour, they argued, actually could do them more harm than good.

Similar arguments have been made against every previous increase in the minimum wage, and each has been proved wrong.

The proposed legislation would raise the $4.25 minimum wage by 90 cents in two increments over 15 months. That may be small change in Washington, but to those trying to live on the minimum wage, who earn about three quarters of the $12,500 income that marks the federal poverty level, another 90 cents an hour is real money.

Dole says he is a doer, not a talker. Fine. Stop the debate and bring the issue to a vote. It's time to raise the minimum wage.

Mr. KENNEDY. Mr. President, these are typical editorials from across the country, and they go on and on and on with the two themes that, one, it is time to act it is time to act here in the Senate now; and it is also an issue of fairness and decency north, south, east, and west.

Mr. President, with this depth and breadth of support among editorial boards for a higher minimum wage, and the broad support among voters for a higher minimum wage, the question is obvious. Why are Republicans obstructing action on the minimum wage?

Every day Congress fails to vote on this issue is one more day that millions of hard-working Americans have to survive on less than a living wage.

While Americans sit around their kitchen tables trying to pay their bills, Republicans in Congress are huddled in back rooms plotting new parliamentary maneuvers to duck their responsibility to America's working families.

The people are ahead of the politicians on this issue. While the Republican majority in Congress dithers and delays, working men and women across the country are waiting for our answer.

Republicans love to talk about work. But when the chips are down, they deny the value of work. They refuse to support a fair day's wage for a full day's work.

One of the biggest issues of 1996 is the declining standard of living for the vast majority of American families. The economy may be doing well, but the gains are flowing primarily to those at the top. The vast majority of Americans are being left out and left behind, and those at the bottom of the ladder are being left the farthest behind.

Millions of working families are struggling to survive on the minimum wage, which is now only $4.25 an hour. They have not had a pay increase in 5 years. The value of the minimum wage is now near its lowest level in 40 years. It is no longer even enough to keep a working family out of poverty.

Republican Senators have voted themselves three pay increases in that 5-year period—thousands of dollars in pay raises for themselves, but not one thin dime for families struggling to survive on the minimum wage.

How can the majority leader keep saying no? Raise the minimum wage. No one who works for a living should have to live in poverty.

We want a vote—a clean, yes or no, up or down vote on increasing the minimum wage.

The American people look to the Congress for action on the minimum wage—and all they see are cloture petitions, quorum calls, and procedural gymnastics to avoid taking action. I say, end the gridlock, end the deadlock—act on the minimum wage. Let's get the Senate out of the Doledrums.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, might I inquire of my distinguished colleague with respect to the time?

There was some thought earlier that some additional time might be yielded from that side to this side. I wonder if I could ask for 10 minutes such that I do not inconvenience my colleagues at the conclusion of the remarks of the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Virginia knows that I have just come to the floor to speak and do not control time. But I see no other Senator on this side seeking to speak. If my friend from Virginia wants 10 minutes, I would be happy to, and I will assume the position that I can yield that time and would be honored to do so with the understanding as I shall listen with close attention to what he says for 10 minutes, that he might undertake to do the same.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. MOYNIHAN. I propose to discourse at some length on Alfred Marshall's ''Principles of Economics'' published in 1890.

Mr. WARNER. Mr. President, I thank my colleague and friend.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wonder if I might follow my distinguished colleague. I would profit greatly from the erudition that I assume will be displayed.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, the erudition is from Alfred Marshall, not of this poor student of his or his successor three times removed.

Mr. President, it fell to me, then chairman of the Committee on Finance, to reach agreement on our Democratic side on the Omnibus Budget Reconciliation Act of 1993. There was no Republican involvement and no Republican support, for perfectly straightforward reasons. It fell to me to negotiate among ourselves the 4.3-cent increase in the gasoline tax which is suddenly under discussion today. The President had originally proposed an increase in the Btu tax. And I suppose it is not inappropriate if I am going to be speaking from Alfred Marshall's text, he having been a distinguished professor in Great Britain, to refer to the Btu, which stands for ''British thermal units.''

The House voted a larger Btu tax increase, but the matter came to the Senate, and there was no disposition here to address the general range of energy uses—that involved coal and gas and other sources of energy—as against simply gasoline.

It was not easy to reach agreement on the 4.3 cents. That was the last part of the budget deficit reduction that we had to put together, a total reduction of $500 billion, half of it by raising—I will use that dread word ''taxes''—not fees, not premiums—taxes, and a somewhat smaller proportion from reducing, cutting, and, in many cases, eliminating Federal programs.

The last bit we had to get was that 4.3 cents. We had to get up to 4.3 to reach our $500 billion mark. I record this simply to say it was not easy. It took 1 week with the Finance Committee Democrats in room 301 of this building, some of the longest days I have spent in the Senate. In the end we did it because it had to be done. And we have results to show for it.

So much of what happens in Government, as in other aspects of life, has indistinct or very long-run consequences not easily seen. To the contrary, today, the American economy is the wonder of the world. There is no nation in the OECD, the Organization of Economic Cooperation and Development, formed just after World War II, that comes anywhere close to our rate of growth, our unemployment rate, our price stability, and the long, sustained period of growth which we are in.

We are now, sir, as of May, in the 63d month, more than 5 years, of continued economic expansion—not the longest, as in the 1960's, but something that would have been considered beyond imagining 50, 60, 70 years ago.

The budget deficit, Mr. President, has been cut in half. The numbers are astounding. We went from a budget deficit of $290 billion in 1992—these are fiscal years—to what, if you average out OMB, which says 146, and CBO, 144, is a deficit of $145 billion in the current year.

Half—we have cut it in half in 4 years. The deficit now is the lowest, in proportion to our annual gross domestic product, it has been in 15 years.

Real growth rate is at a solid 2 percent, which is very impressive, given the fact that we have full employment and no inflation.

Our distinguished Director of the Congressional Budget Office—and I apologize for the initials CBO—Dr. June O'Neill, recently testified before the Senate Budget Committee:

CBO continues to believe that the U.S. economy is fundamentally sound and estimates that the chances of a major downturn in the next two years are not high.

Now, one of the reasons things are very good is that we did what was difficult to do in 1993, and we did it on our own on this side of the aisle. We are not complaining whatever about that. If it was to be our budget, let us do it. I could wish it was bipartisan. It was not. But that has nothing to do with the fact we found 50 votes here plus the Vice President. It was close. And that last tenth of a cent on the gasoline tax did it.

In January 1994, our eminent Chairman of the Federal Reserve Board, Alan Greenspan, testified before the Joint Economic Committee as follows:

The actions taken last year—

Referring to our budget deficit reduction measure with the gasoline tax.

to reduce the Federal budget deficit have been instrumental in creating the basis for declining inflation expectations and easing pressures on long-term interest rates. . . What I argued at the time is that the purpose of getting a lower budget deficit was essentially to improve the long-term outlook, and that if the deficit reduction is credible, then the long-term outlook gets discounted upfront. Indeed, that is precisely what is happening.

The term, sir, is the deficit premium on the interest rate, the expectation upfront that inflation will increase so that interest rates would be higher than they otherwise would be. They are now down. And that added another $100 billion of deficit reduction.

That is how we were able to cut the deficit in half. Do we have problems in the outyears? Indeed, we do. But are we on the right track now? Indeed, we are. Unemployment for April was 5.4 percent. That is roughly full employment in our present jargon. Inflation is in check. The Consumer Price Index, which overstates inflation, is at 3 percent—something unprecedented — and real wages and salaries increased in the first 3 months of this year by 1 percent, a very handsome rate.

One of the consequences, Mr. President—and I hesitate to use another chart on the Senate floor, but this one, I think is important. The public is watching and my colleagues might find it interesting. For the first time, sir, since the 1960's, the Federal budget has a primary surplus. A primary surplus is the difference between revenues and outlays for programs.

I came to Washington in 1961 with the Kennedy administration, and I can report something that may have been lost to the memory of many of us. Our biggest problem as then seen by the economic advisers to the President was that the Federal Government was taking in more money than it was spending and hence depressing our move toward full employment. The term was ''fiscal drag.'' The efforts to get Federal revenues out, back into circulation, were extraordinary.

I can recall my first visit, the first time I was ever in the Oval Office. It was with the beloved Secretary of Labor, Arthur Goldberg, and we were bringing to the President a proposal to increase the pay of public servants, postwar and such. And the President looked at our proposal and said, ''Is that all?'' Walter Heller, the chairman of the Council, said, oh, surely we need to do more than that; he added up the numbers on the page, just like that.

We were about to propose revenue sharing. If Congress would not spend the money, perhaps Governors would. I am not speaking lightly of what you spend, but there is such a thing as seeing that you do not keep the economy depressed by taking in more revenue than goes back into the economic stream. In the 1960's we had those surpluses. Those blue marks indicate a slight surplus, primary surplus, not big, but big enough to preoccupy us.

Then we had the oil crisis of the 1970's and deficits came. Then the 1980's and deliberate deficits of enormous amounts and the debt that went from $995 billion at the end of fiscal year 1981 to where we just now, just recently, raised the debt ceiling to $5.5 trillion. We added almost $5 trillion to our debt. The debt is huge and the interest has to be paid and it will be. But in the meantime, if you can look at this chart, we are back to a primary surplus—we did a good job in 1993—a primary surplus averaging about $66 billion for the next 4 years. A little good news does not do any harm, sparingly. And this is solid good news.

Now, suddenly, we are asked to dismantle that last, painful mile we had to travel in 1993, that 4.3 cents. It took 1 week to get from 4 cents to 4.3 cents and then bring it to the floor where it passed just barely, with the remarkable results we now see.

If a reasonable case could be made that to eliminate this gasoline tax right now would save consumers money, then it should be considered. Some have tried to make that argument. But it is simply not the case that there should be any expectation whatsoever of any impact on gasoline prices from a reduction of this tax, because the present spike in prices is the result of a series of very simple events. We had a very cold winter and used up more oil reserves than we might have done. There was an expectation that Iraq's petroleum might come out to the world market—it did not do so. In California, a number of refineries that were moving along well have ceased to do so. Then there is apparently a development within the refining industry of just-in-time inventories. Perfectly good economics. It has made a big difference in the profitability of firms all over the country.

But what happens, when you have a short-term shortage, to prices when you try to do something such as this? Well, my good friend and deskmate and member of the Finance Committee, the Senator from Louisiana, earlier cited Philip K. Verleger, Jr., an economist at Charles River Associates, who was quoted in the press just yesterday, in the Washington Post, saying, ''The Republican-sponsored solution to the current fuels problem * * * is nothing more and nothing less than a refiner's benefit bill* * *. It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.''

Is that the result of some conspiracy among the big oil companies? No, sir. I have no reason to think—it may be true, but I have never heard it mentioned—that an oil company came to anybody on Capitol Hill and said, ''Would you cut that tax?'' The reason Mr. Verleger said the reduction in the tax would benefit refiners is that for a century it has been the clearest understanding of the economics profession that under short-term supply conditions, a change such as a reduction in an excise tax does not affect the price paid by the consumer.

In 1890, Alfred Marshall, as I mentioned to my friend from Virginia, the great professor of economics at Cambridge University—he taught John Maynard Keynes, the father of modern macro economics—produced his opus, his great text, ''Principles of Economics.'' I have here a volume reprinted in 1961. This was the summation of what economists knew at that time, in the late 19th century.

The PRESIDING OFFICER. The Senator from New York is advised the majority has 13 minutes left, of which 10——

Mr. MOYNIHAN. Three. I would not bring up Marshall if I expected to hold my audience very much longer than 3 minutes.

Marshall took the example—to illustrate short-term supply, a fascinating thing—he took the example of fish. He said, what happens if there is a sudden change in the situation? Weather makes fish more or less available—a nice point—or if there is an increased demand for fish caused by the scarcity of meat during the year or two following a cattle plague. Mad cow disease in the late 19th century. A scarcity of fish caused by uncertainties of the weather has its exact parallel in our cold winter. These things come. I do not have to tell the Senator from Vermont about cold winters.

Would outside intervention change the price of fish to the consumer in that circumstance, when there was a fixed supply? The answer from Alfred Marshall is emphatically ''no.'' Students of economics my age will remember this book. It is a very heavy book, but it is still around and it works. What it propounded is very clear. He said:

To go over the ground in another way. Market values are governed by the relation of demand to stocks actually in the market. . . .''

This is something businessmen know. Mr. Mike Bowlin, Chairman of ARCO, said on ABC's ''Nightline'' Tuesday evening:

My concern is that there are other market forces that clearly will overwhelm the relatively small decrease in the price of gasoline, and that alarms me, that people's expectations will be that the minute the tax is removed, they want to see gasoline prices go down 4.3 cents, and that won't happen.

This is something we know. Or it can be said as much as things like this are knowable, this we know. The businessman says it, the economist says it, the grandfather of them all explained it 100 years ago. There is good news, which is that the futures markets show the price of crude oil going down very sharply, from about $22 a barrel today to about $18 for next September. Gas prices will go down. Can we not just let them go down by normal market forces and keep the budget agreement intact, the agreement which has brought us to this happy moment?

I do thank the President for his patience. I look forward to listening attentively to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise in strong support of the TEAM Act. I was privileged, at the request of the distinguished chairman from Missouri, Mr. BOND, to chair the Small Business Committee and hold a hearing on this subject. In my remarks today, I will refer to a number of very important pieces of testimony, some coming from those in Virginia, who came before that committee to clearly, clearly support the need for this change in the law.

I refer back to the 1930's when the original Wagner act was enacted in 1935.

It is time that we should change the law. That is all we are asking. This is not the 1930's. Today, employees are highly skilled, far better educated, conscious of the fact they are in a global economy competing not with the company down the street or the company in the next State but, indeed, with companies all over the world. While they are sleeping, other companies elsewhere in the world are building much the same products that are flowing into this one global market.

Yet, here they are, nonunion employees handcuffed by a law passed in the 1930's at a time when really workers were expected, like Tennyson once referred to soldiers, ''Yours is not to reason why but to do or die'' in the workplace.

Those days are gone, and today we recognize each human being for their individual worth: man and woman, experienced worker, inexperienced worker, young and old. Yet they are hobbled by this act that goes back to 1935. All we ask is revision of that act.

In almost every industrial plant or workplace in America today, be it large or small, there is a suggestion box. The workers are invited to drop suggestions in their suggestion box. All the TEAM Act really does is to enlarge the concept of the suggestion box so that they can sit down and discuss with management in that company their own ideas to increase productivity, to increase safety. It is just the bare essentials of everyday existence in a plant environment. Yet, they are hobbled by this ancient, ancient law.

This is not an act to try and thwart the right to unionize. In no way does it do that. It simply gives the nonunion worker a chance to express his or her own view, such that their plant can become more productive, with the hope and expectation that their salary check might be increased. And to speak about safety issues so that they can live and work longer in a safer environment. That is all they ask.

I urge my colleagues, no matter how strong your affiliation and ties are to organized labor, look at this law. Decide it upon its own merits. Think of those people all across our Nation today who are working to compete in this global market.

This bill, again, in no way affects the rights of workers who have chosen to unionize. Rather, it assists only the workers who have chosen not to unionize, such as those in my State, which is, proudly, a right-to-work State.

I went back and looked at so much of the testimony from the Small Business hearing. Most people would be shocked to learn that the current labor law makes it illegal for employees in nonunion plants, workplaces, to discuss matters such as safety and productivity and work schedules, the daily routine, where they might have lunch, the quality of the food, safety of the machinery, the age of the machinery. It is such logical discourse between labor and management in today's market, yet this law stands there like a stone wall to prohibit the exchange of ideas.

Section 8(a)(2) of the National Labor Relations Act just does that. The NLRA casts a cloud of illegality on all types of organized employee participation in the workplace; that is, when groups get together. You can drop your suggestion in, but you cannot join with four or five other workers and go into the boss' office, perhaps put your feet up, and have a discussion on these subjects. It sounds crazy. It is just totally out of context with our lifestyle today.

Listen to the type of issues which cannot—I repeat cannot —be discussed in any organized group discussion. I am not talking about organized unions: I am talking about just organized group discussion, even if it is initiated by the employees. One has been the day care center. We did not have day care centers in the 1930's. I am not suggesting I was around and in the work force then, but my parents were. There may have been a work or day care center in some plant, but certainly they did not exist in the breadth that is all common in America today. But these people in their workplace cannot go in and talk about day care with the management.

Then there are softball teams. Sports have become a part of the lifestyle, fortunately, in many industrialized places in America today, but the workers cannot go in and discuss the after hours, extracurricular athletic participation of the employees.

Another example is the employee lounge: a reserved area in the plant where they might go for a break or have their lunch or just enjoy themselves.

As far as vacations, no way, no discussion is allowed.

How about rules on arguments among employees? Today, there is a lot of tension in many of our workplaces, but people are not free to go in and just discuss that with their bosses in the hopes to alleviate this situation of tension.

Just stop to think, dress codes cannot even be discussed. Nor can parking regulations, smoking or nonsmoking policies and, indeed, safety in labeling. And on and on it goes.

To me, this just defies common sense, defies good judgment. It goes back to the old days: Yours is not to reason why, but just to do or die. And that is totally alien to today's workplace.

Mr. President, one of the biggest concerns of the American people and especially the people of my State is that the Federal Government, instead of helping them get ahead, helping them become more competitive, sets up these roadblocks to make that less possible.

The TEAM Act is a piece of legislation which will help lessen that roadblock put on in 1935 and allow the workers in our industrial plants all across America to use their skills, their energies and their ideas to create a more productive and, hopefully, safer work environment, and to make America collectively more competitive throughout the world.

Do the workers in comparable plants in Asia or Europe have these problems? No. They can sit down with their bosses. As a matter of fact, much of the concept of this TEAM Act originated abroad and has been brought to our shores and yet here there is a law to stop it.

The TEAM Act is necessary to free business and workers from the shackles of an ancient law.

Mr. President, do I note the time has arrived?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator has 30 additional seconds.

Mr. WARNER. I thank the Chair.

I have met with a number of employees in the context of our hearing and in private meetings who have told me the actual stories and experiences of those who are participating in plants where they go ahead, despite the law, and sit down and talk with their bosses, risking prosecution by the National Labor Relations Board.

I have met with employees and management from some Virginia companies which have had great success with the team concept. The AMP Corp. which makes electrical connectors used around the world has a plant in Roanoke, VA, is one such example. Employees and management established a number of teams to help meet the challenge of foreign competition. One team of workers went with management to another AMP facility, learned a new stamping process and implemented it in Roanoke, creating 20 new jobs to increase output made possible by the new process.

Another team of workers was assigned the task of comparing AMP's production processes to foreign competitors, a task which management had done by themselves previously. The team was better able to see how inventory levels, technology changes, and production cycles affected productivity than management had been. As a result, quality and delivery is better, prices are lower, and the company and its employees are more secure.

Last, a third team of AMP, known as the community education team, reaches out to local schools. Through this team, AMP has been able to recruit new workers from the Roanoke area with the necessary technology training rather than recruiting out of the area.

AMP's experiences have been mirrored at other Virginia companies. For example, at the TRW plant in southwestern Virginia in Atkins, VA, one customer, a huge automobile manufacturer, requested that the employees on a rack and pinion gear production line have a brainstorming session to seek ways to improve efficiency. Over 200 ideas were advanced by employees and, working together with management, nearly 90 percent of these were implemented. These ideas included everything from standardizing shelving heights to redesigning multiple parts into one piece. The results have been amazing, with production up one-third per operator and savings of over $100,000 to the customer.

At R.R. Donnelly, Corp. in Harrisonburg, VA, the introduction of work teams to supervise various aspects of the production of hardcover books has had different results than organized labor might have you believe. Rather than being an attempt to subvert the employees, Donnelly's teams have resulted in an increase of over 50 percent in production jobs and a decrease of 33 percent in management positions. These statistics should not be surprising because what teams do, in effect, is to make the employees into managers of their operations.

I am certain there are numerous other such examples from around Virginia, but the last I would like to mention is Universal Dynamics in Woodbridge, VA, just south of the beltway on I–95. UNA–DYN, as it is known, manufacturers industrial dehumidifiers and has implemented the team concept throughout their manufacturing and engineering processes.

Mac McCammon testified at the hearing which I chaired last month. He described how employee suggestions are implemented by employee teams with only marginal involvement from management, these suggestion sheets have been at the heart of the company's huge growth over the past 5 years.

Unions have said that this bill is bad for workers: in fact, it is exactly what employees have been seeking for years. All of us know that a job is more satisfying when you have input into your responsibilities and help improve the product or service you help create. Today's employees give more than their sweat, they give their minds and their ability to work together. This bill provides that opportunity.

In addition, more and more employees receive profit-sharing or bonuses based on the financial performance of their company, they have a direct stake in improving the productivity of their business.

And then there is the issue of employee safety. Employees are the best experts on what is dangerous in their workplaces and what are the best solutions.

In the Small Business Committee hearing, we heard from Ms. Donna Gooch, the human resources director of Sunsoft Corp. in Albuquerque, NM. In order to meet increased demand for their contact lenses, management and employees agreed on a 7-day workweek. Not only were teams used to meet the increased problems with child care and scheduling, they were essential in structuring job tasks to avoid expensive ergonomic injuries. Without full employee involvement, none of this would have been possible.

My colleagues have explained in detail the nuances of current law. My main point is that most people would be shocked to learn that current labor law makes it illegal for employees in nonunion workplaces to discuss matters such as safety, productivity, and work schedules with management. Section 8(a)(2) of the National Labor Relations Act, unfortunately, does just that. The NLRA casts a cloud of illegality on all types of organized employee participation in the workplace.

Among the issues which cannot be discussed in any organized fashion—cannot be discussed even if initiated by the employees—have been day care, softball teams, an employee lounge, structuring of employee evaluations, vacations, rules on fighting among employees, dress codes, parking regulations, smoking policies, and safety labeling.

Now of course it would be perfectly legal for the employer to dictate from on high how employees must be regulated. Isn't it clear that work productivity would be higher, that worker happiness would be better, if the employees had a voice in these matters?

This cloud caused by the current law must be lifted. This is no time for our Government, through increasingly common enforcement cases brought by the National Labor Relations Board, to make it harder to create competitive and safe workplaces.

The Clinton administration has recognized that employee participation in unionized workplaces have brought enormous gains in productivity and safety. President Clinton even remarked about this fact in his State of the Union Address. His thought is correct, but it must be applied not just to union workplaces. It is time that the 90 percent of nongovernment employees who have chosen not to unionize be given similar rights and opportunities.

I am particularly concerned about small businesses most at risk under current law. Most small businesses are too small to have classifications like manager and employee—all employees have to act and think like managers. Second, many businesses cannot afford to hire labor attorneys to analyze every employee-manager interaction. Third, the expense of contesting a NLRB action is too great a threat to many businesses to even think about starting employee team programs.

Unions seem to fear that employees able to contribute more to their workplace will be less anxious to unionize. Well, what's wrong with that? Unionization works where collective bargaining is necessary to balance the bargaining scale—it is not necessary for most workplaces, and if employees are happier and more productive without a union, the Government should not block their wishes.

In conclusion, the TEAM Act is not only needed to keep America competitive, it is desperately sought by American workers. The world has changed since the 1930's, and the law must change as well.

The PRESIDING OFFICER. The Senator's time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Dole amendment, No. 3960:

Bob Dole, Orrin Hatch, John Warner, Trent Lott, Thad Cochran, Slade Gorton, Phil Gramm, Kay Bailey Hutchison, Connie Mack, Strom Thurmond, Dan Coats, Craig Thomas, Dirk Kempthorne, Jesse Helms, Bob Smith, Jim Jeffords.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on amendment No. 3960 be brought to a close? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessary absent.

I also announce that the Senator from Vermont [Mr. LEAHY] is absent due to death in the family.

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Campbell	Kennedy	Robb
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Exon	Levin	

NOT VOTING—4

Bradley	Leahy
Glenn	Rockefeller

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MEGAN'S LAW

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 393, H.R. 2137.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, Tuesday night the House passed an important measure that will help protect our Nation's children from sexual predators.

By a vote of 418 to 0, the House passed legislation, known as Megan's law, that strengthens existing law to require all 50 States to notify communities of the presence of convicted sex offenders who might pose a danger to children.

In 1994, the crime bill allowed but did not require States to take such steps. And since that time, 49 States have enacted sex offender registration laws, and 30 States have adopted community notification provisions.

But not all States have taken the necessary steps to require such notification, and this is a tragedy in the making.

For once, let us prevent a tragedy instead of waiting for some other horrific crime and then taking action. We should pass this law now.

How can we hesitate one moment?

Every parent in America knows the fear, the doubts, he or she suffers worrying about the safety of his or her children. Parents understand that their children cannot know how truly evil some people are. They know that no matter how hard they try, they cannot be with their children every second of the day.

And a second is all it takes for tragedy to strike.

We have an obligation to ensure that those who have committed such crimes will not be able to do so again. This is a limited measure, but an absolutely necessary one.

Mr. GORTON. Mr. President, we will act tonight on Megan's law, which strengthens and improves a good law, and provides families with needed protection against the most heinous of crimes. Although Megan's law will not affect my State of Washington, which should, and does serve as a model for other States around the country, it will assist those States that, for whatever reason, have been slower to act or more timorous in their fight against crime.

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act. The act contained a number of good provisions, perhaps the one I cared about most was the provision calling for the registration of sexual offenders and community notification. Most States have already implemented systems to require people who abduct children, or who commit sexual crimes, to register their addresses with State or local law enforcement officials. The provision in the 1994 act, however, was not as tough as I would have liked. The Act permitted State and local law enforcement to notify communities that there was a sexual predator in their midst, but it did not require this notification. We are back now to improve upon that law by requiring community notification. Even with this mandate, however, State and local law enforcement officials, still will retain the substantial discretion to determine when community notification is called for, what information to release, and how to best inform the community.

Parents have a right to know that their children are in danger, that the person living next door to them, or down the street is a convicted sexual predator. The need for this notification was tragically illustrated in the case of Megan Kanka, for whom the law before us today is named. Two years ago, Megan was allegedly raped and murdered by a man who lived across the street from her, a man who twice before had been convicted of being a sexual predator, and who lived with two house mates who were themselves sexual predators. Megan's parents did not know this. If they had, they could have advised their daughter not to accept her neighbor's invitation to come into his house to see a puppy.

Mr. DOLE. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements in the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2137) was deemed read three times and passed.

Mr. DOLE. I think, just for the information of my colleagues, this bill just passed is commonly referred to as Megan's law.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3960 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw my amendment No. 3960.

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

The amendment (No. 3960) was withdrawn.

AMENDMENT NO. 3961 TO AMENDMENT NO. 3955

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. ROTH, proposes an amendment numbered 3961 to amendment No. 3955 to the instructions of the motion to refer H.R. 2937.

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

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

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

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole amendment, No. 3961:

Bob Dole, Trent Lott, Craig Thomas, Larry E. Craig, R.F. Bennett, Mark Hatfield, Ben N. Campbell, Spencer Abraham, Nancy Landon Kassebaum, Don Nickles, Chuck Grassley, Conrad Burns, John Ashcroft, Jim Inhofe, P. Gramm, W.V. Roth, Jr.

Mr. DOLE. Mr. President, for the information all Senators, this cloture vote on my new amendment, which contains only the gas tax bill, will occur on Tuesday, May 14. I will consult with the Democratic leader prior to setting the next cloture vote.

Let me explain precisely what this amendment contains. My Democratic colleagues have just blocked repeal of the 4.3-cent gas tax. They blocked an increase also in the minimum wage. So I have laid down another amendment to repeal the gas tax. This amendment contains additional funding that completely offsets the cost of the repeal. The amendment raises $4.1 billion in fiscal 1996 and by adopting provisions the President and Secretary Rubin have specifically asked for. I have their letters here for the RECORD. The amendment will also help avert another savings and loan crisis. This is the so-called BIF–SAIF provision.

In the spirit—I have thought about it—in the spirit of the President's press conference yesterday asking for cooperation, I have decided to offer the gas tax repeal, which he said he would sign, and pay for it with a measure that he wants desperately. In fact, on April 14 he said that there is a proposal before Congress from the administration to:

. . . restore the Savings Association Insurance Fund to full health and assure that interest payments on the so-called FICO bonds continue uninterrupted. With the enactment of this legislation, we could all take pride in achieving a resolution of the last remaining consequences of the thrift industry's problems of the 1980's. Moreover, we can do this without imposing additional costs on American taxpayers.

This necessary proposal will protect taxpayers, who have already paid over $125 billion to assure that no insured depositor suffered any loss as a result of these problems.

I am accommodating the President's request. I know some of the bankers and others may not be totally satisfied with this, but I suggest they call area code 202–456–1414.

I also will have printed in the RECORD a letter from Secretary Rubin received just yesterday, pleading with us to move on this legislation which is important. Underscoring the importance of the legislation, it would "restore the Savings Association Insurance Fund." They said we have had it before us for some time and they have "consistently urged the SAIF legislation should receive immediate action."

Again in response, and I discussed this with my assistant leader, Senator LOTT, in response to the request of the President, his bipartisan appeal yesterday, and the letter from the Secretary of the Treasury, we have offered that as a way to pay for the repeal of the gas tax.

I ask unanimous consent to have the letter from the President and the letter from the Secretary printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, April 24, 1996.

Hon. BOB DOLE, Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Congress has before it a proposal from the Administration that would restore the Savings Association Insurance Fund to full health and assure that interest payments on the so-called FICO bonds continue uninterrupted. With the enactment of this legislation, we could all take pride in achieving a resolution of the last remaining consequences of the thrift industry's problems of the 1980's. Moreover, we can do so without imposing additional costs on American Taxpayers.

This necessary proposal will protect taxpayers, who have already paid over $125 billion to assure that no insured depositor suffered any loss as the result of these problems. I believe this legislation has broad bipartisan support, and I urge the Leadership to consider immediate Congressional action.

Sincerely,

BILL CLINTON.

DEPARTMENT OF THE TREASURY,
Washington, DC, May 7, 1996.

Hon. ROBERT DOLE, Majority Leader,
U.S. Senate, Washington, DC.

DEAR BOB: I am writing to you in furtherance of the President's letter of April 24, 1996. As the President explained, it is a matter of great national importance to enact legislation that would restore the Savings Association Insurance Fund (SAIF) to full health and assure that interest payments on the FICO bonds continue uninterrupted. The Congress has before it a proposal from the Administration that would accomplish these ends. As the Administration has consistently urged, the SAIF legislation should receive immediate action. Moreover, we believe that the SAIF legislation would be a suitable means to help pay for other appropriate legislation.

Sincerely,

ROBERT E. RUBIN.

Mr. DOLE. So, I would say hopefully on Tuesday, then, we can obtain cloture. Then we will decide how to deal with the TEAM Act and minimum wage. They are still floating around out there, or will be. We are still prepared, I think, as Senator LOTT has had a couple of meetings today, to pick a time certain, sometime in June—or maybe, if we can, do it before the recess—to take up those questions.

There has also been a question raised. I have written a letter to the Senator from North Dakota, Senator DORGAN, to see if he had any suggestion, because he was concerned if we did repeal the gas tax it would not reach the consumers. I was asked in a press conference yesterday about a statement by ARCO, Atlantic Richfield Co., that maybe they would not be passed on to consumers.

But I now have statements from bus and trucking groups who say they would pass along the savings from the repeal to their customers in the form of lower travel costs. And I also have a statement from ARCO and Exxon and others.

I ask unanimous consent all these statements be printed in the RECORD.

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

ARCO,
Los Angeles, CA, May 9, 1996.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that "if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

The ARCO chairman said in an interview on ABC's "Nightline" broadcast on May 7, that he had "simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon."

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decisions in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that "gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline."

ARCO chairman Bowlin said: "What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump."

EXXON COMMENT CONCERNING POTENTIAL MARKET IMPACT OF CHANGE IN FEDERAL MOTOR FUEL EXCISE TAX

Pricing decisions are based on competitive market conditions in each of our markets. Exxon cannot predict future prices.

The marketplace decides what the price of gasoline will be. If the federal excise tax on gasoline is rolled back as proposed, we believe the very competitive market will result in a gasoline price that is 4.3 cents less than it would have been without the rollback, but we don't know what the absolute price will be.

Retail gasoline prices at most Exxon service stations (about 7,900 of the approximately 8,300 Exxon branded outlets in the nation) are established by the independent dealers and distributors who operate them. Exxon is

prohibited by law from dictating the price that its dealers and distributors charge their customers at the retail level.

Retail prices at the approximately 400 outlets operated directly by the company also are set in response to competitive factors in the markets in which they compete.

Competitive factors include, among others, the supply of gasoline, consumers' demand for gasoline, crude oil costs, state and federal excise taxes, and the cost of complying with environmental regulations.

CHEVRON RESPONSE TO GASOLINE TAX DECREASE

In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, a Chevron spokesman said the following:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S. and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices which are set by competition in the marketplace. It is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

TEXACO INC.,
White Plains NY, May 3, 1996.

Response to media inquiries:
Re Gasoline tax debate.

Question. If the 1993 federal gasoline tax increase of 4.3 cents per gallon is repealed, what would Texaco do regarding prices at the pump?

Answer. For the approximately 15 percent of the Texaco service stations where we set the pump prices, all things beings equal, repeal of the 4.3 cents per gallon tax would reduce the pump prices accordingly.

For the 85 percent of the Texaco stations owned or operated by individual business people, Texaco is precluded by law from setting pump prices. Nevertheless, for the industry generally, we believe lower taxes will result in lower gasoline prices for consumers.

Retail gasoline pump prices are highly competitive and the prices at individual stations are determined by the competitive environment in which that station does business.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon.

ANTHONY J. SAGGESE, Jr.,
General Tax Attorney.

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, May 7, 1996.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: It was my pleasure to appear before the Senate Finance Committee on May 3rd and testify in support of your efforts to repeal the 4.3 cents fuel tax that goes into the general fund. The American Trucking Associations represents an industry composed of small businesses with an average profit of 1.5 cents on a dollar of revenue. The current spiraling fuel prices are putting many of our small companies in a precarious financial position.

I was relieved to hear the representative of the service station industry testify that they will pass along tax savings to their customers. We have heard similar statements from the major oil companies.

I am confident that, after covering the cost of rising fuel prices, the savings will be passed on to our customers and consumers because we are a highly competitive industry with over 350,000 interstate trucking companies.

Thank you for the opportunity to expand upon my comments. Please call me if I can be of further assistance.

Sincerely,

THOMAS J. DONOHUE,
President and
Chief Executive Officer.

AMERICAN BUS ASSOCIATION,
Washington, DC, May 7, 1996.

Hon. BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: On behalf of the American Bus Association, I want to thank you once again for your proposal to repeal the 4.3 cents per gallon deficit reduction fuel tax. We fully support your efforts in this regard.

We want to assure you that any benefits as a result of a tax repeal will accrue to the consumer, in our case, the intercity bus passenger.

With all our best wishes.

Sincerely,

SUSAN PERRY,
Senior Vice President,
Government Relations.

ASSOCIATION OF AMERICAN RAILROADS,
Washington, DC, May 9, 1996.

Hon. BOB DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER DOLE: On behalf of the Association of American Railroads (AAR), I write to advise that customers should benefit from the elimination of the 4.3 cents-per-gallon deficit reduction fuel tax imposed in 1993. Some adjustments or ''hold downs'' may be automatic given cost adjustment factors in rail contracts.

Competition among the freight transportation modes is intense. As a result, the freight railroads are constantly improving service to shippers and offering competitive rates. In fact, rail freight rates have declined by 22 percent since 1981 in current dollars and by 51% in inflation-adjusted dollars.

AAR supports your efforts to eliminate the 4.3 cents-per-gallon deficit reduction fuel tax. AAR also urges you to repeal the additional 1.25 cents-per-gallon deficit reduction tax resulting from the 1993 Budget Reconciliation Act which is paid exclusively by the railroad industry. The inequity in current law should be remedied so that the railroad industry will no longer be required to pay more for deficit reduction than its competitors.

We appreciate your leadership on this important issue.

Sincerely,

EDWIN L. HARPER,
President and
Chief Executive Officer.

AIR TRANSPORT ASSOCIATION,
Washington, DC, May 8, 1996.

Hon. ROBERT DOLE,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: We have been asked whether the reduction in the 4.3 cents-per-gallon transportation fuels tax will result in lower air fares to consumers. As you know, the Air Transport Association has no role in the setting of air fares. Moreover, we do not suggest or take any action which may result in our member carriers adjusting fares in a coordinated manner. However, notwithstanding those limits, I would like to address your inquiry.

First, we know that a decrease in the 4.3 cents-per-gallon tax will be reflected in the price airlines pay for fuel. Our members purchase fuel from vendors, in large measure, through a competitive bidding process. The 4.3 cents-per-gallon tax is thus added to the price bid by the vendors. Therefore, once the tax is eliminated, we are confident that the industry's fuel costs will be reduced.

Secondly, because of the competitive nature of the airline business, carriers continually try to keep their prices as low as possible. The 4.3 cents-per-gallon tax has increased carrier costs, thereby putting pressure on carriers' operating margins. Eliminating the tax will remove one of the cost pressures which individual carriers must consider in setting their respective air fares. Thus, if operating costs go down, there will be one less cost which needs to be factored into air carrier fares.

Inevitably, tax changes manifest themselves in the costs of doing business which will ultimately impact the prices airlines charge.

Mr. Leader, I hope that this response to your inquiry will be helpful. Please let me know if there is further information we can provide.

Sincerely,

CAROL B. HALLETT,
President and
Chief Executive Officer.

Mr. DOLE. The point being they are going to pass the savings on to consumers. Maybe in some cases, out of millions and millions of transactions, it may not happen, but that is the intent of all those who will be in the process. I think those letters might be helpful to some, such as Senator DORGAN, who does have legitimate questions. We want to respond to those questions. If he has a better idea than our amendment, which is a credit, we will be happy to consider it.

So I would just say it seems to me we have now, sort of, on this single issue—if you want to vote for lower gas prices then you vote for cloture on Tuesday. If you want to vote for lower travel costs, lower inflation, better job protection for employees in the transportation industry, this will be an opportunity. It is something the President said yesterday in a press conference he would sign. We have now complied with the President's request and the Treasury's request that we pass BIF–SAIF. That is part of this amendment. It seems to me it is almost—it could have come from the White House. We are pleased to accommodate the White House when we can.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I have just been informed of the majority leader's most recent proposal. I think it is fair to say that it is more of the same. It is similar to many of the other proposals we have been presented with over the last several weeks. Obviously, it is unacceptable.

We have indicated our desire to have a vote on the gas tax. We would be prepared to accept that. But we would also obviously feel the need to have the same vote on the minimum wage. Of course, the majority leader has now indicated his desire to bring up the so-called TEAM Act. We would be prepared to have a vote on that. But they are connected, unfortunately, the way the majority leader has proposed them. If we could get a vote on minimum wage, we would be more than happy then to have a vote on the gasoline tax reduction.

As I understand it, the majority leader has proposed a new offset that will take care of the point of order. The BIF–SAIF is an issue that has to be resolved. We recognize that. But I am not sure that we do it justice simply to use it as a convenient offset, in this case for a gasoline tax reduction amendment that may or may not go to the consumer, first of all, and that, second, may or may not require the entire amount that BIF–SAIF will provide.

But the real issue is, should we have a good debate, a good discussion about the BIF–SAIF issue in and of itself? Should we analyze whether or not this is the right approach? Is this exactly the right formulation for BIF–SAIF? Those are issues we ought to discuss.

I have not seen the BIF–SAIF proposal the majority leader referred to. It may be perfectly fine. To be buried in an agreement involving an offset for the gasoline tax reduction, in my view, does not do justice to the entire issue of BIF–SAIF, nor does it satisfy all of the difficulties that we have, of course, with the gasoline tax reduction itself.

We still must address the issue, who gets the benefit? Will it go to the consumer? Will we have the opportunity to ensure that it is not the oil companies that benefit but the consumer? Can we offer amendments in that regard?

I know our words sometimes come back to haunt us. I am sure in many cases mine have and will. But I was curious and very interested in a comment made by then-Republican leader BOB DOLE in 1993. This is taken from the RECORD on page 3934, dated March 29:

> I guess the thing I need to resolve is whether or not there is going to be any flexibility or whether everything is going to be under the total control of the distinguished chairman of the committee. Is there going to be free and open debate on the amendments, or are you going to determine which amendments can be offered? We cannot accept that on this side.

I can identify with that. I can empathize with Senator DOLE's query in March 1993. I, second, appreciate his question because, ironically and coincidentally, we find ourselves in virtually the same situation. I say ''virtually'' because here it says, he asks, ''Is there going to be a free and open debate on the amendments, or are you going to determine which amendments can be offered?'' In our case, that has already been determined. There are no amendments to be offered. There is no opportunity for the Democratic side to even address the issue of amendments, because we have been precluded from doing so. We are farther off the mark now than we were even back in March 1993.

Mr. President, regrettably, we end this week with the realization that we have not resolved the matter. We want very much to have a vote on the gasoline tax reduction. While there are very strong reservations expressed throughout our caucus, some of those reservations can be addressed if we can adequately address the question of who will benefit, if we can adequately address the question of what kind of an offset we will have.

Maybe BIF–SAIF provides an adequate numerical offset, but there are very fundamental questions of policy we ought to be addressing, as well, and whether or not we can do that under these circumstances, I think is very questionable. For that reason, too, I am concerned about whether BIF–SAIF is an appropriate vehicle, at least under these circumstances.

Mr. President, we will not support cloture. We will oppose the vote when it is presented next week.

Mr. President, let me also address the issue that has been addressed by so many of our colleagues on the other side today with regard to the so-called TEAM Act. I listened with great interest on several occasions this afternoon as I was in and out of my office to the remarks made by so many of our colleagues. This is not the time nor is it necessarily the most appropriate way with which to address all of the issues raised. I do not intend to do so tonight.

I do want to make four points. First of all, it has been said over and over on the floor—in my view, quite erroneously—that today businesses are prevented from discussing issues ranging from safety, workplace conditions, and all the other issues that may come up in a working environment in any company today. Mr. President, that is absolutely untrue. Untrue.

I hope everybody will go back and look very carefully at what has been said. In many cases—I am sure not purposely—there has been a significant level of misstatement today regarding prohibitions on employers that has to be corrected in the RECORD and will be corrected as we get into this issue again next week.

Employers today are given many opportunities—in fact, are using all opportunities—to discuss issues of quality and safety and workplace environment and all of the issues that certainly would come up in the normal discourse between employers and employees.

Mr. President, 95 percent of all large businesses have team arrangements today—95 percent, according to the Department of Labor. Mr. President, 75 percent of small businesses have team arrangements with their employees today and in workplaces everywhere all these issues are discussed. Let there be no doubt, those discussions, that dialog, those relationships, are already working. That is not the issue.

The second point, what I think a lot of employees are very concerned about, is that oftentimes there are situations that arise where an employer says, ''You, you and you are now selected to represent all of you. You are the ones who are going to be in the room as we make the decisions involving all the employees. That is the way it is going to be. I do not care whether there are any elections. I do not care whether there was any discussion about whether these three people are representative of all the work force. That is the way it will be. Take it or leave it. Accept it or find another job.''

Our view is, if that situation develops, there ought to be some consultation with other employees, and there ought to be some understanding that if it will affect the entire work force, the workers themselves should have some opportunity to select who it is that will be their spokesperson. That is what we are trying to do here: To find a way to ensure that if there is going to be a representative organization, that the employees have some opportunity to articulate and select the people that will make the decisions for them.

The third point: Current Federal law is affected, of course, by court decisions. Court decisions, in some cases, have clearly obfuscated the interpretation of current law. It is our view, clearly, that there needs to be legislation to address the lack of clarity today about what employers and employees can and cannot do. On that, there is no doubt. We acknowledge that. We support it. We want legislation to address the need for clarification. We will offer legislation to ensure that happens, that we clarify what the arrangements can be and all of the circumstances involving the workplace that need to be addressed, in a reasonable way.

So, clarification, yes. Opportunities to encourage teamwork, yes. Ways with which to make an employment environment more effective, yes. We can do that. That ought to be a bipartisan effort. We ought to find ways with which to work together to ensure that happens.

The fourth point, Mr. President, if we are, indeed, interested in paycheck security, health security, pension security, the workers themselves ought to have an opportunity to determine what that means and how they can empower themselves more effectively. If that is going to happen, we want to protect the rights we have established over the last 60 years for workers to organize themselves. It is just not right to set up rump organizations where employers are negotiating with themselves, therefore denying paycheck security, denying people the opportunity to grow in this economy along with everybody else, the opportunity to have meaningful health security, the opportunity to have good pensions.

That is what collective bargaining is all about. That has worked in this country and other countries, collective bargaining where we can ensure some opportunities to workers to enjoy the fruits of the success of a given company.

Mr. President, we will get into this a lot more next week. I do believe there has been a lot of misinformation. Again, I do not accuse anybody of purposefully misinforming, but I have never seen so much misinformation as I have seen this afternoon on any one issue.

We will have more opportunities to clarify it, more opportunities to work on it and, hopefully, to work together. I know a lot of our colleagues on both sides of the aisle would like to see more of a cooperative spirit and more opportunities for comity, and maybe this will lend itself to that in the end.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, if I could respond to some of the remarks by the distinguished Democratic leader. We continue to talk and work to see if we can find a way to move these issues forward in an understandable and fair way. We have somewhat of a Gordian knot. We are trying to find a way to untie that and move forward. That is what the leader has done here today.

Many of the leaders in the Democratic Party have indicated they want to vote for the gas tax repeal. The President indicated that he would sign that. And so the majority leader has set up a situation here where the pending business is a clear, direct vote on repealing the gas tax of 4.3 cents a gallon, which was voted in in 1993. And that money has been going into the General Treasury, not the highway trust fund for highway and bridge improvements. He has set it up so that we can address the issues. Everybody says they want to address this in a fair way. It is not connected to the TEAM Act or connected to minimum wage. It is the gas tax repeal, pure and simple.

Earlier today, there had been objection to considering this issue because a point of order was made that the offset did not cover the cost of taking this 4.3 cents out of the general budget. That has been addressed here. Majority Leader DOLE's proposal would repeal the gas tax, and it would be offset by BIF–SAIF. Some people may not particularly like that offset, but it is an offset that the Budget Committee put in the budget resolution.

It is something that I believe the Banking Committee worked on and something the President has indicated he has wanted, and something the Secretary of Treasury has written letters seeking. So this is a good way to begin to unravel the situation we are in now, parliamentarily.

Next week, we will have a vote directly on the gas tax repeal, unless it is delayed and filibustered by the Democrats. The choice is real simple. If you want the gas tax repeal and want it to be paid for, this does that. This is a fair solution to this problem.

So I urge my friends on the other side of the aisle to look at what the majority leader has proposed. Let us do this gas tax vote, and then we can move forward in trying to find a proper solution to the other items that are pending.

We have no problem with trying to develop an amendment that might further guarantee that the consumers get the benefit of this gas tax repeal. On behalf of the leader, I have talked to Senator DASCHLE and to Senator DORGAN, who has been working on this and, great, we welcome any additional ideas you have. We want to make sure that happens. We are satisfied that the legislation we have takes care of that. Now people are coming forward in writing and saying that they will make sure that the consumers get this 4.3-cent gas tax repeal. But I think that the leader would be open to some reasonable recommendations in that area.

Now, it has been suggested that we have not been having free and open debate here. I cannot believe that. That is about all we have had. We have not been able to get votes because it has been blocked by a variety of delaying tactics—points of order, filibusters, if you will—but that is the Senate. We have had free and open debate. We have been able to have this discussion during the past couple of days. In fact, in the past couple of weeks, on the minimum wage, on the freedom in the workplace, the TEAM Act, and the gas tax, there has been plenty of talk.

So I want to address something I have heard two or three times today. We are clearly acting within the rules. We are not setting any new precedents here. I can remember when the majority leader was Senator Mitchell from Maine. I remember him offering second-degree amendments to block our amendments. I remember him filling up the tree so that we could not offer our amendments. This is nothing unprecedented here. We are clearly within the rules.

I remind my colleagues that we are in the majority. We have some responsibility to try to move the agenda forward. That is what the leader has done with this proposal—get the issue that everybody says they are for out there where we can debate it and vote on it. So I think we need to make it clear that we are strictly playing by the rules.

I might note that when the Senator from Massachusetts, who is here on the floor now, offered his minimum wage amendment, I believe he almost immediately sent down a cloture motion to the desk on that. At least, I believe that is true. Is that not correct?

Mr. KENNEDY. I will wait for recognition to speak. But the Senator is inaccurate in that characterization, as the Senator was when he talked about Senator Mitchell filling out the tree.

Mr. LOTT. Did the Senator send a cloture motion to the desk on that?

Mr. KENNEDY. After we were denied the opportunity for an up-or-down vote.

Mr. LOTT. But he did send a cloture motion up to limit debate on that issue, is that correct?

Mr. KENNEDY. The Senator can characterize my position in any way that he likes to. It is a routine procedure around here.

Mr. LOTT. That is the point I am trying to make.

Mr. KENNEDY. I will wait until I can be recognized in my own right, and I will address the Senate then.

Mr. LOTT. That is my point. That happens around here. Cloture motions are not unusual. Second-degree amendments are not unusual. So we are strictly playing by the rules, and we would not have it any other way. I appreciate the cooperation, frankly, that we get from the Democratic leader. We have been working together for the last 2, 3 days to try to find a good solution to how we vote on these issues.

Now, with regard to the TEAM Act, I want to make a couple of points, again, on why we are advancing this legislation and what it does. I call it freedom in the workplace, not the TEAM Act, because most folks do not realize what that is. We would like for employees and employers to be able to work together, to have teams in the workplace in order to promote safety and greater productivity. There are all kinds of benefits that will come from that.

Why, then, are we pushing this? Because the point has been made that, well, this is already occurring. Some 30,000 companies, maybe, have some sort of team arrangements. There is a good reason for it. The National Labor Relations Board, in some of its rulings, and the courts, have been putting a chill on these relationships. They are beginning to stop them. There was one court decision that said when an employee notified the employer that there was a problem with one of the electrical devices, that was ruled to be improper under the current laws. So there needs to be some clarification of this.

As a matter of fact, the President indicated he thought this was a good approach. In his State of the Union Address earlier this year, he said, ''When

companies and workers work as a team, they do better, and so does America.''

So, that is what we are trying to do here. This bill simply amends the Federal laws to make it clear that employers and employees may meet together in committee, or other employee involvement programs, to address issues of mutual concern, such as quality, productivity, and efficiency. So it expressly says, also, that they cannot engage in collective bargaining. It expressly forbids company unions and sham unions. It simply lets workers and employers try to work as a team.

I am amazed that there is such concern about this. But my attitude on that, also, is that if there are some amendments that can be offered on that and we can debate it and have votes, if they pass, fine, and if they do not, fine. But this is something we ought to move on.

One other point, in terms of trying to block people or limit the free expression of ideas here. As a matter of fact, we have done a little research, and we have found that in the 104th Congress, there has been a need for cloture motions more than in any recent time. In fact, in the 102d Congress, there were 42 cloture motions filed, and in the 103d, 47; but in the 104th Congress, it has been necessary, already, to file 63 cloture motions.

Let me give one example of how ridiculous this really is. S. 1, the first bill we considered last year, on unfunded mandates, had broad support and passed overwhelmingly. I think the vote was 98 to 2, or something like that. It was overwhelming, whatever the final vote was. But we had to file four cloture motions to try to get it to come to conclusion, and get a vote on it.

So I really find it sort of surprising when our colleagues on the other side of the aisle seem to hint that we have been trying to cut them off. That has not been the case. But we have a responsibility to try to get the work done around here. Yes. Let us have free debate. But after a certain period of time you have to get down to voting. That is what we are trying to set up with our process this afternoon.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

PUBLIC BROADCASTING

Mr. PRESSLER. Mr. President, I also am pleased to release today draft legislation to reauthorize the Corporation of Public Broadcasting. The draft would provide a simple reauthorization of $250 million each year for the fiscal years 1998, 1999, and 2000. It is my hope that by then, public broadcasting would no longer need a reauthorization, but would have the resources to thrive on its own.

Last year we began a very worthwhile debate about the future direction of public broadcasting. Survival was never a real issue. I believe public broadcasting will do more than just survive—it will thrive. Public broadcasting is a success story still being written. I am confident of this. Public broadcasting offers a quality product supported by quality individuals who care about what people, especially young people, see or hear on television and radio.

It was in part due to my confidence in public broadcasting that I proposed last year to put public broadcasting on a glide path to independence from Washington—independent from Congress and independent from the Corporation for Public Broadcasting. I support public broadcasting. Yet, I've never quite understood the logic of the funding process. There has to be a better way to fund public broadcasting than through CPB, which soaks up a large share of funding before it ever gets to the 350 public television stations and 629 public radio stations. A large chunk comes right back here to D.C. to buy programming disproportionately produced in the largest media markets. There just has to be a better way—especially for small city broadcasters.

Last year's debate produced some much-needed innovations. Public broadcasting has improved as a result. I called on public broadcasting to take advantage of the popularity and value of its wonderful programming. They're doing so now. Last year, new ancillary agreements were reached that will see a larger portion of merchandise revenue from public broadcasting products go right back to public broadcasting. Media alliances have been formed with MCI and Turner to distribute public broadcasting programs on video and CD-ROM's. Even PBS has discovered that its logo generates revenue. Foreign markets are an untapped source for programming and products. Even the Internet offers enormous potential for public broadcasting, both as a conduit for classroom-based, interactive educational programming and as a base to market its products. In short, we really haven't begun to tap the enormous funding potential of public broadcasting in the worldwide marketplace.

I also believe we must continue to push for greater efficiencies within CPB—reforms that also can free up revenues. Will all these potential funding sources and markets allow public broadcasting to achieve financial independence? It's a question that we should explore.

So today I am circulating a discussion draft that would not only reauthorize public broadcasting, but also explore and chart a path toward independence. The first way is to give public broadcasting tools to generate more revenue. My draft legislation would give public broadcasting enhanced underwriting authority—enough to draw in new corporate sponsors but not too far to undermine the noncommercial integrity of public broadcasting. The draft also would allow public broadcasting stations to use overlapping station capacity to generate revenue.

These proposals would allow some stations to benefit. However, if all of public broadcasting is to thrive, especially smaller stations such as in South Dakota, North Dakota, and Montana, we need to bring the best people in finance, government and broadcasting together to chart a course for independence. To do this, the draft proposes creation of a Commission on Public Broadcasting Empowerment. This commission would have 2 years to submit recommendations to Congress that would: foster long-term funding for public broadcasting that would not compromise its essential noncommercial nature; improve economic efficiencies within public broadcasting; guarantee universal access to public broadcasting, particularly in rural, under served areas; and stimulate the development of regional programming centers in order to increase geographic diversity in the origination of programming.

Finally, the draft would authorize the creation of a trust fund to be used to generate sufficient capital for public broadcasting to achieve financial independence. This trust fund approach was first proposed by the public broadcasters late last year. The public broadcasters proposed a more far-reaching approach that would enable a private trust to generate funds through the management of advanced spectrum and the leasing of unused spectrum for commercial purposes. This thoughtful proposal has merit. I support the creation of a trust fund. I believe that the draft spectrum legislation I have proposed today would provide public broadcasters with the resources needed to capitalize a trust fund in a way that would benefit the entire public broadcasting community—radio and television, in markets large and small.

Because this proposal would bring major change to public broadcasting, it deserves careful review. I'm already beginning that review.

Clearly, financial independence will be a key issue. However, other reforms are needed, particularly in the distribution of funds for broadcasting and programming. I am particularly interested in reforms that will enhance the capabilities and creativity of small city and rural broadcasters. In small cities and towns, public broadcasting is vital. South Dakota Public Radio [SDPR], for example, provides pool coverage to commercial stations around the State for legislative reporting, because it has the only radio news reporter on duty during the legislative session. In some markets, SDPR is the sole radio provider of local news, and the exclusive source of Emergency Broadcast System announcements.

For SDPR and similar radio and television stations, continued oversight by Congress is important to ensure they receive their fair share of the public broadcasting dollar. I would like to see public broadcasting be a self-sustaining operation, but I will not forego congressional oversight responsibilities, nor support a disbursement of funds from any trust fund until I am satisfied that there are legal and contractual safeguards in place that will protect the financial and programming interests of small city and rural broadcasters.

What kind of safeguards? First and foremost, there should be service requirements that public broadcasting should follow. As you know, telephone companies are required to provide universal service to its customers, regardless of their location. Public broadcasting should be required to fulfill a similar standard—universal access for all Americans.

Second, any future trust fund should have a formula that recognizes the unique roles of small city broadcasters and the need to achieve universal access goals.

Third, I support giving small broadcasters a share of any revenue generated through enhanced underwriting. A similar arrangement exists with major networks and their affiliates—large and small. It makes sense. It's simple fairness. Large and small stations that broadcast underwritten programming contribute to the exposure of the corporate sponsor to the viewing public. They should benefit.

Fourth, we should be encouraging the development of regional programming outlets. At present, there is a disproportionate concentration of program development in the large cities. Regional programming will not only further the diversity of public broadcasting, but improve viewership in these areas.

So, in conclusion, there are a number of issues worth discussing. Funding sources and funding distribution are the two key issues. I am hopeful that the proposed Commission on Public Broadcasting Empowerment will help lay the groundwork for both financial independence and distribution fairness. The funding sources may change, new technologies may emerge, but the central mission of public broadcasting—to be a dependable source of educational, community-based programming—is strong and growing stronger. That's a credit to the people in the communities that make it all happen.

This draft is a starting point. I look forward to working with the public broadcasting community and my colleagues on both sides of aisle to improve this draft and pass a bill. Mr. President, I ask unanimous consent that this draft be printed in the RECORD.

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

S. —

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 ''Public Broadcasting Financial Resources Enhancement Act of 1996''.

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that public broadcasting stations have sufficient resources—

(1) to carry on the mission of public broadcasting stations to provide Americans with noncommercial programming and services which advance education, support culture, and foster citizenship;

(2) to promote continued efficiency and effectiveness in the provision of public broadcasting services, through technological advances and, where appropriate, through mergers, consolidations, and joint operating agreements;

(3) to preserve and enhance the geographic and cultural diversity of public broadcasting programs and services;

(4) to support public broadcasting services to rural and underserved areas and audiences, and to ensure the universal availability of public broadcasting services;

(5) to create and deliver creative and diverse programming and services of high quality and excellence;

(6) to preserve and protect their editorial integrity and independence; and

(7) to continue to pioneer new telecommunications technologies and to adapt those technologies for educational and public service purposes.

TITLE I—EARNED INCOME OPPORTUNITIES

SEC. 101. ENHANCED UNDERWRITING.

(a) BUSINESS OR INSTITUTIONAL LOGOS.—Section 399A of the Communications Act of 1934 (47 U.S.C.399A) is amended:

(1) by striking ''exclusive'' in subsection (a);

(2) by striking ''organization, and which is not used for the purpose of promoting the products, services, or facilities of such corporation, company, or other organization.'' in subsection (a) and inserting ''organization.''; and

(3) by inserting ''established'' before ''business'' in subsection (b).

(b) SERVICES, FACILITIES, AND PRODUCTS.—Section 399B(a) of the Communications Act of 1934 (47 U.S.C. 399B(a)) is amended by inserting ''a comma and ''other than through a strictly quantifiable comparative description,'' after ''promote''.

SEC. 102. TELEVISION CHANNEL EXCHANGES.

Subpart E of part IV of title III of the Communications Act of 1934 (47 U.S.C. 397 et seq.) is amended by adding at the end thereof the following:

''SEC. 399C. TELEVISION CHANNEL EXCHANGES.

''(a) PETITION.—The licensees or permittees of commercial and public broadcast television stations may file a joint petition with the Commission requesting an exchange of channels (including public television stations on VHF channels to be exchanged for UHF channels). Within 90 days after receiving such a petition, the Commission shall amend the television table of allotments and modify the licenses or permits of the petitioners to specify operation on the exchanged channels if the Commission finds that—

''(1) the stations serve substantially the same market; and

''(2) the consideration paid to the public broadcast television licensee or permittee—

''(A) fairly reflects the value of the exchange of channels and related facilities; and

''(B) will be dedicated to the provision of public broadcasting services.

''(b) OTHER CONSIDERATIONS PROHIBITED.—In considering a petition under subsection (a), the Commission may not consider proposals by other parties to become licensees or permittees on the channels to be exchanged.

''(c) INELIGIBILITY FOR GRANTS.—Neither a noncommercial educational television station that exchanges a channel for consideration under subsection (a), nor any transferee or assignee of the license associated with that station, may receive funds under subsection 396 after the exchange occurs, except to the extent provided for by the Commission on the basis of the contribution to the public broadcasting system made by that station, transferee, or assignee.''.

SEC. 103. CONVERSION OF STATIONS TO COMMERCIAL STATUS.

Subpart E of part IV of title III of the Communications Act of 1934 (47 U.S.C. 397 et seq.), as amended by section 103, is amended by adding at the end thereof the following:

''SEC. 399D. USE OF PUBLIC BROADCASTING STATIONS FOR REMUNERATION.

''(a) IN GENERAL.—

''(1) USE OF OVERLAPPING STATION CAPACITY.—Subject to the requirements and limitations of this section, the licensee or licensees of 2 overlapping stations may, notwithstanding the allocated and licensed status of such stations as noncommercial educational television stations, operate one such station for remunerative purposes, including the transmission of commercial television programming originated by such licensee or by another party and transmission of subscription television or pay-per-view services. Such commercial operation will not result in a modification of the noncommercial educational allocation of the license held by the station.

''(2) CONDITIONS FOR USE.—The licensee or licensees of overlapping stations intending to operate one of such stations for remunerative purposes pursuant to paragraph (1) shall file with the Commission a joint operating agreement or other instrument providing assurances that—

''(A) the remuneration of such operations (in excess of the costs of the commercial and public television operations of such licensee) is dedicated to the provision of public broadcasting services on the other overlapping station; and

''(B) the station operated for remunerative purposes is, but for the remunerative operations, otherwise operated consistently with the provisions of this Act and the rules and policies of the Commission applicable to such operations.

''(3) INELIGIBILITY FOR GRANTS.—No noncommercial educational television station operating under an agreement or other instrument filed under paragraph (2), and no transferee of such station, or assignee of the license associated with such station, may receive any funds under section 396, except to the extent provided for by the Commission on the basis of the contribution to the public broadcasting system made by that station, transferee, or assignee.

''(b) SALE PERMITTED.—Upon application by the licensee of 2 or more overlapping public television stations, the Commission shall approve the assignment of one of the licenses of such licensee for a television station to another person or entity, without rulemaking or opening the licensed channel to general application, and shall permit such person or entity to operate such station as a commercial television station, if—

''(1) the licensee assigning such license will dedicate all compensation in excess of costs of sale received for such assignment to the

support of the local noncommercial educational broadcast operations of the retained station; and

''(2) the compensation provided to the licensee for assigning such license reflects the value of the license and related facilities.

''(c) DEFINITIONS.—For purposes of this section—

''(1) OVERLAPPING STATIONS.—The term 'overlapping stations' means 2 or more public television stations—

''(A) that serve the same market;

''(B) with respect to which the Grade A contour of one of such stations reaches more than 50 percent of the Grade A population reached by the other such station; and

''(C) with respect to which less than 20 percent of the population reached by either station is unduplicated by the other.

''(2) TELEVISION MARKET.—The term 'television market' has the meaning provided in section 76.55(e)(1) of the Commission's rules (47 C.F.R. 76.55(e)(1)).''.

TITLE II—PUBLIC BROADCASTING EMPOWERMENT COMMISSION

SEC. 201. ESTABLISHMENT.

There is established a commission to be known as the Commission on Public Broadcasting Empowerment (referred to in this section as the ''Commission'').

SEC. 202. DUTIES.

(a) STUDY AND RECOMMENDATIONS.—The Commission shall—

(1) conduct a comprehensive study of—

(A) alternatives for providing long-term funding for public broadcasting services other than with appropriated Federal funds, with particular emphasis on the development of earned income opportunities;

(B) the feasibility of generating revenue for a trust fund based upon spectrum grants or other sources of funding;

(C) the effectiveness and adequacy of those means of generating revenue for public broadcasting services made available by title I of this Act;

(D) the impact that particular funding methods may have on the purpose, role, and availability of public broadcasting, particularly in smaller markets;

(E) funding distribution formulas for smaller markets that take into account the special nature of such markets, including the additional infrastructure investment necessary to obtain sufficient audience reach; and

(F) opportunities for reducing the cost of public broadcasting through increased efficiencies of production, distribution, and operation without impairing universal access to public broadcasting; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Commerce of the House of Representatives a report setting forth the results of its study and making recommendations for—

(A) long-term funding for public broadcasting that would not compromise its essential noncommercial nature;

(B) improving the economic efficiency with which public broadcasting operates;

(C) guaranteeing universal access, particularly to rural and underserved areas; and

(D) stimulating the development of regional and local programming centers in order to increase geographic diversity in the origination of programming.

(b) INTERIM AND FINAL REPORTS.—The Commission shall submit a preliminary report under subsection (a)(2) not later than December 31, 1997, and a final report not later than December 31, 1998.

(c) TRUST FUND ESTABLISHED.—

(1) IN GENERAL.—There is hereby established in the Treasury of the United States a trust fund to be known as the ''Public Broadcasting Trust Fund''.

(2) ACCOUNTS.—The Public Broadcasting Trust Fund shall consist of such accounts as may be provided by law. Each such Account shall consist of such amounts as may be appropriated, credited, or paid to it as provided by law.

(3) EXPENDITURES.—Amounts in the Public Broadcasting Trust Fund shall be available for making such expenditures as may be provided by law.

(4) MANAGEMENT.—The Public Broadcasting Trust Fund shall be managed in accordance with the provisions of section 9602 of the Internal Revenue Code of 1986.

SEC. 203. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 3 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority Leader of the Senate.

(B) MEMBERS OF THE HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—Eight members shall be appointed by the President, without regard to political affiliation, on the basis of demonstrated expertise in public broadcasting, education, entertainment, finance, or investment.

(2) EX OFFICIO MEMBERS.—The Secretary of Commerce, the Chairman of the Federal Communications Commission, and the President of the Corporation for Public Broadcasting shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 204. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 205. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(e) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to serve as an Executive Director of the Commission or assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(f) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.

SEC. 206. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the final report of the Commission to Congress.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of title II of this Act.

(b) CORPORATION FOR PUBLIC BROADCASTING.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking ''and'' after ''1995,''; and

(2) by striking ''1996.'' and inserting ''1996, and $250,000,000 for each of fiscal years 1998, 1999, and 2000.''.

SPECTRUM REFORM DISCUSSION DRAFT

Mr. PRESSLER. Mr. President, I rise today to take another step in my overall telecommunications and information policy reform agenda. As I have stated many times, the historic enactment earlier this year of the Telecommunications Act of 1996 was only the first step in a new national telecommunications policy for 21st Century America.

Today, I am putting out for public comment a discussion draft of spectrum reform legislation to institute comprehensive reforms in how the Federal Government uses—and fails to use—our most important valuable national resource, the radio frequency spectrum.

THE SPECTRUM AND ITS USES

The radio spectrum is to the information age what oil and steel where to the Industrial Age. Like any resource, it is finite. Therefore it must be managed responsibly.

This valuable resource is one of the principle building blocks for tomorrow's ''Information Economy.'' It also is critical to delivering new and valuable services to the American public.

All of us have seen the contribution traditional radio-based services—such as public and commercial broadcasting—have made to our national life. We have seen the benefits of low-cost satellite communications, which have enormously expanded the range of news, information, and entertainment

choices. We have seen the proven value of cellular radiotelephones. In addition, there are an array of other critical radio-based communications services—everything from the radar systems so important to air traffic control, to the radios policemen, firemen, and ambulances use, to communications networks central to maintaining a strong national defense.

From its very beginning, wireless communication has played a vital role in protecting lives and property. Through the development of radio and television broadcasting, it has delivered information and entertainment programming to the public at large. More recently, wireless, spectrum-based telecommunications services, products and technologies have proven indispensable enablers and drivers of productivity and economic growth, as well as international competitiveness.

Wireless technology can deliver telecommunications and information services directly to individuals on the move. No longer is being away from the office desk or factory floor an impediment to doing business. Fixed locations that cannot be served economically by wireline facilities because of physical infeasibility or prohibitively high costs are made accessible. Wireless services also are critically important in bringing competition to the wireline telephone network—one of the key goals of the Telecommunications Act.

Today, there is an almost limitless demand for the use of this spectrum. In other words, the spectrum is an enormously valuable, yet finite natural resource. This is the crux of the problem with our current spectrum policy structure. Unless a reformation plan is developed to create a more effective and efficient use of the spectrum, a vast array of new spectrum-based products, services, and technologies will go unrealized for the American people.

THE FUTURE

We are on the cusp of great change. Over the past couple of years, we in the Congress and the Federal Communications Commission [FCC] have accelerated the deployment of a whole new generation of pocket phones—so-called ''Personal Communications Services.'' Just this spring, the FCC authorized a new generation of wireless computers—radio-based systems that may make it possible for us to interconnect our schools and provide our students with access to the Internet on a low-cost, highly, effective basis.

America has pioneered the development of digital television. Later this year, actual digital broadcast operations may begin. By the turn of the century—less than 4 years from now—we could have the equivalent of a digital overlay network in the United States, relying on a new electronic infrastructure broadcasters hope to put in place.

These and other accomplishments have been achieved despite a regulatory framework that dates to the days of Marconi. It is a policy designed for an environment characterized by stable technology and stable, predictable demand for very basic communications. Under this antiquated model, the Government—not consumers—largely decides who uses frequencies, what they are used for, and how they are used—a government-sponsored electronic industrial policy.

This system is slow. It is anticompetitive. It is antifree speech.

INEFFICIENCIES IN THE CURRENT POLICY

As with other systems of central planning, the spectrum management system currently utilized in the United States tends to result in inefficient use of the spectrum resource. Federal regulators —rather than consumers—decide whether taxis, telephone service, broadcasters, or foresters are in greatest need of spectrum. Not surprisingly it is a highly politicized process. Most important, new services, products and technologies are delayed or, worse yet, denied. This obviously harms consumers.

Consider cellular phones, the lengthy delay in making cellular telephone service available imposed tremendous cost on the economy. One study estimated the delay cost the economy $86 billion. As important, American consumers were denied a new productivity and security tool for many years.

Equally troubling, the system constrains competition. One of the most important qualities of a competitive industry is the ability of new firms to enter the business. Yet, the bureaucratic allocation process typically provides for a set number of licenses for each service. This precludes additional competitors. Only two cellular franchises, for instance, are allowed in each market.

Delays associated with the allocation and assignment processes, while perhaps acceptable in a slow changing world, are seriously out of step with the fast-changing, high-technology world of today. Pressures on the traditional radio frequency management structure are increasing. Demand for channels is outstripping supply.

The current environment hobbles progress. It makes it hard for innovators to gain access to the radio spectrum resources they need to deliver technology's promise to the American people.

Another problem with current policy is that the Federal Government alone claims nearly one-third of this critical resource for itself. Since 1992, there has been a bipartisan commitment to privatize some of the spectrum the Government has warehoused. Among the benefits of that bipartisan effort has been a series of spectrum auctions. Those auctions have produced more than $20 billion for the U.S. Treasury. Although spectrum auctions have provided significant revenues for the U.S. Treasury, the overriding policy reason for adopting a spectrum auction policy is not—I repeat not—to provide more money for the Government.

Much more important, spectrum auctions have accelerated access to the resource by private sector entrepreneurs. The key policy goal achieved with auctions is placing the spectrum resource in the hands of those who value it most highly. Those who will put it to its best, highest valued use.

The FCC's current auction authority expires in 1998. We need to address these issues before then. We then ought to make the FCC's auction authority permanent.

But as I stated here on the Senate floor on March 13 much more definitely needs to be done.

Under the comprehensive discussion draft of spectrum reform legislation I am unveiling today, a far reaching series of reforms would be initiated.

SPECTRUM AUCTION AUTHORITY AND EXHAUSTIVE LICENSING

The spectrum reform discussion draft would expand the FCC's spectrum auction authority. This change would, once and for all, place the spectrum issue outside of the budget context and squarely in the arena of communications policy.

The FCC also would be required to exhaustively license all available spectrum by selecting bands of unallocated and unassigned frequencies to be auctioned. Any existing licensees in these bands would be protected and grandfathered. Indeed, they would gain flexibility in use within their actual or implied service area and spectrum block. The FCC is directed to maximize the value of spectrum licenses by selecting broad, low frequency bands of contiguous spectrum that are not fully assigned. The spectrum licensee seeking flexibility in use also may apply for any adjacent or cochannel spectrum contiguous to its existing license that is allocated but unassigned.

SPECTRUM FLEXIBILITY

The key reform contained in this discussion draft is freedom in spectrum use. While important, auctions are not the most important reform contained in this legislation. Much more important is replacing the current Government mandated industrial policy system with a market-based approach.

Auctions only tell you who gets a license. We now need to discuss what the license allows you to do.

Like land, the Government shouldn't tell people what they can do with frequencies. So long as they don't interfere with their neighbors, they should be able to use it for whatever consumers want.

Like newspapers, the Government shouldn't tell broadcasters what they say or how they say it. That should be up to viewers.

Simply put, frequencies should be treated more like private property.

However, in making these policy changes we should build on the current system. Many licensees already have a great deal of flexibility in what they can do. Let's build on that and give them more freedoms.

Mr. President, at the core of the spectrum reform I am today proposing is the concept of spectrum flexibility. Flexibility for a changing world.

For instance, radio frequency management historically has limited the permissible uses of allocated bands and assigned channels. This, in part, has been a function of technology, as well as the characteristics associated with particular frequencies.

For example, channels allocated to the Forest Products Service traditionally have been quite low frequencies. This is because those frequencies have been shown to have the greatest ability to penetrate underbrush, leaves, and other obstructions naturally occurring in a forest. New digital communications technologies have gone a long way toward changing this reality. Today's digital technology includes error correction and other features which lessen interference.

Another good example of why today's technology requires increased spectrum flexibility occurs in spread spectrum and digital overlay. These techniques make it possible for multiple communications pathways to be established within the same radio frequency channel. In other words, using this technology, broadcasters could transmit communications in addition to video and sound signals. Radio broadcast channels today, for example, already provide local links for paging operations. Government policy must allow multiple, more intensive use of radio frequency resources where there is no perceptible adverse technical impact.

Allowing radio frequency licensees greater flexibility also could facilitate equipment and systems modernization and upgrading in the public sector. This would enhance public safety. For example, many public communications systems today are in need of modernization, to meet the demand for more cost-effective and responsive law enforcement, fire safety, and emergency medical services. At the same time, the financial resources available to many public safety communications organizations are quite limited.

If local police forces were permitted greater flexibility in use of their channels, however, this challenge would be less severe. Switching to new digital communications techniques typically achieves a significant increase in the total number of channels available—in some cases, by a factor of four or more. Thus, a local police department could increase the number of channels available to support its operations and, at the same time, have capacity available which it could lease or barter with private communications organizations. Such arrangements could generate the funds needed to finance modernization.

Greater flexibility is a public interest win-win situation—an option that benefits all involved and affords the general public both better service and more communications options.

The FCC already has taken steps to allow some radio licensees more flexible use. The Commission's cellular radiotelephone rules, for example, place few constraints on permissible communications. The same is true in the case of the new PCS services. What is needed, however, is far greater application of this fundamental principle of flexible spectrum use. My bill does just that.

Under this discussion draft, each existing and future licensee would have increased flexibility in use including: The right to use assigned spectrum for any service, under any regulatory classification, and under any technical parameters. In addition, the licenses would have the right to freely transfer the license to others.

The flexible use would have to be within the licensee's existing or implied service area and spectrum block and could not be inconsistent with international treaty obligations of the United States. The spectrum licensee also would bear the burden of showing any new use was within the existing or implied service area and spectrum block.

SPECTRUM PRIVATIZATION

Another major feature of the draft legislation is spectrum privatization. Simply put, under the discussion draft, the Federal Government would be obliged to relinquish one-quarter of its spectrum stockpile. Spectrum auctions would be held to place that spectrum into the hands of the public as quickly as possible. In addition, Government agencies would be required to rely, to the maximum extent possible, on the private sector to meet their radiocommunications needs. Taking into account the taxes paid, if nothing else, this would definitely help the public and strengthen the American information technology economy.

SPECTRUM MANAGEMENT CONSOLIDATION

The discussion draft would place the responsibility for managing the spectrum in the United States solely with the FCC. The Commission would be required to factor in critical national defense, law enforcement, and national policy priorities. However, the current regime divides responsibility between the FCC and the Department of Commerce, would be streamlined. This would improve the overall management process. It also would increase accountability.

SELF-MANAGED REGULATION

One of the more promising options for radio frequency management reform is expanded use of self-managed regulation—the use of private sector radio frequency coordinator groups to handle routine engineering, frequency coordination, and other functions which, in the past, typically had been undertaken by FCC staff.

At present, the FCC relies on frequency coordinators to handle many of the routine chores associated with private mobile radio systems. Organizations such as the National Association of Business & Educational Radio [NABER], the Associated Public-Safety Communications Officers [APCO], and the Special Industrial Radio Service Association [SIRSA] process applications, conduct engineering surveys, and otherwise facilitate licensing and channel usage in these specific private radio services. The FCC does not generally rely on frequency coordinators, however, with regard to broadcast services, satellite communications, and other large frequency using services.

The task of being a frequency coordinator depends, in large part, upon two things: Access to computerized data bases; and some expertise in radio frequency engineering. Access to data bases today, of course, is routine. At the same time the number of individuals with substantial radio frequency management expertise is growing. This is due in part to Federal Government and defense agency downsizing. There is, in short, no good reason to assume that multiple frequency coordinators could not be sanctioned by the FCC. This would have the effect of broadening users' options.

Competition among frequency coordinator groups, moreover, should have the effect of ensuring efficient charges and effective, responsive operations. That has been true in virtually every market in which competition has been introduced. It should prove true in this case as well. That is why the discussion draft directs the FCC to expand substantially the agency's use of private sector frequency coordinator groups.

PUBLIC SAFETY SPECTRUM

The draft legislation also directs the FCC to make spectrum block grants to States for public safety spectrum needs. In lieu of processing, issuing, and renewing tens of thousands of public safety communications licenses—at significant cost to licensees, as well as the FCC—the agency would issue 55 block grants to the chief executive officer of each State, Guam, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia. It would then be the responsibility of State Governors to determine eligibility, to ensure compliance with standard FCC—and other—operating rules, and to resolve disputes among public safety licensees within their jurisdiction.

This reform would reduce delays and heighten responsiveness to actual user requirements. It would lessen substantially the burdens of traditional regulation now borne by the FCC. Most important, it would tend to ensure more and better public safety communications for State residents.

BROADCAST TELEVISION SPECTRUM

Mr. President, this draft legislation also would resolve the controversy that has surrounded the digital—or high-definition—television issue. It would speed up the migration of broadcast television to digital channels. At the same time, it would firm up the plans which have been announced regarding the retrocession of one 6 Mhz channel—assets which could be used for many purposes in addition to straight broadcast television.

Spectrum in the VHF and UHF television bands has the potential of being extremely valuable for a variety of

uses. Current licensing policy, however, keeps this spectrum locked up in a single, narrowly defined use. The fundamental thrust of this alternative broadcast TV spectrum policy is to allow markets to guide the spectrum to its highest valued use, while preserving the current level of free television service, noncompetitively assigning an additional 6 MHz to each existing NTSC licensee, and ensuring the public is fairly compensated for the use of spectrum. This alternative proposal recognizes the equities of incumbent full power broadcast licensees in the band to fully and fairly compete in the digital era, most especially their desire to convert to digital technology. At the same time—and let me be very clear on this point—it will maintain the current level of free television service for American consumers.

THE NEED FOR REFORM

Mr. President, we enacted comprehensive telecommunications legislation earlier this year for one very simple reason. It became more and more apparent to all of us that the traditional, highly bureaucratized telecommunications regulatory system no longer served the public's best interest. There were unexplainable delays. New services were not being offered. New investment and job opportunities were not materializing fast enough.

The oldtime telecommunications regulatory system, in short, had become the classical regulatory bottleneck. It was stalling forward progress. As a result—after nearly two decades of struggling with these issues—this Congress developed and enacted comprehensive reform legislation.

The discussion draft I am unveiling today is very much the other side of that fundamental regulatory reform equation. It addresses issues and choices that Congress, the FCC, and the executive branch have wrestled with for years. The approach is fair and balanced—and, balanced very much in terms of helping the American public while strengthening national competitiveness. I believe it could usher in a dynamic, vibrant ''Wireless Era'' in which American entrepreneurial capitalism leads the world into a robust high-technology future that will benefit all Americans.

Congress has spent years examining the way we manage other natural resources—from water, grazing, and timber issues so critical to my part of the country, to the fisheries vitally important to the Northeast, the Northwest, and, of course, Alaska. The natural resource this draft legislation focuses upon is just as important to America.

This discussion draft was crafted in consultation with a wide range of engineering, economic, and public policy experts. It is based, in large part, upon the extensive open hearings which the Senate Committee on Commerce, Science, and Transportation has conducted over the past few years.

This is a worthy regulatory reform initiative. It could pay enormous public policy dividends. Let me stress, however, that the unveiling of this discussion draft is merely the beginning of what I hope will be a spirited, robust debate. I look forward to continuing to work cooperatively with all of my colleagues in the Senate and the House to develop sound, consensus legislation that can be introduced in the near future. I also want to encourage all affected parties to provide comments to the committee regarding this proposal.

Mr. President, the radio frequency management and use reforms contained in this spectrum reform discussion draft hold significant promise. They would reduce regulatory burdens. They would foster important public policies including advances in technology and innovation, greater choice and more customer options, and more effective, efficient, and responsive use of this valuable national resource.

Mr. President, I ask unanimous consent that a summary of the discussion draft together with the draft legislative language itself be printed in the RECORD.

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

SUMMARY OF PRESSLER SPECTRUM BILL DISCUSSION DRAFT: THE ELECTROMAGNETIC SPECTRUM MANAGEMENT POLICY REFORM AND PRIVATIZATION ACT

SPECTRUM AUCTION AUTHORITY

Permanent Authority. FCC's spectrum auction authority is extended and made permanent.

Expanded Authority. FCC's spectrum auction authority to make spectrum license assignments is expanded with the following limited exceptions: non-mutually exclusive applications; public safety services; digital television licenses for broadcasters; and spectrum and associated orbits within an international satellite system. FCC's auction authority also expanded to include allocations, where consistent with the Act.

Exhaustive Licensing. FCC required to exhaustively license all available spectrum by selecting bands of unallocated and unassigned frequencies to be auctioned. Any existing licensees in these bands will be protected and grandfathered and gain flexibility in use within their actual or implied service area and spectrum block. FCC is directed to maximize the value of spectrum licenses by selecting broad, low frequency bands of contiguous spectrum that are not fully assigned.

VOLUNTARY REALLOCATION—SPECTRUM FLEXIBILITY

Flexibility In Use. Each existing and future nonbroadcast licensee will have flexibility in use which includes: the right to use assigned spectrum for any service; under any regulatory classification; under any technical parameters; and the right to freely transfer this right to others.

Limitations. The flexible use must be within the licensee's existing or implied service area and spectrum block and cannot be inconsistent with international treaty obligations of the United States. The spectrum licensee bears the burden of showing that any new use is within the existing or implied service area and spectrum block.

The spectrum licensee seeking flexibility in use may also apply for any adjacent or co-channel spectrum contiguous to its existing license that is allocated but unassigned.

GOVERNMENT SPECTRUM USERS

Flexibility In Use. Government spectrum users are also granted spectrum flexibility rights, including the right to transfer any spectrum rights now assigned to them to any government or private sector entity and to receive compensation for rights transferred.

Privatization. The Federal government is required to make an additional 25 percent of its exclusive or shared spectrum below 5 GHz available to the FCC for allocation to private sector spectrum licensees using spectrum auctions.

BRAC-Like Commission. A Presidentially appointed Advisory Committee On Withdrawal will be established to determine how to make available the 25 percent of spectrum for privatization and to determine what, if any, amount of spectrum beyond the mandatory 25 percent which will be made available to the private sector over a period of 10 years.

Financial Incentives. To encourage government agency and personnel cooperation, financial incentives will be developed to reward them for opening more spectrum for private sector use.

Relocation Compensation. Federal government users are allowed to accept compensation, including in-kind reimbursement of costs, from any entity to defray the costs of relocating the Federal entities operations from one set of spectrum frequencies to another.

Additional Privatization. The Act adopts as statutory law OMB's Circular A–76 which requires Federal agencies to undertake an extensive cost-benefit analysis prior to vertically integrating or continuing to vertically integrate to meet their needs, and to take into account taxes forgone when the Government chooses to make rather than buy products or services to meet its needs. A–76 analysis has simply not been consistently—nor continuously—applied to Government radio communications requirements. The new bill changes that by obliging Federal agencies to systematically review their communications systems and operations, and shift to private sector suppliers wherever feasible.

Technology Teaming. The number of communications channels can be significantly multiplied if the analog communications facilities used by many Federal agencies were changed to digital. Federal agencies will be required to team with a private company to install advanced, digital capability and increased capacity, which in turn can be equitably apportioned between agency and private partner.

Multi-Agency Systems. Federal agencies will be required to explore not only the availability of private sector suppliers but also other government agency suppliers. Today each Federal agency maintains—and jealously guards—its own system. As a result, there are very few ''common user'' systems.

CONSOLIDATION OF FEDERAL SPECTRUM MANAGEMENT FUNCTION

NTIA Eliminated. Management of spectrum for Federal government agencies, together with the IRAC Secretariat and associated support activities, is transferred from NTIA to the FCC.

National Security Safety Valve. The President may veto any FCC action which limits the amount of spectrum available to government users, limits the uses to which spectrum may be put, or interferes with or compromises Federal use, if such action substantially harms national security or public safety.

NON-EXCLUSIVE LICENSES

For non-exclusive spectrum licenses not assigned by spectrum auction, the FCC will

have the authority to use other economic incentives, including user fees, to ensure that spectrum is assigned and used efficiently and that the public is fairly compensated for the use of the spectrum.

SELF MANAGED REGULATION

FCC is directed to substantially expand its use of private sector frequency coordinator groups thus reducing need for FCC in house engineering.

PUBLIC SAFETY SPECTRUM BLOCK GRANTS

Each State will assume responsibility as a block grant licensee for managing the spectrum currently allocated to public safety uses within its State boundaries.

Each State may grant licensees the same flexibility in use available to private FCC licensees.

Interference disputes between the States will be resolved by the FCC.

BROADCAST TV SPECTRUM—DEPOSIT, RETURN AND OVERLAY (A MARKET-BASED ALTERNATIVE TO A GOVERNMENT MANDATED AND DICTATED TRANSITION POLICY)

Purpose. Spectrum in the VHF and UHF television bands is potentially extremely valuable for a variety of uses. Current licensing policy, however, keeps this spectrum ''locked up'' in a single, narrowly defined use. The fundamental thrust of this alternative broadcast TV spectrum policy is to allow markets to guide the spectrum to its highest valued use (as up front spectrum auctions would) while preserving the current level of free television service, noncompetitively assigning an additional 6 MHz to each existing NTSC licensee, and ensuring the public is fairly compensated for the use of spectrum. This alternative proposal recognizes the equities of incumbent full power broadcast licensees in the band to fully and fairly compete in the digital era, most especially their desire to convert to digital technology. At the same time it will maintain the current level of free television service for American consumers.

No Standards Setting. FCC is specifically precluded from mandating an HDTV or digital television (DTV) standard for broadcast licensees or establishing a requirement that all TV sets sold or imported must be digital compatible by a date certain.

Deposit. One 6 MHz DTV channel will be assigned non-competitively to each existing NTSC licensee. Each existing NTSC licensee will have the choice of receiving a DTV license for payment of a fee (Deposit) or to simply keep their existing NTSC license and relinquishing their right to the DTV license. The deposit will be based on the market value of the license determined by the auction of the overlay licenses (see below). Any DTV licenses not accepted will be auctioned by the FCC as part of an overlay license.

Return. The money deposited for the DTV license can be paid in installments over a period of 15 years with the money going into an escrow account. Interest accrued will go to the U.S. Treasury for deficit reduction. After 15 years from the date the FCC assigns a DTV license, the broadcast licensee can relinquish a 6 MHz license and reclaim the full amount of its deposit (Return), less interest accrued, or continue to maintain NTSC and/or DTV license operations as outlined below. The amount of the deposit returned to the broadcast licensee will decrease 20 percent for each year that the return of a 6 MHz channel is delayed past 15 years.

DTV Flexibility/Transferability. DTV licensees will have full flexibility, without imposition of economic fees as required in the Telecommunications Act of 1996, to use their assigned DTV channels within their designated service area for any service consistent with the technical limits imposed by the FCC to prevent interference to NTSC and other DTV assignments. DTV licensees may voluntarily transfer their license at any time, separate from or together with their existing NTSC channel.

No Mandates. DTV licensees will not be required to meet a minimum service requirement or construction schedule.

Protecting Consumer Investment. Existing full power NTSC stations will be grandfathered indefinitely. An NTSC licensee will be permitted to continue providing standard NTSC television service or to transfer its license to another party who will then become the NTSC licensee.

NTSC Flexibility Subject To Replacement Of Free Service. An NTSC licensee will also be given flexibility within its assigned channel and service area to provide any services, without imposition of economic fees as required in the Telecommunications Act of 1996, other than standard NTSC service subject to technical limits imposed by the FCC to prevent interference to DTV and other NTSC assignments. Before any NTSC service may be reduced or discontinued, however, the NTSC licensee must have provided a comparable free replacement for such service including necessary receiving equipment to allow such service to be displayed on standard NTSC receivers.

Exhaustive Licensing. FCC will define overlay licenses collectively covering all 402 MHz of spectrum in the current VHF and UHF TV bands and covering the entire U.S. Each overlay license will cover a block of one or more contiguous 6 MHz channels and a contiguous geographic area. The FCC will determine the appropriate spectrum block and area size.

Overlay Auction. Overlay licenses to exhaustively fill the entire 402 MHz allotted for television broadcasting in each market will be assigned by a simultaneous, multiple round auction.

Overlay Flexibility. Within its defined spectrum block and service area, an overlay licensee will be permitted to implement any service, subject to power limits defined by the FCC at the boundaries of such spectrum block and service area, and subject to additional technical restrictions as may be imposed by the FCC to protect NTSC and DTV licensees from harmful interference.

Overlay licenses will be freely transferable.

Overlay licenses may be aggregated to create larger service areas and spectrum blocks.

SPECTRUM REPORT

After 2 years the FCC will prepare a cost-benefit report on the results of the legislation together with any recommendations for additional legislation.

S. —

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 ''Electromagnetic Spectrum Management Policy Reform and Privatization Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) New applications of wireless communications technologies await access to the electromagnetic spectrum to provide innovative services to the public.

(2) The spectrum, however, is often characterized as overcrowded and filled to capacity with current allocations.

(3) Capacity may now be underutilized due to the use of obsolete technologies, while bands with great promise for delivering better quality communications products to consumers fail to realize their potential.

(4) This seeming paradox may be the result of a regulatory structure that is increasingly inefficient in the dynamic worlds of telecommunications and information technologies.

(5) This inefficiency results from structural defects in the system itself, not in the expertise of, or competence at, the regulatory agencies.

(6) Central allocation mechanisms provide insufficient information with which to rank competing uses for spectrum, or competing technologies for delivering those uses.

(7) Approximately one-third of the usable spectrum is allocated to government or otherwise unavailable for private sector use. Innovations to help and encourage the government to use spectrum more efficiently should be adopted.

(8) The dramatic acceleration in the pace of technological change and the increasing complexity of allocation and assignment decisions make the case for an overhaul of the current system more compelling than ever before.

(9) Lack of capital and outmoded equipment have led to inefficient utilization of the spectrum bands used by Federal agencies and public safety users.

(10) The management of spectrum can be substantially reformed by giving most licensees the freedom and incentive to use the spectrum more efficiently.

(11) In particular, within its explicit or implicit service area and spectrum block, a licensee should be given—

(A) service and technical flexibility;

(B) freedom to resell or sublease; and

(C) freedom to pick regulatory classification.

(12) To get the full benefit of liberalizing existing licenses, currently unassigned or unallocated spectrum will have to be made available in an efficient manner. The Commission will have to exhaustively license this spectrum expeditiously. These new assignments should—

(A) be exclusive;

(B) provide new licensees marketplace freedoms similar to those enjoyed by existing licensees; and

(C) be assigned through simultaneous multiple round auctions where there are mutually exclusive applicants.

(13) Similar incentive-based reforms should be adopted for the spectrum used by the Federal government and by the public safety community, including substantial privatization, flexibility in use, financial incentives and compensation for relocation and band clearing, consolidation of the Federal spectrum management function, and spectrum block grants to the States.

(14) An alternative broadcast television spectrum policy is needed to allow markets to guide the spectrum to its highest valued use while preserving the current level of free television service, noncompetitively and flexibly assigning an additional 6 megahertz to each existing NTSC licensee, and ensuring that the public is fairly compensated for the use of spectrum.

(15) All reforms should encourage private dispute resolution and avoid prolonged administrative delays.

SEC. 3. DEFINITIONS.

When used in this Act—

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) FLEXIBILITY IN USE.—The term ''flexibility in use'' means—

(A) the right to use assigned spectrum for any service (including but not limited to those defined by the Commission), under any regulatory classification, and under any technical parameters, if the use is within the licensee's existing or implied service area and spectrum block and is not inconsistent

with international treaty obligations of the United States, and

(B) the right to freely transfer this right to others.

(3) IMPLIED SERVICE AREA.—The term ''implied service area'' means the service area implied by the potential power level and antenna height for a licensee, even if that area is not expressly defined in a license.

(4) SERVICE AREA.—The term ''service area'' means the geographic area over which a licensee may provide service and is protected from interference.

(5) SPECTRUM BLOCK.—The term ''spectrum block'' means the range of frequencies over which the apparatus licensed by the Commission is authorized to transmit signals.

SEC. 4. SPECTRUM AUCTION AUTHORITY.

(a) SPECTRUM AUCTION AUTHORITY MADE PERMANENT.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) by striking paragraph (11); and

(2) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12).

(b) EXPANSION OF SPECTRUM AUCTION AUTHORITY.—

(1) IN GENERAL.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) GENERAL AUTHORITY.—If mutually exclusive applications are accepted for any initial license or construction permit which will involve use of electromagnetic spectrum, then the Commission shall grant such license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection. The Commission may also use auctions to allocate spectrum where it determines that such an auction is consistent with the purposes of this Act.

''(2) EXEMPTIONS.—The Commission may not apply the competitive bidding authority granted by this subsection to licenses or construction permits issued by the Commission—

''(A) for public safety radio services, including non-Government uses the sole or principal purpose of which is to protect the safety of life, health, and property and which are not made commercially available to the public;

''(B) for initial licenses or construction permits for new terrestrial digital television services assigned by the Commission to existing terrestrial broadcast licenses; or

''(C) for spectrum and associated orbits used in the provision of any satellite within a global satellite system.''.

(2) CONFORMING AMENDMENT.—Section 309(j)(6) of such Act is amended—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (H) as subparagraphs (E) through (G), respectively.

(c) EXHAUSTIVE SPECTRUM LICENSING POLICY.—

(1) IN GENERAL.—The Commission shall complete all actions necessary to permit the allocation and assignment by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) in the aggregate span not less than 250 megahertz and that are located below 5 gigahertz, within 1 year after the date of enactment of this Act; and

(B) in the aggregate span not less than 5 gigahertz and that are located between 5 gigahertz and 60 gigahertz, within 2 years after the date of enactment of this Act; and

(C) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) been reserved for exclusive Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305); and

(D) may include spectrum exhaustively licensed throughout the United States under the provisions of section 337(c)(4)(C) of the Communications Act of 1934.

(2) CRITERIA FOR BAND SELECTION.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall, to the greatest extent possible, maximize the value of the spectrum licenses by—

(A) selecting broad, low-frequency bands of contiguous spectrum that are not fully assigned; and

(B) exhaustively licensing it throughout the United States.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) does not apply with respect to any license or permit for a terrestrial radio or television broadcast station for which the Commission has accepted mutually exclusive applications on or before the date of enactment of this Act.

SEC. 5. VOLUNTARY REALLOCATION; SPECTRUM FLEXIBILITY.

(a) IN GENERAL.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 337. SPECTRUM LICENSE USE FLEXIBILITY.

''(a) FLEXIBILITY IN USE.—Notwithstanding any other provision of this title to the contrary, each holder of a nonbroadcast license granted under this title is hereby granted flexibility in use. A licensee may change the use for which the license was granted to provide any other use of that license within its existing explicit or implied service area and spectrum block, unless the Commission disapproves the holder's application for such change under subsection (c).

''(b) ADDITIONAL SPECTRUM.—The holder of a nonbroadcast license making application for a change of use under subsection (a) may include in the application an application for any adjacent or co-channel spectrum contiguous to its nonbroadcast license to which the change of use application relates that is allocated but unassigned.

''(c) APPLICATION; PROCEDURE.—

''(1) APPLICATION.—An application for flexibility in use under subsection (a), or for flexibility in use and for additional spectrum under subsection (b), shall be made in such form and at such time as the Commission may require and shall include an adequate interference showing.

''(2) PUBLIC NOTIFICATION.—Within 10 days after receiving an application under this section, the Commission shall publish notice of the application in the Federal Register.

''(3) APPROVAL OF USE FLEXIBILITY APPLICATION.—

''(A) IN GENERAL.—The Commission shall approve an application for flexibility in use under subsection (a) unless it determines that—

''(i) the applicant fails to demonstrate that the new use is within the licensee's existing explicit or implied service area or spectrum block;

''(ii) the applicant fails to make an adequate interference showing; or

''(iii) the new use is inconsistent with treaty obligations of the United States.

''(B) COMMISSION FAILURE TO ACT.—If no objection is filed with the Commission and the Commission fails to act on the application within 60 days, the application shall be deemed approved.

''(C) THIRD PARTY CHALLENGES.—A co-channel licensee or adjacent channel licensee has standing to object to the approval of an application under subsection (a) if the objection is filed in writing with the Commission within 30 days after the date on which the notice of application is published in the Federal Register.

''(D) ARBITRATION OF INTERFERENCE DISPUTES.—

''(i) If an objection based on interference cannot be resolved to the satisfaction of the parties within 60 days after the close of the comment cycle for the application, then either the applicant or the person making the objection may invoke binding arbitration to resolve any unresolved issues by notifying the Commission in writing.

''(ii) Upon receipt of such notification, the Commission shall appoint an arbitrator to resolve the dispute.

''(iii) An arbitrator appointed by the Commission under clause (ii) shall resolve the dispute within 60 days after appointment.

''(iv) The costs of arbitration shall be paid by the applicant for license use flexibility or as assigned by the arbitrator.

''(E) INTERFERENCE GUIDELINES.—The Commission shall prepare interference guidelines similar to those now in use for personal communications services bands for applications affecting occupied bands that would provide a safe harbor for any licensee seeking to change its license use.

''(4) APPROVAL OF ADDITIONAL SPECTRUM REQUESTS.—

''(A) FILING WINDOW FOR COMPETING APPLICATIONS.—Any person may apply for spectrum requested by another person if the application is filed within 30 days after notice of the other person's application is first published in the Federal Register.

''(B) APPROVAL OF NONCONTESTED APPLICATIONS.—The Commission shall approve an application for additional spectrum under subsection (b) if no other applicant applies for that spectrum within 30 days after publication of notice of the application in the Federal Register, unless it determines that—

''(i) the applicant fails to demonstrate that the new use is within the licensee's existing explicit or implied service area or spectrum block;

''(ii) the applicant fails to make an adequate interference showing; or

''(iii) the new use is inconsistent with treaty obligations of the United States.

''(C) COMMISSION FAILURE TO ACT.—If no objection is filed with the Commission and the Commission fails to act on the application within 60 days, the application shall be deemed approved.

''(D) THIRD PARTY CHALLENGES.—A co-channel licensee or adjacent channel licensee has standing to object to the approval of an application under subsection (a) if the objection is filed in writing with the Commission within 30 days after the date on which the notice of application is published in the Federal Register.

''(E) ARBITRATION OF INTERFERENCE DISPUTES.—

''(i) If an objection based on interference cannot be resolved to the satisfaction of the parties within 60 days after the close of the comment cycle for the application, then either the applicant or the person making the objection may invoke binding arbitration to resolve any unresolved issues by notifying the Commission in writing.

''(ii) Upon receipt of such notification, the Commission shall appoint an arbitrator to resolve the dispute.

''(iii) An arbitrator appointed by the commission under clause (ii) shall resolve the dispute within 90 days after appointment.

''(iv) The costs of arbitration shall be paid by the applicant for license use flexibility or as assigned by the arbitrator.

''(F) INTERFERENCE GUIDELINES.—The Commission shall prepare interference guidelines similar to those now in use for personal communications services bands for applications affecting occupied bands that would provide a safe harbor for any licensee seeking to change its license use.

''(G) AUCTION OF CONTESTED SPECTRUM.—If mutually exclusive applications are accepted for spectrum under subsection (b), then the Commission shall assign the spectrum through the use of a system of competitive bidding.

''(H) EXPANSION OF AUCTIONED SPECTRUM.—In auctioning spectrum under subparagraph (G), the Commission may auction larger blocks of spectrum encompassing the spectrum requested by the applicant under subsection (b) if—

''(i) there are inconsistent and overlapping requests for the unassigned spectrum; or

''(ii) it would enhance the efficient use of spectrum.''.

SEC. 6. GOVERNMENT SPECTRUM USE REFORMS.

(a) MINIMUM REALLOCATION OF GOVERNMENT FREQUENCIES.—

(1) IN GENERAL.—Section 114 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 924) is amended by adding at the end thereof the following:

''(c) MINIMUM WITHDRAWAL SCHEDULE.—

''(1) IN GENERAL.—Over a period of 10 years beginning with fiscal year 1997, the President shall take action under subsection (a) to withdraw or limit the assignment of not less than 25 percent of the exclusive or shared spectrum allocated for Federal government use below 5 gigahertz and make available the spectrum withdrawn, or otherwise made available, to the Commission for allocation to private sector licensees using competitive bidding.

''(2) ADVISORY COMMITTEE ON WITHDRAWAL.—The President shall appoint an advisory committee of 7 members to advise the Commission and the President on the choice of spectrum for withdrawal or limitation of assignment under paragraph (1) of this subsection. The advisory committee shall also advise the President and the Commission concerning the potential for withdrawal or limitation of additional spectrum beyond the 25 percent of frequencies that are required to be privatized under paragraph (1) of this subsection, if any. The advisory committee shall include 3 representatives of affected Federal departments or agencies, 3 representatives of the private sector with experience and expertise in telecommunications, and 1 representative of the public, and shall meet at such times and places as the President shall require. The President shall designate a chairman and vice chairman and provide for appropriate administrative support. The members of the advisory committee shall serve at the pleasure of the President.''.

(b) IDENTIFICATION AND REALLOCATION OF FREQUENCIES.—Section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end thereof the following:

''(f) RELOCATION OF FEDERAL GOVERNMENT STATIONS.—

''(1) IN GENERAL.—In order to expedite the efficient use of the electromagnetic spectrum and notwithstanding section 3302(b) of title 31, United States Code, any Federal entity which operates a Federal Government station may accept payment in advance or in-kind reimbursement of costs, or a combination of payment in advance and in-kind reimbursement, from any person to defray entirely the expenses of relocating the Federal entity's operations from one or more radio spectrum frequencies to any other frequency or frequencies, including, without limitation, the costs of any modification, replacement, or reissuance of equipment, facilities, operating manuals, regulations, or other expenses incurred by that entity. Any such payment shall be deposited in the account of such Federal entity in the Treasury of the United States. Funds deposited according to this section shall be available, without appropriation or fiscal year limitation, only for the operations of the Federal entity for which such funds were deposited under this section.

''(2) PROCESS FOR RELOCATION.—Any person seeking to relocate a Federal Government station that has been assigned a frequency within a band allocated for mixed Federal and non-Federal use may submit a petition for such relocation to the Commission. The Commission shall limit the Federal Government station's operating license to secondary status when the following requirements are met—

''(A) the person seeking relocation of the Federal Government station has guaranteed to defray entirely, through payment in advance, in-kind reimbursement of costs, or a combination thereof, all relocation costs incurred by the Federal entity, including all engineering, equipment, site acquisition and construction, and regulatory fee costs;

''(B) the person seeking relocation completes all activities necessary for implementing the relocation, including construction of replacement facilities (if necessary and appropriate) and identifying and obtaining on the Federal entity's behalf new frequencies for use by the relocated Federal Government station (where such station is not relocating to other technology or to spectrum reserved exclusively for Federal use);

''(C) any necessary replacement facilities, equipment modifications, or other changes have been implemented and tested to ensure that the Federal Government station is able to accomplish its purposes successfully; and

''(D) the Commission has determined that the proposed use of the spectrum frequency band to which the Federal entity will relocate its operations is—

''(i) consistent with obligations undertaken by the United States in international agreements and with United States national security and public safety interests; and

''(ii) suitable for the technical characteristics of the band and consistent with other uses of the band.

In exercising its authority under this subparagraph with respect to issues that have national security or foreign relations implications, the Commission shall consult with the Secretary of Defense or the Secretary of State, or both, as appropriate.

''(3) RIGHT TO RECLAIM.—If within one year after the relocation the Federal Government station demonstrates to the Commission that the new facilities or spectrum are not comparable to the facilities or spectrum from which the Federal Government station was relocated, the person seeking such relocation must take reasonable steps to remedy any defects or pay the Federal entity for the costs of returning the Federal Government station to the spectrum from which such station was relocated.

''(g) FEDERAL ACTION TO EXPEDITE SPECTRUM TRANSFER.—Any Federal Government station which operates on electromagnetic spectrum that has been identified for reallocation for mixed Federal and non-Federal use in the Spectrum Reallocation Final Report or by the President pursuant to recommendation of the Advisory Committee on Withdrawal shall, to the maximum extent practicable through the use of the authority granted under subsection (f) and any other applicable provision of law, take action to relocate its spectrum use to other frequencies that are reserved for Federal use or to consolidate its spectrum use with other Federal Government stations in a manner that maximizes the spectrum available for non-Federal use.

''(h) DEFINITIONS.—For purposes of this section—

''(1) FEDERAL ENTITY.—The term 'Federal entity' means any Department, agency, or other element of the Federal Government that utilizes radio frequency spectrum in the conduct of its authorized activities, including a Federal power agency.

''(2) SPECTRUM REALLOCATION FINAL REPORT.—The term 'Spectrum Reallocation Final Report' means the report submitted by the Secretary to the President and Congress in compliance with the requirements of subsection (a).''; and

(2) by striking ''(a) or (d)(1)'' in section 114(a)(1) and inserting ''(a), (d)(1), or (f)''.

(c) FLEXIBILITY IN USE OF GOVERNMENT SPECTRUM LICENSES.—Part B of title I of the Telecommunications Authorization Act of 1992 (47 U.S.C. 921 et seq.) is amended by adding at the end thereof the following:

''SEC. 118. FLEXIBILITY IN USE FOR GOVERNMENT LICENSE-HOLDERS.

''(a) IN GENERAL.—Notwithstanding any other provision of law to the contrary, any department, agency, or instrumentality of the United States that holds an exclusive spectrum license may change the use of that license under section 337 of the Communications Act of 1934 (47 U.S.C. 337) in the same manner and to the same extent as any other holder of an exclusive nonbroadcast license.

''(b) INCENTIVES.—To the extent consistent with its existing authority, each department, agency, or instrumentality of the United States may establish financial incentives to assist in providing more government-assigned spectrum for reallocation or assignment beyond the percentage allocated under section 114(c) of this Act (47 U.S.C. 924(c)).

''(c) REGULATIONS.—The Commission shall promulgate regulations to carry out the provisions of this section after consultation with the heads of departments, agencies, and instrumentalities of the United States that hold spectrum licenses.''.

(d) FEDERAL RADIOCOMMUNICATIONS; PRIVATE ENTERPRISE RELIANCE.—It shall be the policy of the United States to rely on competitive private enterprise to the maximum extent possible to meet the radiocommunications requirements of the Federal Government. This policy shall apply to all radiocommunications systems first authorized after December 31, 1996, and shall be applied to all systems authorized as of that date in accordance with regulations adopted pursuant to this Act.

(e) BUSINESS-GOVERNMENT RADIOCOMMUNICATIONS PARTNERSHIPS; TECHNOLOGY TEAMING.—

(1) The Commission, in consultation with the Director of the Office of Management and Budget, within 6 months after the date of enactment of this Act shall adopt rules applicable to all departments, agencies, and instrumentalities of the United States Government that—

(A) encourage the utilization, to the greatest extent possible, of previously conducted surveys of all radiocommunications systems operated by such department, agency, or instrumentality for the purpose of increasing the efficiency of those systems; and

(B) authorize the head of each department, agency, and instrumentality of the United

States Government to enter into contracts, leases, partnerships, teaming agreements, and other cooperative business-government arrangements, that will enable the private sector to participate, in whole or significant part, in the upgrading of government radiocommunications systems, and permit an equitable apportionment of the use of such upgraded systems to meet both government as well as private sector needs.

(2) APPLICATION TO LEGISLATIVE AND JUDICIAL BRANCHES.—

(A) THE CONGRESS.—As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, the regulations promulgated by the Commission under paragraph (1) are deemed to have been adopted by each House of the Congress, respectively, as rules applicable only to that House. The rules so adopted supersede other rules of each House of the Congress only to the extent that they are inconsistent with those other rules, and they are enacted with full recognition of the constitutional right of each House to change them, to the extent that they relate to that House, in the same manner and to the same extent as any other rule of that House.

(B) THE FEDERAL JUDICIARY.—The judicial branch of the United States Government is authorized and requested to adopt the regulations promulgated by the Commission under paragraph (1) as applicable to the operations of that branch.

(3) COMPETITIVE PROCUREMENT TECHNIQUES.—Each department, agency, and instrumentality of the United States Government is authorized and encouraged to employ competitive procurement techniques in selecting private sector partners for the purpose of mutually benefiting from the upgrading of technology associated with Federal radiocommunications systems, except that—

(A) the head of any such department, agency, or instrumentality may waive compliance with competitive procurement techniques in whole or part, if it is in the government's interests; and

(B) business-government arrangements undertaken under this Act shall not be subject to limitations regarding gifts and bequests to Federal agencies.

The provisions of this paragraph shall apply to the legislative and judicial branches of the United States Government to the extent that such branches adopt the same or similar rules.

(4) REPORT.—The President shall include as part of the Budget of the United States for each fiscal year beginning after the date of enactment of this Act, a report detailing the number and scope of cooperative business-government radiocommunications arrangements undertaken in accordance with this Act for the preceding fiscal year.

(f) GOVERNMENT COMMUNICATIONS SYSTEMS; MULTIPLE USE AND APPLICATION.—

(1) It is the policy of the United States to encourage and facilitate the multiple, shared use of Federal radiocommunications systems to the maximum extent possible, in order to foster more effective and efficient use of radio spectrum resources.

(2) To implement this policy, the Commission in consultation with the Director of the Office of Management and Budget, and the Administrator of the General Services Administration and other appropriate officers or employees of the United States Government, within 1 year after the date of enactment of this Act shall adopt rules, regulations, and budgetary guidelines which—

(A) establish a Federal radiocommunications system register, to be maintained by the Director, or his designee, which register shall set forth capacity which could be available for use by other Federal agencies;

(B) require the heads of all Federal agencies seeking additional radio spectrum licenses or assignments to certify that they have fully considered the availability of private sector radiocommunications alternatives; and, based upon review of the register required by this Act, have also fully considered the feasibility of shared use of other Federal agency systems; and

(C) require all Federal agencies holding radio spectrum licenses or assignments promptly, and on a continuing basis, to assess the feasibility and desirability of sharing the capacity of their radiocommunications systems with other Federal agencies, and to report their findings for inclusion in the register required by this Act.

(g) CONSOLIDATION OF FREQUENCY MANAGEMENT RESPONSIBILITIES.—The radio frequency management functions of the National Telecommunications and Information Administration (hereinafter referred to as ''NTIA''), including the Interdepartmental Radio Advisory Committee secretariat and associated support activities (including the NTIA's electromagnetic compatibility analysis operations), under the National Telecommunications and Information Administration Organization Act are hereby transferred to the Commission.

(h) PRESIDENTIAL INVALIDATION.—The President may invalidate any Commission action that—

(1) limits the amount of spectrum available to departments, agencies, or instrumentalities of the United States;

(2) limits the uses to which such spectrum may be put; or

(3) interferes with or compromises any use by any such department, agency, or instrumentality

if, after a hearing on the record, the President finds that such action would substantially harm national security or public safety.

SEC. 7. NONEXCLUSIVE LICENSES.

The Commission may use such other economic incentives as it deems appropriate, including user fees, to ensure that nonexclusive licenses and licenses not issued utilizing competitive bidding are used efficiently and that the public is fairly compensated for the use of the spectrum. In establishing the amount of such fees, the Commission shall consider such factors as spectrum bandwidth, frequency location, area of operation, service area population, and the value of the spectrum as determined by prices paid for spectrum in Commission auctions.

SEC. 8. SELF-MANAGED REGULATION; EXPANDED RELIANCE OF FREQUENCY COORDINATION.

(a) REPORT.—Not later than 90 days after the date of the date of enactment of this Act, the Commission shall report to the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Commerce of the House of Representatives regarding the radio frequency management, recordskeeping, coordination, and other functions undertaken by the Commission that could be performed by private sector radio frequency coordinator groups.

(b) ASSESSMENT.—In preparing this report, the Commission shall assess the feasibility and desirability of relying upon nonprofit industry self-regulatory organizations as well as for-profit organizations, and shall also assess and report on the potential revenue which might inure to the Government by selecting private sector radio frequency coordinator groups through competitive bidding procedures, including auctions.

(c) RULEMAKING.—Following the transmittal of its report, the Commission shall initiate a rulemaking or rulemakings with a view toward implementing the report's findings, and shall conclude such proceedings within 6 months.

SEC. 9. BLOCK GRANTS OF PUBLIC SAFETY SPECTRUM TO STATES.

The Commission shall delegate to the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and each State responsibility for assigning and managing radio frequency spectrum allocated for public safety communications use. In making that delegation, the Commission shall consider, among other matters—

(1) a requirement that the polity to which the spectrum responsibility is delegated notify the Commission of its assignment of spectrum and its management activities;

(2) permitting each such polity to exercise or to grant licensees the same flexibility in use that is available to private sector license holders whose license is granted by the Commission;

(3) providing for the binding resolution of interference disputes between such polities by the Commission; and

(4) a requirement that each polity manage its public safety spectrum allocation to ensure efficient interoperability between its own wireless communications systems and those of Federal law enforcement, public safety, and disaster assistance agencies, to the greatest extent feasible.

SEC. 10. FLEXIBLE NTSC AND DTV LICENSES; DEPOSIT AND RETURN; FLEXIBLE OVERLAY VHF AND UHF BAND LICENSES.

(a) IN GENERAL—Part I of title III of the Communications Act of 1934, as amended by section 5 of this Act, is amended by adding at the end thereof the following:

"SEC. 338. BROADCAST TELEVISION SPECTRUM POLICY.

''(a) ASSIGNMENT OF FLEXIBLE DTV LICENSES TO EXISTING BROADCASTERS.—

''(1) ASSIGNMENT.—The Commission shall assign one 6 megahertz DTV channel, on a non-competitive basis, to each existing NTSC licensee. An existing NTSC licensee to whom such a channel is assigned may—

''(A) receive a DTV license for a deposit; or

''(B) decline to accept a DTV license.

Any DTV license declined shall be auctioned by the Commission as part of an overlay license. The amount of the deposit shall be based on the market value of the license as shown by the auction of the overlay licenses and adjusted for relevant economic factors, such as the size and population of the area served. The Commission may waive the deposit in whole or in part for broadcasters in small markets and for small broadcasters competing in large markets.

''(2) USE OF DTV LICENSE.—A licensee to which a DTV license is assigned under paragraph (1)—

''(A) shall enjoy flexibility in use (within the meaning of that term as used in section 337(a)) of the license consistent with technical limits imposed by the Commission to prevent interference to NTSC and other DTV assignments;

''(B) may not be required to meet a minimum service requirement or construction schedule; and

''(C) may transfer or relinquish its DTV license at any time.

''(3) REASSIGNMENT OF RELINQUISHED LICENSES.—Except as provided in paragraph (1), the Commission may not reassign any DTV license relinquished by the licensee to whom it was assigned or transferred. Any spectrum that had been previously encumbered by a relinquished DTV license shall be available for use by overlay licensees (within the meaning of subsection (c)).

''(4) DEPOSIT AND RETURN.—

''(A) The amount to be paid as a deposit for a DTV license under paragraph (1)—

''(i) may be paid to the Commission in installments over a 15-year period beginning on the date on which the license is assigned; and

''(ii) shall be held in escrow and invested in interest-bearing obligations of the United States.

''(B) Amounts received as interest earned on deposits held in escrow under subparagraph (A) shall be available to the United States for tax reduction or deficit reduction purposes.

''(C) Fifteen years after a DTV license is assigned to an NTSC licensee under paragraph (1), the licensee may relinquish its NTSC license or its DTV license. If an NTSC licensee relinquishes either license under this subparagraph, then the amount of the deposit paid by the licensee shall be returned to the licensee, without interest, reduced by 20 percent for each year the licensee continues NTSC operations in excess of the 15-year period beginning on the date on which the DTV license is assigned to the licensee.

''(b) EXISTING NTSC LICENSES.—

''(1) GRANT OF FLEXIBILITY.—An NTSC licensee with a valid NTSC license on the date of enactment of the Electromagnetic Spectrum Management Policy Reform and Privatization Act—

''(A) may provide standard NTSC television service after such date of enactment;

''(B) may transfer its NTSC license to any other person who is qualified to be an NTSC licensee; and

''(C) shall enjoy flexibility in use (within the meaning of that term as used in section 337(a)) of the license, subject to technical limits imposed by the Commission to prevent interference to DTV and other NTSC assignments.

''(2) REDUCTION OR DISCONTINUANCE OF NTSC SERVICE.—An NTSC licensee may not reduce or discontinue any NTSC service unless the licensee provides comparable replacement for such service free to viewers, as defined and approved by the Commission, including necessary receiving equipment for all such service to be displayed on standard NTSC receivers. An NTSC license relinquished by a licensee who provides such comparable free replacement service may not be reassigned by the Commission.

''(3) REASSIGNMENT OF ABANDONED OR REVOKED LICENSES.—An NTSC license that is—

''(A) abandoned by the licensee without providing comparable free replacement service (within the meaning of such term as it is used in paragraph (2) of this subsection); or

''(B) revoked by the Commission,

shall be reassigned by the Commission by auction for standard NTSC service, with the same flexibility in use rights provided to other NTSC licensees.

''(c) ASSIGNMENT OF NEW OVERLAY LICENSES.—

''(1) IN GENERAL.—The Commission shall assign overlay licenses by a simultaneous, multiple round auction. Any spectrum previously encumbered by NTSC or DTV licenses that have been relinquished shall be available for use by overlay licensees in accordance with such terms and conditions, consistent with the other provisions of this section, as the Commission may establish.

''(2) USE.—An overlay licensee—

''(A) shall enjoy flexibility in use (within the meaning of that term as used in section 337(a)) of the license, subject to—

''(i) power limits set by the Commission at the boundaries of the spectrum block and service area; and

''(ii) such additional technical restrictions as may be imposed by the Commission to protect NTSC and DTV licensees, and authorized land mobile services, from harmful interference;

''(B) may aggregate multiple overlay licenses to create larger spectrum blocks and service areas; and

''(C) may transfer an overlay license to any other person qualified to be an overlay licensee.

''(d) DEFINITIONS.—For purposes of this section—

''(1) DTV.—The term 'DTV' means digital television.

''(2) NTSC.—The term 'NTSC' means the National Television Systems Committee.

''(3) NTSC LICENSEE.—The term 'NTSC licensee' means a licensee assigned a television channel allotted for full power television service under the Commission's rules.

''(4) OVERLAY LICENSE.—

''(A) IN GENERAL.—The term 'overlay license' shall be defined by the Commission.

''(B) INDIVIDUALLY.—As defined by the Commission, each overlay license shall cover—

''(i) a block of one or more contiguous 6 megahertz channels; and

''(ii) a contiguous geographic area,

as determined by the Commission.

''(C) COLLECTIVELY.—As defined by the Commission, overlay licenses shall cover collectively—

''(i) all 402 megahertz of spectrum in the VHF and UHF television bands; and

''(ii) the entire area of the United States.

''SEC. 339. COMMISSION MAY NOT ESTABLISH DTV STANDARDS OR DTV RECEPTION SET REQUIREMENTS.

''Notwithstanding any other provision of law to the contrary, the Commission may not—

''(1) establish DTV (as defined in section 338(d)(1)) standards; nor

''(2) require that television receivers manufactured in, or imported into, the United States be capable of receiving and decoding DTV signals.''.

SEC. 11. REPEAL OF FEES IMPOSED ON BROADCASTERS FOR ANCILLARY AND SUPPLEMENTARY SERVICES.

Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f).

SEC. 12. SPECTRUM REPORT.

Two years after the date of enactment of this Act, the Commission shall report the results of implementation of this Act, together with a cost-benefit analysis of such results, and any recommendations for additional legislation related thereto, to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Commerce of the House of Representatives.

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.)

MEASURES REFERRED

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

H.R. 2980. An act to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 150. Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2543. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of an interim rule relative to a freeze on paging applications (received on April 26, 1996); to the Committee on Commerce, Science, and Transportation.

EC–2544. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of rules relative to Premerger Notification and Trade Regulation (received on April 26, 1996); to the Committee on Commerce, Science, and Transportation.

EC–2545. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2125-AC17); to the Committee on Environment and Public Works.

EC–2546. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rules (FRL–5455–4, FRL–5454–6, FRL–5455–4, FRL–5451–9, FRL–5463–9, FRL–5459–3, FRL–5463–1, FRL–5462–7, FRL–5424–2, FRL–5458–9, FRL–5464–1, FRL–5448–9, FRL–5461–7, FRL–5452–6, FRL–5465–1, FRL–5461–2); to the Committee on Environment and Public Works.

EC–2547. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of final rules (RIN 2137–AC79, RIN 2120–AA65, RIN 2120–AA65, RIN 2120–AA66, RIN 2127–AG22, RIN 2127–AG28, RIN 2127–AF68, RIN 2127–AF79, RIN, RIN 2127–AF65, RIN 2127–AG30, RIN 2115–AE47, RIN 2120–AA64, RIN 2137–AC69) (received April 29, 1996); to the Committee on Commerce, Science, and Transportation.

EC–2548. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report on military expenditures for countries receiving U.S. assistance; to the Committee on Appropriations.

EC–2549. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rules (FRL–5465–5, FRL–5458–8, FRL–5465–9, FRL–5467–9, FRL–5359–5, FRL–5364–5, FRL–5358–5, FRL–5365–2, FRL–5362–9, FRL–5360–3, FRL–4995–8, FRL–5365–6) received on April 30, 1996; to the Committee on Environment and Public Works.

EC–2550. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rules (FRL–5501–1, FRL–5500–9, FRL–5467–8, FRL–5501–3, FRL–5468–2, FRL–5500–4, FRL–5364–9, FRL–5366–8, FRL–5354–1, FRL–5365–1) received on May 3, 1996; to the Committee on Environment and Public Works.

EC–2551. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rules (FRL–5436–1, FRL–5464–8, FRL–5468–5, FRL–5456–9, FRL–5467–3, FRL–5468–8, FRL–5464–2, FRL–5466–1) received on April 30, 1996; to the Committee on Environment and Public Works.

EC–2552. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2120–AA64) received on April 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2553. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of final rules (RIN 2120–AA64, RIN 2120,AF10, RIN 2120–AA66, RIN 2125–AD90, RIN 2127–AA67, RIN 2133–AB14) received on May 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2554. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2120–AA64) received on May 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2555. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2120–AA64, RIN 2127–AF71, RIN 2132–AA46, RIN 2120–AA66, RIN 2115–AA97, RIN 2115–AE46, RIN 2120–AG05, RIN 2120–AE57) received on May 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2556. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the determination and findings relative to the Integrated Financial Management System; to the Committee on Commerce, Science, and Transportation.

EC–2557. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–2558. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC–2559. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Appropriate Crew Size Study; to the Committee on Commerce, Science, and Transportation.

EC–2560. A communication from the Acting General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation entitled ''The Weather Service Modernization Streamlining Act of 1996''; to the Committee on Commerce, Science, and Transportation.

EC–2561. A communication from the Secretary of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule received on April 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2562. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on May 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2563. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on May 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2564. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule (RIN 0648–AG80) received on May 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2565. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on May 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2566. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on May 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2567. A communication from the Associate Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of rules (RIN 0693–ZA02, RIN 0693–ZA06) received on May 3, 1996; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1014. A bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes (Rept. No. 104–260).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1425. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes (Rept. No. 104–261).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1627. A bill to designate the visitor center at Jean Lafitte National Historical Park in New Orleans, LA, as the ''Laura C. Hudson Visitor Center.'' (Rept. No. 104–262).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 42. A joint resolution designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes (Rept. No. 104–263).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 1642. A bill to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes (Rept. No. 104–264).

By Mr. ROTH, from the Committee on Finance, without amendment:

H.R. 2853. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria (Rept. No. 104–265).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1710. A bill to authorize multiyear contracting for the C-17 aircraft program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Nina Gershon, of New York, to be United States District Judge for the Eastern District of New York.

Mary Ann Vial Lemmon, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Edmund A. Sargus, Jr., of Ohio, to be United States District Judge for the Southern District of Ohio.

Dean D. Pregerson, of California, to be United States District Judge for the Central District of California.

W. Craig Broadwater, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Walker D. Miller, of Colorado, to be United States District Judge for the District of Colorado.

(The above nominations were reported with the recommendation that they be confirmed.)

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. ASHCROFT (for himself, Mr. LOTT, Mr. DEWINE, Mr. MACK, Mr. HATCH, Mr. SMITH, Mr. CRAIG, and Mr. SHELBY):

S. 1741. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1742. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt minor parties from liability under the Act, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. LOTT, Mr. DEWINE, Mr. MACK, Mr. HATCH, Mr. SMITH, Mr. CRAIG, and Mr. SHELBY):

S. 1741. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

THE WORKING AMERICANS WAGE RESTORATION ACT

Mr. ASHCROFT. Mr. President, during this year when so much discussion

is being focused on the future of America, I think it is important for us to inventory what it is that has made America a place of opportunity and a land which has welcomed individuals with initiative and industry from around the world. I think one of the key components of the American culture which has allowed that to happen has been the component of growth. We have understood that the purpose of government is to provide a framework for growth, that growth should be the characteristic which identifies America as the land of opportunity. As a matter of fact, that citizens and corporations, individuals, and institutions should enjoy conditions of growth—that is the reason to have government. It is the reason to have public safety, so people can grow and develop. It is the reason to have national defense, so the Nation can grow. Not that we would have big government, but that we would have a largeness in terms of opportunity and citizenship; so that we could, indeed, meet the needs of the next generation.

It has been the kind of thing that has allowed us, as a country, to welcome all comers. It is the kind of thing that inspired Emma Lazarus to write the poem on the base of the Statue of Liberty:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door.

That is only available—we can only have that kind of optimism about the future—if we have growth, if we promote growth; growth not for the government but growth for the community, growth for the citizen, growth for the individual. That is the purpose of government.

Yet, during the 1990's we find ourselves with a sense of discomfort, a sense of dis-ease, if you will, not disease, but dis-ease. We find that workers' wages are stagnant, some of them slipping. And we do not have that sense of growth. We do not find ourselves with that large reservoir of confidence that is rightfully American. What should we do? Where are we? People feel that we are adrift.

We have a forgotten middle class. It has been detected in the Presidential campaigns. It has been understood by people who have been out among the voters. You and I have detected it when we have talked to folks. They feel like there is a flatness, there is a staleness.

You feel like there has not been any growth. Then you begin to look for a reason. All of a sudden it becomes apparent. The Commerce Department of the U.S. Government last week told us about growth. It told us about the growth in the amount of taxes that government has been taking from individuals. It told us that we have reached an all-time high in terms of the taxes that individuals are paying. We tax people more now in America than we have taxed them at any time in history. We tax people more than we taxed them to fight the war in Vietnam, to win the Second World War. We tax people more now than we taxed them to spend our way out of the Great Depression. We made the world safe for democracy in World War I taxing people a lot less than we tax people now.

It is beginning to dawn on America, on citizens, that we have had growth in taxes but we have not had growth in wages. People are beginning to understand that what you choose to spend by government you cannot choose to spend as individuals. The Government has stolen the increase in wages from people, the working people of the United States, for the last several years. The tax increases of this decade, including the 1993 tax increase of President Clinton, the largest tax increase in the history of America, has literally siphoned off the pay increase, the take-home pay addition that people would have had in the United States. It is time for us to understand that high taxes have hurt the ability of people to have more take-home pay.

I would like to correct this. I think we ought to correct this. I think it is time for us to give people back the taxes which we took from them. It is time for us to restore to the American people the wage increases which have been stolen by Government. So it is my privilege today to introduce a measure, which I think is important to millions and millions of working Americans.

I want to introduce the Working Americans Wage Restoration Act. This measure is a measure which is designed to increase the take-home pay of well over 77 million working Americans. It is a measure which would say that individuals, when they pay their Social Security taxes, have a right to deduct that tax payment from their income taxes. The payroll taxes, the Social Security taxes, would continue to be paid. There is nothing in this measure which would impair the Social Security trust fund. But right now American workers are being taxed on a tax. They pay their Social Security taxes but they also have to pay income tax on the money they use to pay their Social Security tax. A tax on a tax is something America has never long tolerated. It is time for us to say that we will not double tax American workers in this way.

It is especially egregious, it is especially aggravating, it is a special affront to the American people to say to them that you have to pay this tax on a tax. Half the tax is paid by people, the other half is paid by corporations. And, guess what, corporations do not pay a tax on a tax. Corporations can deduct from their income tax the amount of Social Security tax they pay as a part of the payroll tax.

So it is time for us to provide equity to the American people. For most Americans, the payroll tax is the most substantial of all taxes. So my proposal, which I send to the desk, is a proposal to eliminate the tax on this tax. Mr. President, I submit a bill for filing today at this time.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ASHCROFT. Mr. President, this bill has endorsements of a wide variety of groups and individuals. Jack Kemp, who was the chairman of the Tax Reform Commission, appointed by our leader, has endorsed this. It was a part of the Commission report. Carroll Campbell, of the Tax Reform Commission; Grover Norquist, Americans for Tax Reform; David Keating, National Taxpayers Union; David Keene and Bill Pascoe, American Conservative Union; Steve Moore, Cato Institute; Jack Faris, NFIB; Steve Entin, of IRET; Aldona Robbins, Fiscal Associates; Tom Schatz, of Citizens Against Government Waste; Jim Carter, of the RNC; Greg Conko, of Competitive Enterprise Institute; Paul Huard, National Association of Manufacturers; Paul Beckner, Nancy Mitchell, and Decy Gray, Citizens for a Sound Economy; Beau Boulter, of the United Seniors Association, has endorsed this; Karen Kerrigan, of the Small Business Survival Committee; J. D. Foster, of the Tax Foundation; David L. Thompson, the Business Leadership Council—all have endorsed this matter, and we are grateful for their endorsements.

This matter is cosponsored in the Senate by Senators LOTT, DEWINE, MACK, HATCH, SMITH, CRAIG, and SHELBY and sponsored in the House by Congressman NETHERCUTT, cosponsored by Congressmen CRANE, HOSTETTLER and Congresswoman DUNN. I thank all of these people, along with Gordon Jones, of the Seniors Coalition, for their participation in promoting this important idea.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, I am pleased to join my colleague from Missouri, JOHN ASHCROFT, in the introduction of this legislation, and I thank him for the thoughtfulness and, most important, the foresightedness that I think this legislation represents.

The Senator spoke well when he said Americans will not for long tolerate double taxation, and it is unique in the area of Social Security taxes that we allow corporate America, in their partnering in this tax, to deduct it, but we do not allow the individual who must pay that tax do so. So, as a result of the first $62,700 of income, the individual is, in essence, double taxed.

My colleague from Missouri today has introduced legislation in essence saying that the time of that fallacy is over and that, if we really want to restore the wage-earning capability of the American worker, we should let them keep the money they have earned, and we do so with this legislation today. For a typical two-income family—and most families are becoming that now—the Federal income tax liability would be dropped by more than $1,000.

Here we are at this moment on the floor of the Senate trying to resolve the issue of a Federal gas tax that pulls billions of dollars out of the pocketbook of the American taxpayer. We have seen a frustration expressed by working men and women in this country for the last several years that they just do not get ahead. They keep getting a salary increase, but nothing comes home, which does not translate into money in the back pocket or money to buy the new car or money to help finance their children's education or money to improve their lifestyle in some form.

In fact, out of all that frustration, and while our President talks about a strong economy, it is an economy that is just millions of jobs less strong than it ought to be for the very reason that the Senator from Missouri has so articulately spoken: the dragdown, if you will, of the ability of the American producers, working men and women, to retain that which they work so hard for and, therefore, to collect it, to put it in savings, if they will, to spend it for their own purposes, to provide for their children.

In other words, the American dream does not quite seem to be as clear as it used to be. I suggest, Mr. President, that one of the reasons is this kind of Government intrusion, if you will, double taxation. The legislation, the Working Americans Wage Restoration Act, introduced today by my colleague, JOHN ASHCROFT, that I have cosponsored along with others, in my opinion, begins to, once again, brighten the American dream.

It is part of what we are here on the floor debating today. Some of our colleagues argue that the way you solve the human crisis in this country, no matter how that crisis is defined, is to bring about a Government program. I suggest that most Americans in our country today can solve their own crises if they simply have the tools of solution. One of the great tools of solution for problem solving is the ability to retain your own earnings so you can spend it for yourself and your family to improve your lot in society or to correct a problem that has somehow gone wrong.

This legislation offers that opportunity, and I hope that it gets heard, gets debated. I relish an opportunity for the Senate to debate it and vote upon it.

Mr. President, as we will in the next little while decide whether this Senate is going to vote on a gas tax repeal or whether we are going to find some loophole, as the other side now struggles to do to argue that this is no good, is going to be a unique challenge for all of us.

Like you, I did not vote for this gas tax increase. I am a Westerner, and I recognize the kind of burden you place on somebody who must commute the long miles in the West, or the farmer or rancher who uses fuel as a tremendous tool of their production, and we lessen their ability to profit when we increase the cost of their tools, their tools of incomemaking, if you will.

That is part of what this debate is all about. But the idea that we would use a gas tax, which we have traditionally directed toward roads and bridges and improving the transportation of our country and, therefore, improving the ability of this economy to expand that my colleague from Missouri talks about—the business of growth in the economy should be the business of Government not getting in the way but staying out of the way and promoting that growth. The gas tax has been one that always has. It has promoted growth in the economy by the building of roads and bridges and allowing the kind of flow of labor that has been the hallmark of our society.

But this President, President Clinton, said, ''I need that money to pay for social programs,'' even when in 1992, Candidate Clinton said, ''I won't increase the gas tax. It's the wrong kind of thing to do. It does not allow the economy to grow and expand.''

But of course, promises made, promises broken, tax increase, billions of dollars now pouring out of the economy of our country and into the hands of Government to be spent in social programs.

Is it a big part of the gas increase, the fuel costs that consumers are about today? No, it is not, but it is an important issue to be debated and voted upon to return not only the gas tax to its traditional use but to reduce the overall ability of Government to spend and to expand programs.

You are going to hear more talk today, as you have had for the last several days, that somehow this does damage to Government. I suggest you just cut the spending of Government in direct relation to the amount of revenue that will remain not as a tax but as an income to the consumer in the consumer's pocket.

Right now, every time that consumer pulls up to a gas pump, sticks the nozzle in the tank of their car, they see a tremendous outpouring from the pocketbook.

So, if we were to pass legislation of the kind just introduced by my colleague from Missouri, if we were to repeal the gas tax and allow that to remain in the pocket of the consumer, we would see the kind of growth and job creation in our economy that we have not seen, that cannot be talked about by this administration because of the taxes that have been pushed through stifling the overall ability of that economy to grow.

Growth, progrowth, work incentives, 500,000 new jobs possibly created by the legislation of the Senator from Missouri, that two-income family being able to retain more of their income, $1,000-plus a year—that is the type of thing this Congress ought to be talking about and doing something about instead of talking about, ''Oh, my goodness, this takes away from our ability to spend. We might have to reduce this program or that program.''

Mr. President, we just left tax freedom day. We just said to the American taxpayer, ''Today is the day when you've paid your taxes, and you can start earning for yourself.'' Last week I stood on the floor of the Senate and said that the first 3 hours of every working day the taxpayer, or the worker, spent their time working for Government, both at the State and Federal level.

Somehow that must change if we are to get the kind of productivity in our economy, job creation and self-well-being to once again brighten the American dream instead of progressively dimming it, as Government can so successfully do if it constantly takes away from the individuals their ability to earn, save, invest, retain, provide for themselves and their families.

So I thank my colleague from Missouri for his insightfulness and innovativeness in proposing this legislation. I hope that in the coming year this becomes a major part of what this Congress is about and what this Senate is about in providing for the American people.

By Mr. SPECTER (for himself and Mr. SANTORUM)

S. 1742. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt minor parties from liability under the act, and for other purposes; to the Committee on Environment and Public Works.

THE SUPERFUND MINOR PARTY LIABILITY RELIEF ACT OF 1996

Mr. SPENCER. Mr. President, today I am introducing legislation to expedite the cleanup of our Nation's toxic waste sites. My bill, the Superfund Minor Party Liability Relief Act, would exempt minor parties that contribute insignificant levels of waste to such sites from liability under the Superfund law. This will reduce the litigation brought by the primary polluters of toxic waste sites and reduce the current delays in cleaning up the sites.

Since the 1980 enactment of the Superfund law, 1,321 sites have been placed on the National Priorities List. I find it disturbing, however, that 16 years later only 83 sites have been cleaned up and removed from the list. I am also troubled by a recent report issued by the RAND Corp. which found that transaction costs for industrial firms and insurance companies, representing primarily legal fees, account for up to 88 percent of their total Superfund-related expenses.

Pennsylvania has 110 Superfund sites, many of which have been on the National Priorities List for years. The Congressional Budget Office estimates the average cleanup time for Superfund sites to be approximately 12 years. One such site, the Keystone Sanitation landfill, located in Adams County, PA, was added to the National Priorities

List July 22, 1987. The Environmental Protection Agency selected the remedy for cleaning up the site in 1990. The site, however, remains contaminated as a multitude of minor party defendants with little or no responsibility for the environmental contamination of the site are forced to litigate to protect their rights and the courts are tied up with endless motions and appeals.

I am concerned with the impact of such a delay on the adults and children who live and play in close proximity to the Keystone site. The site continues to be a source of ground water contamination, which, if left untreated, will continue to threaten the health and safety of local residents.

This legislation would reduce such delays in remediating toxic waste sites by forcing the primary parties responsible for the pollution to focus on restoring sites to a safe condition instead of using their resources to shift blame to the multitude of minor contributors of negligible amount of waste. My bill will reduce the waste of money and time by exempting minor parties from liability at the outset, when a site is selected for the National Priorities List. This should expedite the legal proceedings and encourage major polluters to work constructively with federal, state, and local governments on actual cleanup.

Specifically, this bill would exempt from liability those minor parties who have only contributed up to 110 gallons of liquid material or up to 200 pounds of solid material to a contaminated site. This exemption, however, would not apply to parties considered to have contributed significantly to a site's contamination. Thus, on Superfund sites containing tens of thousands of gallons of liquid contamination, or tons of solid hazardous waste, we would narrow the litigation field to only the significant parties. I am willing to examine whether or not these are the appropriate levels, but I am advised by some of the litigants involved in Pennsylvania Superfund cleanups that such relief will go a long way toward alleviating the undue burden they currently face.

It is unclear whether Congress will finally enact comprehensive Superfund reform legislation this year. Therefore, I urge my colleagues, many of whom represent communities with similar situations, to consider passing this important commonsense reform. There is a broad consensus among the American people that we ought to alleviate the unfair cost burden placed on small businesses and cash strapped municipalities by ensuring that the parties most responsible for the existence of toxic waste sites are the ones responsible for remediating the sites. I believe this bill will go a long way toward simplifying and expediting the Superfund cleanup process and I encourage my colleagues to support this legislation.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of 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.

S. 1144

At the request of Mr. MURKOWSKI, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1144, a bill to reform and enhance the management of the National Park System, and for other purposes.

S. 1145

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1145, a bill to abolish the Department of Housing and Urban Development and provide for reducing Federal spending for housing and community development activities by consolidating and eliminating programs, and for other purposes.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1487

At the request of Mr. GRAMM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1639

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the Medicare Program for health care services provided to Medicare-eligible beneficiaries under TRICARE.

S. 1657

At the request of Mr. FAIRCLOTH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1657, a bill requiring the Secretary of the Treasury to make recommendations for reducing the national debt.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. INHOFE], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT

DOLE AMENDMENT NO. 3961

Mr. DOLE proposed an amendment to amendment No. 3955 proposed by him to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

Strike the word ''enactment'' and insert the following:

TITLE —FUEL TAX RATES

SEC. . REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993 to determine whether there has been a passthrough of such repeal.

(B) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

SPECTRUM AUCTION

SEC. . SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communication Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

TITLE I—BANKING, HOUSING, AND RELATED PROVISIONS

SEC. 1001. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE I—BANKING, HOUSING, AND RELATED PROVISIONS

Sec. 1001. Table of contents.
Sec. 1011. Special assessment to capitalize SAIF.
Sec. 1012. Financing Corporation assessments shared proportionally by all insured depository institutions.
Sec. 1013. Merger of BIF and SAIF.
Sec. 1014. Creation of SAIF Special Reserve.
Sec. 1015. Refund of amounts in deposit insurance fund in excess of designated reserve amount.
Sec. 1016. Assessment rates for SAIF members may not be less than assessment rates for BIF members.
Sec. 1017. Assessments authorized only if needed to maintain the reserve ratio of a deposit insurance fund.
Sec. 1018. Definitions.

SEC. 1011. SPECIAL ASSESSMENT TO CAPITALIZE SAIF.

(a) IN GENERAL.—Except as provided in subsection (f), the Board of Directors shall impose a special assessment on the SAIF-assessable deposits of each insured depository institution at a rate applicable to all such institutions that the Board of Directors, in its sole discretion, determines (after taking into account the adjustments described in subsections (g) through (j)) will cause the Savings Association Insurance Fund to achieve the designated reserve ratio on March 31, 1996.

(b) FACTORS TO BE CONSIDERED.—In carrying out subsection (a), the Board of Directors shall base its determination on—

(1) the monthly Savings Association Insurance Fund balance most recently calculated;

(2) data on insured deposits reported in the most recent reports of condition filed not later than 70 days before the date of enactment of this Act by insured depository institutions; and

(3) any other factors that the Board of Directors deems appropriate.

(c) DATE OF DETERMINATION.—For purposes of subsection (a), the amount of the SAIF-assessable deposits of an insured depository institution shall be determined as of March 31, 1995.

(d) DATE PAYMENT DUE.—The special assessment imposed under this section shall be paid to the Corporation not later than 60 days after the date of enactment of this Act.

(e) ASSESSMENT DEPOSITED IN SAIF.—Notwithstanding any other provision of law, the proceeds of the special assessment imposed under this section shall be deposited in the Savings Association Insurance Fund.

(f) EXEMPTIONS FOR CERTAIN INSTITUTIONS.—

(1) EXEMPTION FOR WEAK INSTITUTIONS.—

(A) IN GENERAL.—The Board of Directors may, by order, in its sole discretion, exempt any insured depository institution that the Board of Directors determines to be weak, from paying the special assessment imposed under this section if the Board of Directors determines that the exemption would reduce risk to the Savings Association Insurance Fund.

(B) GUIDELINES REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Board of Directors shall prescribe guidelines setting forth the criteria that the Board of Directors will use in exempting institutions under subparagraph (A). Such guidelines shall be published in the Federal Register.

(2) EXEMPTION FOR CERTAIN NEWLY CHARTERED AND OTHER DEFINED INSTITUTIONS.—

(A) IN GENERAL.—In addition to the institutions exempted from paying the special assessment under paragraph (1), the Board of Directors shall exempt any insured depository institution from payment of the special assessment if the institution—

(i) was in existence on October 1, 1995, and held no SAIF-assessable deposits prior to January 1, 1993;

(ii) is a Federal savings bank which—

(I) was established de novo in April 1994 in order to acquire the deposits of a savings association which was in default or in danger of default; and

(II) received minority interim capital assistance from the Resolution Trust Corporation under section 21A(w) of the Federal Home Loan Bank Act in connection with the acquisition of any such savings association; or

(iii) is a savings association, the deposits of which are insured by the Savings Association Insurance Fund, which—

(I) prior to January 1, 1987, was chartered as a Federal savings bank insured by the Federal Savings and Loan Insurance Corporation for the purpose of acquiring all or substantially all of the assets and assuming all or substantially all of the deposit liabilities of a national bank in a transaction consummated after July 1, 1986; and

(II) as of the date of that transaction, had assets of less than $150,000,000.

(B) DEFINITION.—For purposes of this paragraph, an institution shall be deemed to have held SAIF-assessable deposits prior to January 1, 1993, if—

(i) it directly held SAIF-assessable insured deposits prior to that date; or

(ii) it succeeded to, acquired, purchased, or otherwise holds any SAIF-assessable deposits as of the date of enactment of this Act that were SAIF-assessable deposits prior to January 1, 1993.

(3) EXEMPT INSTITUTIONS REQUIRED TO PAY ASSESSMENTS AT FORMER RATES.—

(A) PAYMENTS TO SAIF AND DIF.—Any insured depository institution that the Board of Directors exempts under this subsection from paying the special assessment imposed under this section shall pay semiannual assessments—

(i) during calendar years 1996 and 1997, into the Savings Association Insurance Fund, based on SAIF-assessable deposits of that institution, at assessment rates calculated under the schedule in effect for Savings Association Insurance Fund members on June 30, 1995; and

(ii) during calendar years 1998 and 1999—

(I) into the Deposit Insurance Fund, based on SAIF-assessable deposits of that institution as of December 31, 1997, at assessment rates calculated under the schedule in effect for Savings Association Insurance Fund members on June 30, 1995; or

(II) in accordance with clause (i), if the Bank Insurance Fund and the Savings Association Insurance Fund are not merged into the Deposit Insurance Fund.

(B) OPTIONAL PRO RATA PAYMENT OF SPECIAL ASSESSMENT.—This paragraph shall not apply with respect to any insured depository institution (or successor insured depository institution) that has paid, during any calendar year from 1997 through 1999, upon such terms as the Corporation may announce, an amount equal to the product of—

(i) 12.5 percent of the special assessment that the institution would have been required to pay under subsection (a), if the Board of Directors had not exempted the institution; and

(ii) the number of full semiannual periods remaining between the date of the payment and December 31, 1999.

(g) SPECIAL ELECTION FOR CERTAIN INSTITUTIONS FACING HARDSHIP AS A RESULT OF THE SPECIAL ASSESSMENT.—

(1) ELECTION AUTHORIZED.—If—

(A) an insured depository institution, or any depository institution holding company which, directly or indirectly, controls such institution, is subject to terms or covenants in any debt obligation or preferred stock outstanding on September 13, 1995; and

(B) the payment of the special assessment under subsection (a) would pose a significant risk of causing such depository institution or holding company to default or violate any such term or covenant,

the depository institution may elect, with the approval of the Corporation, to pay such special assessment in accordance with paragraphs (2) and (3) in lieu of paying such assessment in the manner required under subsection (a).

(2) 1ST ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay an assessment of 50 percent of the amount of the special assessment that would otherwise apply under subsection (a), by the date on which such special assessment is otherwise due under subsection (d).

(3) 2D ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay a 2d assessment, by

the date established by the Board of Directors in accordance with paragraph (4), in an amount equal to the product of 51 percent of the rate determined by the Board of Directors under subsection (a) for determining the amount of the special assessment and the SAIF-assessable deposits of the institution on March 31, 1996, or such other date in calendar year 1996 as the Board of Directors determines to be appropriate.

(4) DUE DATE OF 2D ASSESSMENT.—The date established by the Board of Directors for the payment of the assessment under paragraph (3) by a depository institution shall be the earliest practicable date which the Board of Directors determines to be appropriate, which is at least 15 days after the date used by the Board of Directors under paragraph (3).

(5) SUPPLEMENTAL SPECIAL ASSESSMENT.—An insured depository institution which makes an election under paragraph (1) shall pay a supplemental special assessment, at the same time the payment under paragraph (3) is made, in an amount equal to the product of—

(A) 50 percent of the rate determined by the Board of Directors under subsection (a) for determining the amount of the special assessment; and

(B) 95 percent of the amount by which the SAIF-assessable deposits used by the Board of Directors for determining the amount of the 1st assessment under paragraph (2) exceeds, if any, the SAIF-assessable deposits used by the Board for determining the amount of the 2d assessment under paragraph (3).

(h) ADJUSTMENT OF SPECIAL ASSESSMENT FOR CERTAIN BANK INSURANCE FUND MEMBER BANKS.—

(1) IN GENERAL.—For purposes of computing the special assessment imposed under this section with respect to a Bank Insurance Fund member bank, the amount of any deposits of any insured depository institution which section 5(d)(3) of the Federal Deposit Insurance Act treats as insured by the Savings Association Insurance Fund shall be reduced by 20 percent—

(A) if the adjusted attributable deposit amount of the Bank Insurance Fund member bank is less than 50 percent of the total domestic deposits of that member bank as of June 30, 1995; or

(B) if, as of June 30, 1995, the Bank Insurance Fund member—

(i) had an adjusted attributable deposit amount equal to less than 75 percent of the total assessable deposits of that member bank;

(ii) had total assessable deposits greater than $5,000,000,000; and

(iii) was owned or controlled by a bank holding company that owned or controlled insured depository institutions having an aggregate amount of deposits insured or treated as insured by the Bank Insurance Fund greater than the aggregate amount of deposits insured or treated as insured by the Savings Association Insurance Fund.

(2) ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT.—For purposes of this subsection, the ''adjusted attributable deposit amount'' shall be determined in accordance with section 5(d)(3)(C) of the Federal Deposit Insurance Act.

(i) ADJUSTMENT TO THE ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT FOR CERTAIN BANK INSURANCE FUND MEMBER BANKS.—Section 5(d)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1815(d)(3)) is amended—

(1) in subparagraph (C), by striking ''The adjusted attributable deposit amount'' and inserting ''Except as provided in subparagraph (K), the adjusted attributable deposit amount''; and

(2) by adding at the end the following new subparagraph:

''(K) ADJUSTMENT OF ADJUSTED ATTRIBUTABLE DEPOSIT AMOUNT.—The amount determined under subparagraph (C)(i) for deposits acquired by March 31, 1995, shall be reduced by 20 percent for purposes of computing the adjusted attributable deposit amount for the payment of any assessment for any semiannual period after December 31, 1995 (other than the special assessment imposed under section 1011(a) of the Balanced Budget Act of 1996), for a Bank Insurance Fund member bank that, as of June 30, 1995—

''(i) had an adjusted attributable deposit amount that was less than 50 percent of the total deposits of that member bank; or

''(ii)(I) had an adjusted attributable deposit amount equal to less than 75 percent of the total assessable deposits of that member bank;

''(II) had total assessable deposits greater than $5,000,000,000; and

''(III) was owned or controlled by a bank holding company that owned or controlled insured depository institutions having an aggregate amount of deposits insured or treated as insured by the Bank Insurance Fund greater than the aggregate amount of deposits insured or treated as insured by the Savings Association Insurance Fund.''.

(j) ADJUSTMENT OF SPECIAL ASSESSMENT FOR CERTAIN SAVINGS ASSOCIATIONS.—

(1) SPECIAL ASSESSMENT REDUCTION.—For purposes of computing the special assessment imposed under this section, in the case of any converted association, the amount of any deposits of such association which were insured by the Savings Association Insurance Fund as of March 31, 1995, shall be reduced by 20 percent.

(2) CONVERTED ASSOCIATION.—For purposes of this subsection, the term ''converted association'' means—

(A) any Federal savings association—

(i) that is a member of the Savings Association Insurance Fund and that has deposits subject to assessment by that fund which did not exceed $4,000,000,000, as of March 31, 1995; and

(ii) that had been, or is a successor by merger, acquisition, or otherwise to an institution that had been, a State savings bank, the deposits of which were insured by the Federal Deposit Insurance Corporation prior to August 9, 1989, that converted to a Federal savings association pursuant to section 5(i) of the Home Owners' Loan Act prior to January 1, 1985;

(B) a State depository institution that is a member of the Savings Association Insurance Fund that had been a State savings bank prior to October 15, 1982, and was a Federal savings association on August 9, 1989;

(C) an insured bank that—

(i) was established de novo in order to acquire the deposits of a savings association in default or in danger of default;

(ii) did not open for business before acquiring the deposits of such savings association; and

(iii) was a Savings Association Insurance Fund member as of the date of enactment of this Act; and

(D) an insured bank that—

(i) resulted from a savings association before December 19, 1991, in accordance with section 5(d)(2)(G) of the Federal Deposit Insurance Act; and

(ii) had an increase in its capital in conjunction with the conversion in an amount equal to more than 75 percent of the capital of the institution on the day before the date of the conversion.

SEC. 1012. FINANCING CORPORATION ASSESSMENTS SHARED PROPORTIONALLY BY ALL INSURED DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 21 of the Federal Home Loan Bank Act (12 U.S.C. 1441) is amended—

(1) in subsection (f)(2)—

(A) in the matter immediately preceding subparagraph (A)—

(i) by striking ''Savings Association Insurance Fund member'' and inserting ''insured depository institution''; and

(ii) by striking ''members'' and inserting ''institutions''; and

(B) by striking '', except that—'' and all that follows through the end of the paragraph and inserting '', except that—

''(A) the Financing Corporation shall have first priority to make the assessment; and

''(B) no limitation under clause (i) or (iii) of section 7(b)(2)(A) of the Federal Deposit Insurance Act shall apply for purposes of this paragraph.''; and

(2) in subsection (k)—

(A) by striking ''section—'' and inserting ''section, the following definitions shall apply:'';

(B) by striking paragraph (1);

(C) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(D) by adding at the end the following new paragraph:

''(3) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.''.

(b) CONFORMING AMENDMENT.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on January 1, 1997.

SEC. 1013. MERGER OF BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund established by section 11(a)(4) of the Federal Deposit Insurance Act, as amended by this section.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease.

(b) SPECIAL RESERVE OF THE DEPOSIT INSURANCE FUND.—

(1) IN GENERAL.—Immediately before the merger of the Bank Insurance Fund and the Savings Association Insurance Fund, if the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, the amount by which that reserve ratio exceeds the designated reserve ratio shall be placed in the Special Reserve of the Deposit Insurance Fund, established under section 11(a)(5) of the Federal Deposit Insurance Act, as amended by this section.

(2) DEFINITION.—For purposes of this subsection, the term ''reserve ratio'' means the ratio of the net worth of the Savings Association Insurance Fund to aggregate estimated deposits insured by the Savings Association Insurance Fund.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on January 1, 1998, if no insured depository institution is a savings association on that date.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEPOSIT INSURANCE FUND.—Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

''(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

''(i) maintain and administer;

''(ii) use to carry out its insurance purposes in the manner provided by this subsection; and

''(iii) invest in accordance with section 13(a).

''(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to Deposit Insurance Fund members.''; and

(C) by striking ''(4) GENERAL PROVISIONS RELATING TO FUNDS.—'' and inserting the following:

''(4) ESTABLISHMENT OF THE DEPOSIT INSURANCE FUND.—''.

(2) OTHER REFERENCES.—Section 11(a)(4)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)(C), as redesignated by paragraph (1) of this subsection) is amended by striking ''Bank Insurance Fund and the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''.

(3) DEPOSITS INTO FUND.—Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended by adding at the end the following new subparagraph:

''(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited in the Deposit Insurance Fund.''.

(4) SPECIAL RESERVE OF DEPOSITS.—Section 11(a)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(5)) is amended to read as follows:

''(5) SPECIAL RESERVE OF DEPOSIT INSURANCE FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established a Special Reserve of the Deposit Insurance Fund, which shall be administered by the Corporation and shall be invested in accordance with section 13(a).

''(ii) LIMITATION.—The Corporation shall not provide any assessment credit, refund, or other payment from any amount in the Special Reserve.

''(B) EMERGENCY USE OF SPECIAL RESERVE.—Notwithstanding subparagraph (A)(ii), the Corporation may, in its sole discretion, transfer amounts from the Special Reserve to the Deposit Insurance Fund, for the purposes set forth in paragraph (4), only if—

''(i) the reserve ratio of the Deposit Insurance Fund is less than 50 percent of the designated reserve ratio; and

''(ii) the Corporation expects the reserve ratio of the Deposit Insurance Fund to remain at less than 50 percent of the designated reserve ratio for each of the next 4 calendar quarters.

''(C) EXCLUSION OF SPECIAL RESERVE IN CALCULATING RESERVE RATIO.—Notwithstanding any other provision of law, any amounts in the Special Reserve shall be excluded in calculating the reserve ratio of the Deposit Insurance Fund under section 7.''.

(5) FEDERAL HOME LOAN BANK ACT.—Section 21B(f)(2)(C)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)(ii)) is amended—

(A) in subclause (I), by striking ''to Savings Associations Insurance Fund members'' and inserting ''to insured depository institutions, and their successors, which were Savings Association Insurance Fund members on September 1, 1995''; and

(B) in subclause (II), by striking ''to Savings Associations Insurance Fund members'' and inserting ''to insured depository institutions, and their successors, which were Savings Association Insurance Fund members on September 1, 1995''.

(6) REPEALS.—

(A) SECTION 3.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended to read as follows:

''(y) DEFINITIONS RELATING TO THE DEPOSIT INSURANCE FUND.—

''(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the fund established under section 11(a)(4).

''(2) RESERVE RATIO.—The term 'reserve ratio' means the ratio of the net worth of the Deposit Insurance Fund to aggregate estimated insured deposits held in all insured depository institutions.

''(3) DESIGNATED RESERVE RATIO.—The designated reserve ratio of the Deposit Insurance Fund for each year shall be—

''(A) 1.25 percent of estimated insured deposits; or

''(B) a higher percentage of estimated insured deposits that the Board of Directors determines to be justified for that year by circumstances raising a significant risk of substantial future losses to the fund.''.

(B) SECTION 7.—Section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) is amended—

(i) by striking subsection (*l*);

(ii) by redesignating subsections (m) and (n) as subsections (*l*) and (m), respectively;

(iii) in subsection (b)(2), by striking subparagraphs (B) and (F), and by redesignating subparagraphs (C), (E), (G), and (H) as subparagraphs (B) through (E), respectively.

(C) SECTION 11.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6).

(7) SECTION 5136 OF THE REVISED STATUTES.—Paragraph Eleventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended in the fifth sentence, by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''.

(8) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the fourth sentence, by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''.

(9) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking ''any deposit insurance fund in'' and inserting ''the Deposit Insurance Fund of''.

(10) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(A) by striking ''Bank Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(B) by striking ''Federal Deposit Insurance Corporation, Savings Association Insurance Fund;''.

(11) FURTHER AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(A) in section 11(k) (12 U.S.C. 1431(k))—

(i) in the subsection heading, by striking ''SAIF'' and inserting ''THE DEPOSIT INSURANCE FUND''; and

(ii) by striking ''Savings Association Insurance Fund'' each place such term appears and inserting ''Deposit Insurance Fund'';

(B) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(C) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(i) in the subparagraph heading, by striking ''SAIF-INSURED BANKS'' and inserting ''CHARTER CONVERSIONS''; and

(ii) by striking ''Savings Association Insurance Fund member'' and inserting ''savings association'';

(D) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(E) in section 21B(e) (12 U.S.C. 1441b(e))—

(i) in paragraph (5), by inserting ''as of the date of funding'' after ''Savings Association Insurance Fund members'' each place such term appears;

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(F) in section 21B(k) (12 U.S.C. 1441b(k))—

(i) by striking paragraph (8); and

(ii) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(12) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(A) in section 5 (12 U.S.C. 1464)—

(i) in subsection (c)(5)(A), by striking ''that is a member of the Bank Insurance Fund'';

(ii) in subsection (c)(6), by striking ''As used in this subsection—'' and inserting ''For purposes of this subsection, the following definitions shall apply:'';

(iii) in subsection (o)(1), by striking ''that is a Bank Insurance Fund member'';

(iv) in subsection (o)(2)(A), by striking ''a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member'' and inserting ''insured by the Deposit Insurance Fund'';

(v) in subsection (t)(5)(D)(iii)(II), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(vi) in subsection (t)(7)(C)(i)(I), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''; and

(vii) in subsection (v)(2)(A)(i), by striking '', the Savings Association Insurance Fund'' and inserting ''or the Deposit Insurance Fund''; and

(B) in section 10 (12 U.S.C. 1467a)—

(i) in subsection (e)(1)(A)(iii)(VII), by adding ''or'' at the end;

(ii) in subsection (e)(1)(A)(iv), by adding ''and'' at the end;

(iii) in subsection (e)(1)(B), by striking ''Savings Association Insurance Fund or Bank Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(iv) in subsection (e)(2), by striking ''Savings Association Insurance Fund or the Bank Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(v) in subsection (m)(3), by striking subparagraph (E), and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively.

(13) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking ''Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations'' and inserting ''Deposit Insurance Fund''; and

(B) in section 526(b)(1)(B)(ii) (12 U.S.C. 1735f–14(b)(1)(B)(ii)), by striking ''Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations'' and inserting ''Deposit Insurance Fund''.

(14) FURTHER AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3(a)(1) (12 U.S.C. 1813(a)(1)), by striking subparagraph (B) and inserting the following:

''(B) includes any former savings association.'';

(B) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking ''the Bank Insurance Fund or the Savings Association Insurance Fund;'' and inserting ''Deposit Insurance Fund,'';

(C) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3);

(D) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(i) in subparagraph (A), by striking ''reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund'' and inserting ''the reserve ratio of the Deposit Insurance Fund'';

(ii) by striking subparagraph (B) and inserting the following:

''(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.'';

(iii) by striking ''(1) UNINSURED INSTITUTIONS.—''; and

(iv) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the margins 2 ems to the left;

(E) in section 5(e) (12 U.S.C. 1815(e))—

(i) in paragraph (5)(A), by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(ii) by striking paragraph (6); and

(iii) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(F) in section 6(5) (12 U.S.C. 1816(5)), by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(G) in section 7(b) (12 U.S.C. 1817(b))—

(i) in paragraph (1)(D), by striking ''each deposit insurance fund'' and inserting ''the Deposit Insurance Fund'';

(ii) in clauses (i)(I) and (iv) of paragraph (2)(A), by striking ''each deposit insurance fund'' each place such term appears and inserting ''the Deposit Insurance Fund'';

(iii) in paragraph (2)(A)(iii), by striking ''a deposit insurance fund'' and inserting ''the Deposit Insurance Fund'';

(iv) by striking clause (iv) of paragraph (2)(A);

(v) in paragraph (2)(C) (as redesignated by paragraph (6)(B) of this subsection)—

(I) by striking ''any deposit insurance fund'' and inserting ''the Deposit Insurance Fund''; and

(II) by striking ''that fund'' each place such term appears and inserting ''the Deposit Insurance Fund'';

(vi) in paragraph (2)(D) (as redesignated by paragraph (6)(B) of this subsection)—

(I) in the subparagraph heading, by striking ''FUNDS ACHIEVE'' and inserting ''FUND ACHIEVES''; and

(II) by striking ''a deposit insurance fund'' and inserting ''the Deposit Insurance Fund'';

(vii) in paragraph (3)—

(I) in the paragraph heading, by striking ''FUNDS'' and inserting ''FUND'';

(II) by striking ''that fund'' each place such term appears and inserting ''the Deposit Insurance Fund'';

(III) in subparagraph (A), by striking ''Except as provided in paragraph (2)(F), if'' and inserting ''If'';

(IV) in subparagraph (A), by striking ''any deposit insurance fund'' and inserting ''the Deposit Insurance Fund''; and

(V) by striking subparagraphs (C) and (D) and inserting the following:

''(C) AMENDING SCHEDULE.—The Corporation may, by regulation, amend a schedule promulgated under subparagraph (B).''; and

(viii) in paragraph (6)—

(I) by striking ''any such assessment'' and inserting ''any such assessment is necessary'';

(II) by striking ''(A) is necessary—'';

(III) by striking subparagraph (B);

(IV) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(V) in subparagraph (C) (as redesignated), by striking ''; and'' and inserting a period;

(H) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking '', except that—'' and all that follows through the end of the paragraph and inserting a period;

(I) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(i) by striking subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as redesignated), by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraph (A)'';

(J) in section 11A(a) (12 U.S.C. 1821a(a))—

(i) in paragraph (2), by striking ''LIABILITIES.—'' and all that follows through ''Except'' and inserting ''LIABILITIES.—Except'';

(ii) by striking paragraph (2)(B); and

(iii) in paragraph (3), by striking ''the Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''the Deposit Insurance Fund'';

(K) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(L) in section 11A(f) (12 U.S.C. 1821a(f)), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(M) in section 13 (12 U.S.C. 1823)—

(i) in subsection (a)(1), by striking ''Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''Deposit Insurance Fund, the Special Reserve of the Deposit Insurance Fund,'';

(ii) in subsection (c)(4)(E)—

(I) in the subparagraph heading, by striking ''FUNDS'' and inserting ''FUND''; and

(II) in clause (i), by striking ''any insurance fund'' and inserting ''the Deposit Insurance Fund'';

(iii) in subsection (c)(4)(G)(ii)—

(I) by striking ''appropriate insurance fund'' and inserting ''Deposit Insurance Fund'';

(II) by striking ''the members of the insurance fund (of which such institution is a member)'' and inserting ''insured depository institutions'';

(III) by striking ''each member's'' and inserting ''each insured depository institution's''; and

(IV) by striking ''the member's'' each place such term appears and inserting ''the institution's'';

(iv) in subsection (c), by striking paragraph (11);

(v) in subsection (h), by striking ''Bank Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(vi) in subsection (k)(4)(B)(i), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(vii) in subsection (k)(5)(A), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(N) in section 14(a) (12 U.S.C. 1824(a)) in the fifth sentence—

(i) by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(ii) by striking ''each such fund'' and inserting ''the Deposit Insurance Fund'';

(O) in section 14(b) (12 U.S.C. 1824(b)), by striking ''Bank Insurance Fund or Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(P) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(Q) in section 14(d) (12 U.S.C. 1824(d))—

(i) by striking ''BIF'' each place such term appears and inserting ''DIF''; and

(ii) by striking ''Bank Insurance Fund'' each place such term appears and inserting ''Deposit Insurance Fund'';

(R) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(i) by striking ''the Bank Insurance Fund or Savings Association Insurance Fund, respectively'' each place such term appears and inserting ''the Deposit Insurance Fund''; and

(ii) in subparagraph (B), by striking ''the Bank Insurance Fund or the Savings Association Insurance Fund, respectively'' and inserting ''the Deposit Insurance Fund'';

(S) in section 17(a) (12 U.S.C. 1827(a))—

(i) in the subsection heading, by striking ''BIF, SAIF,'' and inserting ''THE DEPOSIT INSURANCE FUND''; and

(ii) in paragraph (1), by striking ''the Bank Insurance Fund, the Savings Association Insurance Fund,'' each place such term appears and inserting ''the Deposit Insurance Fund'';

(T) in section 17(d) (12 U.S.C. 1827(d)), by striking ''the Bank Insurance Fund, the Savings Association Insurance Fund,'' each place such term appears and inserting ''the Deposit Insurance Fund'';

(U) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(i) by striking ''Savings Association Insurance Fund'' each place such term appears and inserting ''Deposit Insurance Fund''; and

(ii) in subparagraph (C), by striking ''or the Bank Insurance Fund'';

(V) in section 18(p) (12 U.S.C. 1828(p)), by striking ''deposit insurance funds'' and inserting ''Deposit Insurance Fund'';

(W) in section 24 (12 U.S.C. 1831a) in subsections (a)(1) and (d)(1)(A), by striking ''appropriate deposit insurance fund'' each place such term appears and inserting ''Deposit Insurance Fund'';

(X) in section 28 (12 U.S.C. 1831e), by striking ''affected deposit insurance fund'' each place such term appears and inserting ''Deposit Insurance Fund'';

(Y) by striking section 31 (12 U.S.C. 1831h);

(Z) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)) by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(AA) in section 38(a) (12 U.S.C. 1831o(a)) in the subsection heading, by striking ''FUNDS'' and inserting ''FUND'';

(BB) in section 38(k) (12 U.S.C. 1831o(k))—

(i) in paragraph (1), by striking ''a deposit insurance fund'' and inserting ''the Deposit Insurance Fund''; and

(ii) in paragraph (2)(A)—

(I) by striking ''A deposit insurance fund'' and inserting ''The Deposit Insurance Fund''; and

(II) by striking ''the deposit insurance fund's outlays'' and inserting ''the outlays of the Deposit Insurance Fund''; and

(CC) in section 38(o) (12 U.S.C. 1831o(o))—

(i) by striking ''ASSOCIATIONS.—'' and all that follows through ''Subsections (e)(2)'' and inserting ''ASSOCIATIONS.—Subsections (e)(2)'';

(ii) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(iii) in paragraph (1) (as redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(15) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT

ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act (Public Law 101–73; 103 Stat. 183) is amended—

(A) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by striking ''Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''Deposit Insurance Fund''; and

(B) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking ''Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''Deposit Insurance Fund''.

(16) AMENDMENT TO THE BANK ENTERPRISE ACT OF 1991.—Section 232(a)(1) of the Bank Enterprise Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking ''section 7(b)(2)(H)'' and inserting ''section 7(b)(2)(G)''.

(17) AMENDMENT TO THE BANK HOLDING COMPANY ACT.—Section 2(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(j)(2)) is amended by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''.

SEC. 1014. CREATION OF SAIF SPECIAL RESERVE.

Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by adding at the end the following new subparagraph:

''(L) ESTABLISHMENT OF SAIF SPECIAL RESERVE.—

''(i) ESTABLISHMENT.—If, on January 1, 1998, the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, there is established a Special Reserve of the Savings Association Insurance Fund, which shall be administered by the Corporation and shall be invested in accordance with section 13(a).

''(ii) AMOUNTS IN SPECIAL RESERVE.—If, on January 1, 1998, the reserve ratio of the Savings Association Insurance Fund exceeds the designated reserve ratio, the amount by which the reserve ratio exceeds the designated reserve ratio shall be placed in the Special Reserve of the Savings Association Insurance Fund established by clause (i).

''(iii) LIMITATION.—The Corporation shall not provide any assessment credit, refund, or other payment from any amount in the Special Reserve of the Savings Association Insurance Fund.

''(iv) EMERGENCY USE OF SPECIAL RESERVE.—Notwithstanding clause (iii), the Corporation may, in its sole discretion, transfer amounts from the Special Reserve of the Savings Association Insurance Fund to the Savings Association Insurance Fund for the purposes set forth in paragraph (4), only if—

''(I) the reserve ratio of the Savings Association Insurance Fund is less than 50 percent of the designated reserve ratio; and

''(II) the Corporation expects the reserve ratio of the Savings Association Insurance Fund to remain at less than 50 percent of the designated reserve ratio for each of the next 4 calendar quarters.

''(v) EXCLUSION OF SPECIAL RESERVE IN CALCULATING RESERVE RATIO.—Notwithstanding any other provision of law, any amounts in the Special Reserve of the Savings Association Insurance Fund shall be excluded in calculating the reserve ratio of the Savings Association Insurance Fund.''.

SEC. 1015. REFUND OF AMOUNTS IN DEPOSIT INSURANCE FUND IN EXCESS OF DESIGNATED RESERVE AMOUNT.

Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

''(e) REFUNDS.—

''(1) OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

''(A) refund the amount of the excess payment to the insured depository institution; or

''(B) credit such excess amount toward the payment of subsequent semiannual assessments until such credit is exhausted.

''(2) BALANCE IN INSURANCE FUND IN EXCESS OF DESIGNATED RESERVE.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), if, as of the end of any semiannual assessment period, the amount of the actual reserves in—

''(i) the Bank Insurance Fund (until the merger of such fund into the Deposit Insurance Fund pursuant to section 1013 of the Balanced Budget Act of 1996); or

''(ii) the Deposit Insurance Fund (after the establishment of such fund),

exceeds the balance required to meet the designated reserve ratio applicable with respect to such fund, such excess amount shall be refunded to insured depository institutions by the Corporation on such basis as the Board of Directors determines to be appropriate, taking into account the factors considered under the risk-based assessment system.

''(B) REFUND NOT TO EXCEED PREVIOUS SEMIANNUAL ASSESSMENT.—The amount of any refund under this paragraph to any member of a deposit insurance fund for any semiannual assessment period may not exceed the total amount of assessments paid by such member to the insurance fund with respect to such period.

''(C) REFUND LIMITATION FOR CERTAIN INSTITUTIONS.—No refund may be made under this paragraph with respect to the amount of any assessment paid for any semiannual assessment period by any insured depository institution described in clause (v) of subsection (b)(2)(A).''.

SEC. 1016. ASSESSMENT RATES FOR SAIF MEMBERS MAY NOT BE LESS THAN ASSESSMENT RATES FOR BIF MEMBERS.

Section 7(b)(2)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(E), as redesignated by section 1013(d)(6) of this Act) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) notwithstanding any other provision of this subsection, during the period beginning on the date of enactment of the Balanced Budget Act of 1996, and ending on January 1, 1998, the assessment rate for a Savings Association Insurance Fund member may not be less than the assessment rate for a Bank Insurance Fund member that poses a comparable risk to the deposit insurance fund.''.

SEC. 1017. ASSESSMENTS AUTHORIZED ONLY IF NEEDED TO MAINTAIN THE RESERVE RATIO OF A DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Section 7(b)(2)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)(i)) is amended in the matter preceding subclause (I), by inserting ''when necessary, and only to the extent necessary'' after ''insured depository institutions''.

(b) LIMITATION ON ASSESSMENT.—Section 7(b)(2)(A)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)(iii)) is amended to read as follows:

''(iii) LIMITATION ON ASSESSMENT.—Except as provided in clause (v), the Board of Directors shall not set semiannual assessments with respect to a deposit insurance fund in excess of the amount needed—

''(I) to maintain the reserve ratio of the fund at the designated reserve ratio; or

''(II) if the reserve ratio is less than the designated reserve ratio, to increase the reserve ratio to the designated reserve ratio.''.

(c) EXCEPTION TO LIMITATION ON ASSESSMENTS.—Section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended by adding at the end the following new clause:

''(v) EXCEPTION TO LIMITATION ON ASSESSMENTS.—The Board of Directors may set semiannual assessments in excess of the amount permitted under clauses (i) and (iii) with respect to insured depository institutions that exhibit financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or are not well capitalized, as that term is defined in section 38.''.

SEC. 1018. DEFINITIONS.

For purposes of this title—

(1) the term ''Bank Insurance Fund'' means the fund established pursuant to section (11)(a)(5)(A) of the Federal Deposit Insurance Act, as that section existed on the day before the date of enactment of this Act;

(2) the terms ''Bank Insurance Fund member'' and ''Savings Association Insurance Fund member'' have the same meanings as in section 7(*l*) of the Federal Deposit Insurance Act;

(3) the terms ''bank'', ''Board of Directors'', ''Corporation'', ''insured depository institution'', ''Federal savings association'', ''savings association'', ''State savings bank'', and ''State depository institution'' have the same meanings as in section 3 of the Federal Deposit Insurance Act;

(4) the term ''Deposit Insurance Fund'' means the fund established under section 11(a)(4) of the Federal Deposit Insurance Act, as amended by section 1013(d) of this Act;

(5) the term ''depository institution holding company'' has the same meaning as in section 3 of the Federal Deposit Insurance Act;

(6) the term ''designated reserve ratio'' has the same meaning as in section 7(b)(2)(A)(iv) of the Federal Deposit Insurance Act;

(7) the term ''Savings Association Insurance Fund'' means the fund established pursuant to section 11(a)(6)(A) of the Federal Deposit Insurance Act, as that section existed on the day before the date of enactment of this Act; and

(8) the term ''SAIF-assessable deposit''—

(A) means—

(i) a deposit that is subject to assessment for purposes of the Savings Association Insurance Fund under the Federal Deposit Insurance Act; and

(ii) a deposit that section 5(d)(3) of the Federal Deposit Insurance Act treats as insured by the Savings Association Insurance Fund; and

(B) includes a deposit assumed after March 31, 1995, if the insured depository institution, the deposits of which are assumed, is not an insured depository institution when the special assessment is imposed under section 1011(a) of this Act.

THE TAXPAYER BILL OF RIGHTS 2

GLENN AMENDMENT NO. 3962

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections; as follows:

At the end of title XII, insert the following new section:

SEC. 1212. PENALTY FOR UNAUTHORIZED INSPECTION OF TAX RETURNS OR TAX RETURN INFORMATION.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7213 the following new section:

"SEC. 7213A. UNAUTHORIZED INSPECTION OF RETURNS OR RETURN INFORMATION.

''(a) PROHIBITION.—It shall be unlawful for—

''(1) any officer or employee of the United States or any former such officer or employee,

''(2) any person described in section 6103(n), an officer or employee of any such person, or any former such officer or employee, or

''(3) any person described in subsection (d), (i)(3)(B)(i), (l) (6), (7), (8), (9), (10) or (12), or (m) (2), (4), (6), or (7) of section 6103,

willfully to inspect (as defined in section 6103(b)(7)), except as authorized by this title, any return or return information (as defined in section 6103(b)).

''(b) PENALTY.—

''(1) IN GENERAL.—Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding $1,000, or imprisonment of not more than 1 year, or both, together with the costs of prosecution.

''(2) FEDERAL OFFICERS OR EMPLOYEES.—An officer or employee of the United States who is convicted of any violation of subsection (a) shall, in addition to any other punishment, be dismissed from office or discharged from employment.''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter A of chapter 75 is amended by inserting after the item relating to section 7213 the following new item:

''7213A. Unauthorized inspection of returns or return information.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to violations occurring on and after the date of the enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, May 15, 1996, at 10 a.m., to hold a hearing on campaign finance reform.

For further information concerning this hearing, please contact Bruce Kasold of the committee staff on 224–3448.

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 two oversight field hearings have been scheduled to receive testimony on the Tongass land management plan and the administration of timber sale contracts.

The first hearing will take place on Tuesday, May 28, 1996 at 10:30 a.m., in Ketchikan, AK. Ted Ferry Civic Center, 888 Venetia Avenue, Ketchikan, AL, 99901. The second hearing is scheduled for Wednesday, May 29, 1996, at 9 a.m., in Juneau, AL. Centennial Hall Convention Center, Ballroom 3, 101 Egan Drive, Juneau, AL, 99801.

Because of the limited time available and the interest in the subject matter, and in order to have a balanced hearing, witnesses will be by invitation. Written testimony will be accepted for the RECORD. Oral testimony will be limited to 5 minutes. Witnesses testifying at the hearing are requested to bring 10 copies of their testimony with them on the day of the hearing. In addition, please send or fax a copy in advance to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Fax 202–228–0539.

For further information, please contact Mark Rey, Energy and Natural Resources Committee, at 202–224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 9, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the recent increases in gasoline prices.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 9 at 10 a.m. for a hearing on IRS Oversight.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 9, 1996, at 10:00 a.m. to hold an executive business meeting.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 9, 1996 at 9:30 a.m. to conduct an Oversight Hearing on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe versus Florida. The hearing will be held in room G–50 of the Dirksen Senate Office Building.

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

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. LOTT. Mr. President, I ask unanimous consent that the special committee to investigate Whitewater Development Corporation and related matters be authorized to meet during the session of the Senate on Thursday, May 9, 1996 to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to hold a hearing on Family and Medical Leave Act oversight during the session of the Senate on Thursday, May 9, 1996, at 9:30 a.m.

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

ADDITIONAL STATEMENTS

DEFENSE OF MARRIAGE ACT

• Mr. COATS. Mr. President, today I am pleased to cosponsor Senator DOLE's and Senator NICKLES' bill (S. 1740) defining marriage as a legal union between one man and one woman.

Marriage is the institution that civilizes our society by humanizing our lives. It is the social, legal, and spiritual relationship that prepares the next generation for its duties and opportunities. A 1884 decision of the Supreme Court called it ''the sure foundation of all that is stable and noble in our civilization.''

The definition of marriage is not created by politicians and judges, and it cannot be changed by them. It is rooted in our history, our laws, our deepest moral and religious convictions, and our nature as human beings. It is the union of one man and one woman. This fact can be respected or it can be resented, but it cannot be altered.

Our society has a compelling interest in respecting that definition. The breakdown of traditional marriage is our central social crisis—the cause of so much anguish and suffering, particularly for our children. Our urgent responsibility is to nurture and strengthen that institution, not undermine it with trendy moral relativism.

The institution of marriage is our most valuable cultural inheritance. It is our duty—perhaps our first duty—to pass it intact to the future.

The distortion of marriage is sometimes defended as a form of tolerance. But this represents a fundamental misunderstanding, both of marriage and tolerance.

I believe strongly in tolerance, not only for the peace of society, but because it is the proper way to treat others. As individuals, we should never compromise our moral convictions. But we should always treat others with respect and dignity.

A government, however, has another duty. All law embodies some moral consensus. No society can be indifferent to its moral life, because there are consequences for us all.

Every government must set certain standards as sign posts. It must create expectations for responsible behavior. Not every lifestyle is equal for the purpose of the common good. This does not mean the persecution of those who fall short of the standard, but it does mean giving legal preference to that

standard. A tolerant society does not need to be an indifferent society.

A government that values freedom can permit some things that it would not encourage or condone. But a government must also promote things that are worthy examples and social ideals.

Government cannot be neutral in the debate over marriage. It has sound reasons to prefer the traditional family in its policies. As social thinker Michael Novak has written:

> A people whose marriage and families are weak have no solid institutions . . . family life is the seedbed of economic skills, money habits, attitudes toward work and the arts of independence.

When we prefer traditional marriage and family in our laws, it is not intolerance. Tolerance does not require us to say that all lifestyles are morally equal, only that no individual deserves to be persecuted. It does not require us to weaken our social ideals. It does not require a reconstruction of our most basic human institutions. It does not require special recognition for those who have rejected the standard.

It is amazing and disturbing that this legislation should be necessary. It is a sign of the times, and an indication of a deep moral confusion. But events have made this definition essential. The preservation of marriage has become an issue of self-preservation for our society. I strongly urge my colleagues to support this measure.●

TRIBUTE TO NANCY CHUDA

● Mrs. BOXER. Mr. President, I am pleased today to announce my intentions to introduce in the near future, a bill that will help protect the children of this country from the harmful effects of environmental contaminants. I can not think of a more appropriate time of the year than the time we recognize the special achievements of mothers, to focus this Nation's attention on protecting the health and safety of our children. Mr. President, I am working hard on this piece of legislation, not only because I am a mother, but because I want to pay tribute to one exceptional mother. This mother knows the intense sadness of losing her child.

This very special mother lives in my State and I am proud to call her my friend. Three years ago, Mrs. Nancy Chuda came to visit me to ask for help. Her little girl, all of 5 years old, had died of cancer—a nongenetic form of cancer. No one knows why or how or what caused little Colette Chuda to become afflicted. She was a normal, beautiful girl in every way. She liked to draw pictures of flowers and happy people. One thing is certain, she was blessed to have two wonderful parents. Nancy and Jim Chuda, despite their grief, chose to turn their own personal tragedy into something positive. They have labored endlessly to bring to the country's attention the environmental dangers that threaten our children. They want to make sure that what happened to their Colette will not happen to another child. No mother should have to go through what Nancy Chuda went through. If future deaths can be prevented, I know we all will be indebted to the tremendous energy and perseverance of Nancy Chuda.

Mr. President, science has shown us that children are special. They are not simply a smaller version of you and me. They are still growing, many of their internal systems are still in the process of developing and maturing, and, of course, their behavior is different. Studies show that they breathe faster. They come in contact with numerous objects in their quest to learn and explore the world around them. They eat differently—children consume foods in different amounts in proportion to their body weight. I can remember, when I was a kid, I ate mayonnaise sandwiches and I consumed whole boxes of cereal while watching TV. Today, there are more questions than ever with respect to children's developmental health. And Mr. President, I am sad to say there are very few answers.

The factors behind the special environmental risks that children face need special attention. A recent study issued by the National Academy of Sciences (NAS) reported on the effects of pesticides in the diets of infants and children. The study concluded that the Federal Government is not doing enough to protect our children from exposures to pesticides. The NAS study essentially confirmed what many in the regulatory community were already worried about. Although we may have the highest quality and the safest food in the world, the fact is that risk assessments of pesticides and toxic chemicals do not differentiate clearly enough between the risks to children and the risks to adults.

It has been estimated that up to one-half of a person's lifetime cancer risk may be incurred in the first 6 years of life. There is currently not enough information to know exactly how to account for all of the differences when conducting a risk assessment. We need to know more about what health risks our children are exposed to. We need to collect exposure data not only on our children's diets, but also, on our children's exposure to air pollutants and surface pollutants. The fact is that we do not have the data that allows us to quantify and measure the differences between how adults and children respond to environmental pollutants.

The absence of this data often precludes effective government regulation of environmental pollutants. In my bill, I intend to change this. We must ensure that our regulators have the data they need to be able to assess the risks of these substances to children. This would let them do their job of protecting our most vulnerable sector of society from environmental pollutants.

Although most people associate pesticide use with agriculture, children may be exposed to far greater health risks by other common uses of pesticides such as lawn and garden uses, household uses, and fumigation uses in schools.

Children come in contact with pesticides and other toxic substances, not only from the food they eat, but from the air they breathe, and the surfaces they touch. In communities with contaminated air, improving overall air quality for disease prevention is of vital importance. Some studies suggest that pediatric asthma is on the rise and is exacerbated by air pollution. Pollutants from tobacco smoke, stoves and fireplaces, household cleaners and paints, even glues and the synthetic fabrics used in furniture are all thought to be contributing factors. One EPA study showed that 85 percent of the total daily exposure to toxic chemicals comes from breathing air inside the home.

I firmly believe that citizens have a right to know what substances they are involuntarily subjected to, whether they live next to a farm or in the heart of South-Central Los Angeles. My bill will require pesticide applicators to keep records and submit reports to the EPA. Subsequently, EPA is directed to publish annual bulletins informing citizens of the types and amounts of pesticide chemicals that are being used in and around their neighborhood, in their apartment buildings, and most importantly in their schools. My bill would give parents the ability to make informed decisions to protect their family. Public health and safety depends on its citizens and local officials knowing the toxic dangers that exist in their communities.

EPA's Toxics Release Inventory [TRI] collects chemical release information from manufacturing and several other industries. It is the Nation's most popular and highly successful community right to know program. TRI is generally well supported through voluntary compliance of industry. The program has prompted many companies to set ambitious pollution reduction goals as well as voluntary restrictions and improvements. My bill will apply a similar philosophy to other kinds of environmental contaminants. I am betting on the same outcome emerging from applicators and users of pesticides and believe this will benefit everyone concerned.

I strongly support the administration's policies over the past few years to place greater emphasis and attention on the environmental health issues that affect children. I especially applaud the Environmental Protection Agency for taking the lead. Last year EPA made it an agencywide policy to consider the risks to infants and children consistently and explicitly in every regulatory decision. EPA's stance has inspired me to include its policy in my bill and to expand its philosophy to other Federal agencies charged with regulating toxic substances and environmental pollutants. The factors behind the special environmental risks that children may face

need and deserve special attention so that in the future we can prevent the kinds of problems that children have suffered from lead in paint, asbestos in schools, and pesticides in food.●

MAGRUDER PRIMARY SCHOOL

● Mr. WARNER. Mr. President, I am pleased today to have the opportunity to give well deserved recognition to an exemplary elementary school. Magruder Primary School in Newport News has been selected as a U.S. Department of Education Title I Distinguished School.

At Magruder Primary, ''hard work pays off'' isn't just a motto, it's a way of life. In 4 years time Magruder's reading scores leapt 79 percent—from 1 percent of second-graders reading at or above their grade level in 1992 to 80 percent for the most recent school year. Having placed last in reading achievement tests in 1992, the school is now number five in Newport News.

Many hard workers are to be commended for this outstanding accomplishment: teachers, administrators, parents, business leaders and, of course, the students.

As a strong believer in parental involvement, I am thrilled that Magruder's home-school coordinator makes certain that parents are actively involved in their child's education. This individual's responsibilities run the gamut—from retrieving forgotten permission slips to providing parents with homework enrichment tips.

I would also like to offer a special acknowledgment to the business partners who sponsored home reading programs, special assemblies and student incentives.

Mr. President, as stated in a recent Newport News Daily Press article, Magruder's demographics had the school destined for supposed failure. Eighty-four percent of its students receive free lunches; 69 percent live with only one parent. Other schools should take note. If Magruder Primary School can improve its reading scores, others can too.

Magruder Primary School stands as a beacon for the wise use of Federal dollars. While we must reign in an often intrusive government, some government programs are clearly worthwhile. Title I funding for our Nation's schools is such a program. Title I funding has helped Magruder Primary achieve this important success.●

TOURISM ORGANIZATION ACT

● Mr. HOLLINGS. Mr. President, I rise in support of the bill introduced yesterday to establish a U.S. Tourism Organization, S. 1735. I am pleased to cosponsor the legislation. Tourism is the second largest employer in my State and a critical component of my State's economic development. It is unfortunate that the U.S. Travel and Tourism Administration [USTTA] has become a victim of budgetary constraints, and I am pleased that S. 1735 will preserve a Federal role in crafting a coherent policy to promote the United States as a tourist destination. The bill will also provide for a repository of information to enable the tourism industry to develop a strategy to compete for the international tourism dollar. I hope that this new organization will become a model for public-private partnerships and will fill the void left by the elimination of USTTA●

MENTAL HEALTH CARE

● Mr. INOUYE. Mr. President, last month, when the Senate passed the Domenici-Wellstone mental health parity amendment by an overwhelming vote of 68 to 30, during our deliberations on the health insurance reform legislation, it was, in my judgment, a historic occasion.

Since President Jimmy Carter established his Commission on Mental Health, it has been clear to a number of us that, eventually, it would be in our Nation's best interest to ensure that those afflicted with mental illness are treated in the same manner as those afflicted with any other physical ailment. Unfortunately, probably primarily due to the stigma long attached to receiving mental health care, this has been a long and difficult process.

As I listened to the debate that Thursday evening and watched our colleagues vote, I kept thinking to myself how one individual, Senator DOMENICI, truly made a difference in the lives of our Nation's citizens. During the years we have served together in the U.S. Senate, I have been very pleased to work closely with him in a number of capacities, for example on the various Senate Appropriations subcommittees and, most recently, on behalf of our Nation's Native Americans.

Throughout our deliberations, our colleague has always made explicitly clear the importance of ensuring that the Congress and the administration, and ultimately the private sector, must, in fact, treat those afflicted with mental illness and their families in a humane and compassionate manner. Senator DOMENICI was willing to share with us his personal family experiences. I have no doubt that his resolve and persistence are the reasons that most of us voted on behalf of this important amendment.

I sincerely hope that the House-Senate conferees will ultimately accept the provisions of the Domenici-Wellstone amendment, as it represents excellent public policy. However, at this point, I just wanted to share my appreciation with my colleagues for the Senator from New Mexico's efforts over the years—he is truly the consummate public servant. All of us can learn from his dedication.●

IN CELEBRATION OF WOMEN IN PUBLIC SERVICE

● Mr. HATFIELD. Mr. President, I would like to take this opportunity to share with my colleagues a unique conference which took place earlier this week—the sixth annual Southern Women in Public Service conference hosted in Birmingham, AL, by the John C. Stennis Center for Public Service. The theme of this gathering was ''Coming Together to Make a Difference.'' Over the past 6 years, this event has become the most significant annual bipartisan gathering of women political and business leaders throughout the South. The event has grown each year but the purpose remains the same: to make government better, more effective and more responsive by bringing women into public service leadership.

As a board member of the Stennis Center, I have watched this organization consistently enable women to pursue public service careers by providing an avenue in an area of the country which needs it more than any other. This challenge is illustrated by the fact that only 1 of 8 women in the U.S. Senate is from the South; 1 Southern State has never elected a woman to statewide executive office while another has never sent a woman to Congress; 9 of the 11 States which rank lowest in the percentage of women in State legislatures are in the South and no Southern State currently has a female Governor. I can tell you however, Mr. President, this will not be the case for much longer. This conference is changing attitudes by its very visibility in training and inspiring women for appointed and elected office each year. In fact, the Stennis Center was credited this week as the last great glass ceiling breaker. Much credit goes to former Congresswoman Lindy Boggs, who serves as the chair of the conference year after year. She is an inspiration for many women and she is continuing to use her platform to define public service for others. Quite simply, Lindy is contagious.

Recently, our Nation celebrated the 75th anniversary of women's suffrage—to coin a phrase, women have come a long way, baby. We now have women serving in the public policy arena in nearly all capacities, yet the pace is agonizingly slow. In the early 1970's, only 4.5 percent of all State legislative seats were held by women. Today, 21 percent of the 7,424 State legislative seats in this country are held by women. Women hold 56 or 10.5 percent of the 535 seats in the 104th Congress. One State in the Union has a woman Governor—New Jersey, led by Christine Todd Whitman.

In 1994, four States had women Governors, including my own State of Oregon which was led by Barbara Roberts. Governor Roberts is currently teaching at the John K. Kennedy School at Harvard University. My State has a strong history of capable women serving in statewide and locally

elected positions. Currently, the mayor of Portland is Vera Katz, a talented legislator. Our chief State school officer, Norma Paulus, serving in a nonpartisan, statewide elected capacity, has been the trailblazer for women in government in Oregon. Even with this history, Oregon only has women serving in 28 percent of its elected positions. I hope that the Stennis model can be duplicated in other regions across the country, with the Northwest at the top of the waiting list.

Among the reasons for increasing the number of women in public service leadership is to improve government at all levels. Women make up 52 percent of the population and the majority of all registered voters. Without large numbers of women in government, America is missing out on some of its most capable, effective leaders who can improve the quality of life not just for women, but for all Americans.

I would like to just add a word of personal tribute to all of the forms of public service women give. Some of our strongest role models were never elected but served in one of the most difficult positions of power—from Eleanor Roosevelt to Nancy Reagan to Hillary Clinton—all of these First Ladies deserve our gratitude for blazing the trail to serve their country. Their example will serve the initial ''First Gentleman'' quite well.

The Stennis Center, established in 1988 to exemplify the life of public service defined by Senator John C. Stennis of Mississippi, is doing quality work not only for women in the South, but for many of our own staff family. This is the second year of the John C. Stennis congressional staff fellows—a program which provides senior congressional staff with an opportunity to focus on improving the performance of Congress as an institution. The center also operates the John C. Stennis National Student Congress, a State executive development institute, a legislative staff management institute and a national black graduate students conference—an activity designed to recruit minorities to be congressional aides. All of this work is done by a small staff led by the very capable Mr. Rex G. Buffington II, the executive director of the center. We all owe Mr. Buffington and his staff a debt of gratitude for the time and effort they are expending, in the name of my friend John Stennis, to insure that young people are attracted to careers in public service, that training and development opportunities exist for those in public service and that congressional staff are better equipped to perform their duties more effectively and efficiently.

This week's conference provides just the most recent example. As one of the conference participants shared this week ''If this conference didn't light your fire, then check your wood, because it must be wet.'' Mr. President, I suspect that many flames are burning bright right now.●

GIRL SCOUT GOLD AWARD

● Ms. MIKULSKI. Mr. President, each year an elite group of young women rise above the ranks of their peers and confront the challenge of attaining the Girl Scouts of the United States of America's highest rank in Scouting, the Girl Scout Gold Award.

It is with great pleasure that I recognize and applaud young women from the State of Maryland who are this year's recipients of this most prestigious and time honored award.

These outstanding young women are to be commended on their extraordinary commitment and dedication to their families, their friends, their communities, and to the Girl Scouts of the United States of America.

The qualities of character, perseverance, and leadership which enabled them to reach this goal will also help them to meet the challenges of the future. They are our inspiration for today and our promise for tomorrow.

I am honored to ask my colleagues to join me in congratulating the recipients of this award from the State of Maryland. They are the best and the brightest and serve as an example of character and moral strength for us all to imitate and follow.

Finally, I wish to salute the families, Scout leaders, and the Girl Scouts of Central Maryland who have provided these young women with continued support and encouragement.

It is with great pride that I submit a list of this year's Girl Scout Gold Award recipients from the State of Maryland, and I ask unanimous consent that the list be printed in the RECORD.

The list follows:

GOLD AWARD RECIPIENTS

Laura Lee Albright, Jessica Bolyard, Andrea Bedingfield, Ashley Berger, Melissa Boyle, Kelly Brooks, Lauretta Burgoon, Angela Comberiate, Teresa Crocker, Virginia Dentler, Jennifer Hafner, Shawn Hagy, Angie Henderson, Susan Hoffman, Karyn Kahler, Rachel King, Melissa Lauber, Tiffany Lee, Christina Mauzy, Amanda Morgan, Rebecca Morgenroth, Erin Morrow, Meriel Newsome, Kerry Nudelman, Lori Odom, Rebecca Otte, Elizabeth Palmer, Karen Phillips, Ilisa Pyatt, Allison Rachford, Shannon Smoot, Tecoya Shannon, Heather Simons, Faith Stewart, Kathleen Thorn, and Heather Wilson.●

REAR ADM. IRVE C. LeMOYNE

● Mr. KERREY. Mr. President, I rise today to recognize Rear Adm. Irve C. LeMoyne, the U.S. Navy's highest ranking and longest serving SEAL. Admiral LeMoyne retires this month after 35 years of service to our Nation. His extraordinary accomplishments have been instrumental in the evolution of this country's special operations forces and will have a lasting impact as the U.S. military enters the 21st century.

Admiral LeMoyne began his Navy career as an ensign in 1961. Following graduation from underwater demolition training and service with Underwater Demolition Team 22, he served in Vietnam with SEAL Team 1 and Underwater Demolition Team 11. During his tours in Vietnam, he led numerous successful combat operations and served as a senior provincial reconnaissance unit advisor. While commanding Underwater Demolition Team 11 he also participated in the recovery operations of Apollo 10, 11 and 12.

During several high-level assignments in Washington, DC, Admiral LeMoyne held key positions where he was responsible for integrating naval special warfare into the U.S. regional military strategy and was a driving force behind the modernization of the community.

In 1987 Admiral LeMoyne became the first commander of the Naval Special Warfare Command which was formed as the result of the Nunn-Cohen amendment to the National Defense Authorization Act for fiscal year 1987. His leadership of this command brought together the many components of Naval Special Warfare into a single community which was successfully integrated into the joint structure of the newly formed U.S. Special Operations Command.

As the Director of Resources and then as the Deputy Commander in Chief of the U.S. Special Operations Command, Admiral LeMoyne further ensured that not only Naval Special Warfare, but all special operations forces were prepared to meet the demands of Operations Desert Shield and Storm and the numerous contingency operations of the 1990's.

Throughout his career Admiral LeMoyne has been a driving force behind the modernization of Naval Special Warfare. His accomplishments have paved the way for special operations forces as this country approaches the 21st century. The legacy of his leadership and foresight will carry on well into the next century as special operations forces meet the challenges of the battlefield of the future.

I bid Admiral LeMoyne, his wife, Elizabeth, his son Irve C. Jr., and his daughter, Christian fair winds and following seas.●

BOEING'S 777 WINS PRESTIGIOUS ROBERT J. COLLIER TROPHY

● Mrs. MURRAY. Mr. President, I am honored and proud to recognize the Boeing Co. from my home State of Washington as the 1996 winner of the prestigious Collier Trophy presented by the National Aeronautic Association. The Collier Trophy, the industry's highest honor for aeronautics achievement, will be presented to the Boeing 777 team this evening here in the Nation's capital.

According to the National Aeronautic Association, Boeing was cited for, ''designing, manufacturing and placing into service the world's most technologically advanced airline transport.'' These words are high praise, yet they only begin to describe the awesome innovations achieved by the 777

team. The 777 was developed under the theme ''Working Together'' and represents the work of thousands of Boeing employees, Boeing customers and program partners, thousands of suppliers, regulatory authorities, passengers, pilots, and flight attendants. The Working Together concept and process will be a model for future research and development efforts for U.S. industry.

The 777, with approximately 300 aircraft on order, positions the Boeing Co. and its family of aircraft to compete and succeed in the competitive global market for years to come. The 777 is the fourth Boeing Co. Collier Trophy winner; the B–52, the 747 and the 757-767 programs also received this coveted award.

The Boeing 777 is the first commercial jetliner designed and preassembled entirely by computer simulation. More than 235 design-build teams, linked electronically through advanced computers, worked together to create the airplane's parts and systems and to evaluate the aircraft from every perspective. This new and innovative development process enabled the 777 program to exceed its goal of reducing change, error, and rework by 50 percent. Importantly, Boeing plans to apply this new development model for maximum efficiency to other airplane programs.

The most exhaustive flight test program in commercial jetliner history helped the 777 earn simultaneous certification from the Federal Aviation Administration and the European Joint Aviation Authorities. The 777 is the first airplane in aviation history to earn FAA approval to fly extended-range twin-engine operations routes at service entry. This allowed airlines to offer the most direct routes between transoceanic cities beginning on the aircraft's first day of service. Before entering into service, the 777 set National Aeronautic Association-certified speed records between Seattle, Washington and cities in Sweden, Thailand, France, Germany, and Switzerland.

The 777 contains numerous other technological aircraft advancements. The fuselage is wider in cross-section than any other jetliner with similar seating capacity. Advanced composite materials have lowered direct operating costs, improved aircraft safety, and created new cargo opportunities for airlines. More than 7,000 hours of flight deck pilot simulation will provide more reliability, longer service life and better visibility for pilots. The landing gear features better weight distribution on runways while reducing weight and maintenance costs. The 777 will carry approximately 100 more passengers and has a noise footprint less than half that of the older jets it is designed to replace.

On May 15, 1995, United Airlines took delivery of the very first Boeing 777. This momentous occasion was marked by a special ceremony at the Seattle Museum of Flight. On June 7, 1995, the 777 entered commercial service with United as Flight No. 921, traveling from London's Heathrow Airport to Dulles Airport in Washington, DC.

More than 20 airlines have signed orders to purchase and fly the Boeing 777. Importantly, virtually all of the airlines are foreign customers including British Airways, China Southern, Cathay Pacific, Korean Air Lines, Thai Airways, Japan Airlines, South Africa Airways, and Saudi Arabia Airlines. This ensures that the Boeing Co. will remain one of America's premier exporters. I want to stress to my colleagues that this international aircraft is a job generator for my home State as well as Americans in virtually every State.

Congratulations to the 777 team, the Boeing Co., and the thousands of individual Washingtonians who labored to design and build this historic aircraft.●

IN HONOR OF M.D. PORTMAN OF COLUMBUS, OH

● Mr. GLENN. Mr. President, I rise today in tribute to a great American, a great Ohioan, and a man who might truly be called ''Mr. Columbus''—Maury Portman.

On May 20, Maury will retire as a Columbus City Councilman—and thus close a career that has spanned not only 42 years in Columbus city government, but also 31 years on Council and 12 of those as council President.

I think it's fair to say that no single individual has done more to help Columbus grow from a mid-sized town in the 1950's to the Nation's 16th largest city in the 1990's than M.D. Portman. Indeed, virtually every major piece of progress Columbus has made over the past few decades has Maury's fingerprints on it. He wrote and sponsored the legislation creating the Columbus Department of Development, sponsored the legislation allocating city funds for the arts, sponsored the legislation creating the Municipal Airport Authority that runs Port Columbus, established various committees to curb racial tensions in the city, helped plan the outerbelt expressway around Columbus, worked to bring the Columbus City Center development to fruition and tirelessly lobbied me and my colleagues here in Washington to obtain Federal funds for a variety of neighborhood renewal projects.

In short, it can accurately be said of Maury Portman that Columbus could not have held the last half of the 20th century without him.

I think the editors at his hometown newspaper, the Columbus Dispatch put it well when they said: ''Portman has been able to function so effectively because he never had a personal agenda. His energies were directed not to what would help him get ahead, but what was in the best interest of the community.''

Mr. President, Maury Portman is a one-of-a-kind original. He personifies all that is best about public service. And the city of Columbus will miss his leadership greatly.

I feel fortunate to have known and worked with Maury—and I am proud to call him my friend. And now that his retirement is imminent, I know I speak for thousands upon thousands of people in central Ohio when I say: ''Thank you, Maury.'' Thank you for caring; thank you for always giving your best; thank you for always being there. We all wish you and your beautiful wife, Alice, good luck and Godspeed in whatever you decide to do next. And please know that just as you always remembered Columbus, Columbus will never forget you.●

SARAH EMILY MOORE JONES

● Ms. MIKULSKI. Mr. President, I would like to call to the attention of my colleagues the upcoming birthday of Mrs. Sarah Emily Moore Jones, a native Marylander. On Saturday, May 11, 1996, Mrs. Jones will become 92 years young. I know my colleagues join me in extending heartfelt birthday wishes to Mrs. Jones.

Mrs. Jones was born in Wetipquin, MD, the fourth of seven children. She attended Wetipquin Elementary School and Salisbury High School and received a degree in education from Bowie Normal, which is now Bowie State University. Mrs. Jones taught in the Wicomico County public school system in elementary and adult education. She is a faithful member of St. James Free Methodist Church, in Head of Creek, MD, where she served as the musician for over 40 years.

On June 27, 1925, Sarah Emily Moore married Matthew Jones of Head of Creek, MD. To that union, four children were born: Thelma Martin and Matthew Jones of Washington, DC, Linfred Jones of Quantico, MD, and Mary Hilda Elsey of Nanticoke, MD. Mrs. Jones has one stepson, Samuel Boslee of New Jersey. She is also a grandmother, a great grandmother, and a great great grandmother.

After her husband of 60 years passed away on September 6, 1985, Mrs. Jones continued to live independently until December 6, 1995, when she incurred a hip injury. As a result of her injury, and the surgery and rehabilitation that followed, she began living with her daughter, Thelma.

The ever soft-spoken, perpetually happy Sarah can be found smiling and composed through any circumstance. She is revered and loved by all whose lives she touches. I ask my colleagues to join me in wishing Sarah Jones a very happy 92d birthday.●

A MOTHER'S DAY WISH TO END GUN VIOLENCE

● Mrs. BOXER. Mr. President, this Sunday is Mother's Day, when millions of sons and daughters will gather to pay tribute to the women who raised them. Mother's Day is a joyous celebration for most, but for families touched by the epidemic of gun violence, it can be a cruel reminder of what they have lost.

I want to speak today about one such family, and I want to tell Senators how a mother from Orange County, CA, Mary Leigh Blek, chose to honor her son's memory by becoming a leader in the fight against violence.

On June 29, 1994, Mary Leigh Blek experienced every mother's nightmare—a 3 a.m. phone call from the police, telling that her beloved son Matthew had been shot and killed. Matthew Blek was walking his date home that night when three teenagers on a violent rampage shot him twice in the head.

The weapon used in that terrible crime was a junk gun, probably manufactured in southern California. Congress has prohibited the importation of these cheap, poor quality, and easily concealable firearms, but has allowed their domestic manufacture to soar unchecked.

For the past year, Mary Leigh Blek and her husband Charles have been on a crusade to stop the proliferation of these junk guns. ''Silence is consent,'' she says, and Mary Leigh Blek has been anything but silent. She has become a tireless organizer in the anti-gun-violence movement—making speeches, attending rallies, and most recently testifying before a Committee of the California Legislature.

Mary Leigh Blek is determined to spare other mothers the pain that ripped her family apart. When I introduced the Junk Gun Violence Protection Act, a bill that would apply the same standards to domestically produced handguns as are currently applied to imports, Mary Leigh Blek was there. Once again, she told the story of how her son was slain and why these poor quality, easily concealable handguns should not be on the streets. I know it is hard for her to keep talking about this tragedy, and I admire her courage and the sense of public service that motivates her to keep up the fight.

This Mother's Day, I will think of Mary Leigh Blek. It is my hope that by next Mother's Day, the kind of gun that killed her son Matthew will no longer be out on the streets.●

AIDS EDUCATION

● Mr. LAUTENBERG. Mr. President, I rise today to commend the students and faculty at Cresskill High School in my State for proposing a weeklong focus on HIV/AIDS, from May 27 to June 2, 1996.

It's true that this is one of many spotlights that have been trained on this epidemic; and it's true that there have been many seminars and educational forums designed to inform the public about the devastation this disease causes and the medical and other support services available to sustain individuals and families living with HIV/AIDS.

But the fact is that despite statistics clearly demonstrating that AIDS is no respecter of racial, religious, ethnic, or economic lines, most people prefer to think it can't happen to them. The idea for this particular AIDS Education Week in New Jersey came from Jessica Pomerantz, a student at Cresskill High School, a suburban school in an area where families are not faced with problems of the inner cities. Jessica felt the need to talk about this precisely because she sensed that her fellow classmates were like most people—they believed they would never be the ones to get the AIDS virus. The fact is, as she says, AIDS is an equal opportunity killer. The fact is this AIDS education week is very significant.

AIDS has become a defining facet of modern life: The 80,000 Americans reported with AIDS in 1994 alone represented one-fifth the total number of cases ever reported in the United States; AIDS infects one of every 92 young American men ages 27 to 39; it's the leading cause of death among all 25–44 year olds and the fourth leading cause of death among all women.

In New Jersey, some 50,000 people are infected with the HIV virus. We're fifth in the United States in reported AIDS cases, third in pediatric AIDS cases. Women represent 26 percent of all reported AIDS cases in New Jersey, the highest proportion of women with AIDS in the entire country. And women are the fastest-growing group of people with HIV/AIDS.

Last December, the eighth observance of World AIDS' Day took as its theme, ''Shared Rights, Shared Responsibilities.'' Jessica and her fellow students at Cresskill High School have taken that message to heart. They understand the stake they have in this fight. They know they shouldn't and they cannot ignore it for the sake of their own future and the future of generations all over the world. ''We must protect our future,'' they say, ''by taking responsibility for our actions if we are to accomplish our goals.''

Mr. President, I'm tremendously proud of these young people from New Jersey. I ask my colleagues to join me today in wishing them continued success.●

MEDICARE REIMBURSEMENTS FOR TREATMENT OF SOME MEDICARE-ELIGIBLE VETERANS

● Mr. WELLSTONE. Mr. President, I'm pleased and honored to announce my intention to introduce legislation in the coming days which I believe will demonstrate the cost effectiveness and feasibility of Medicare reimbursement to the Department of Veterans Affairs [VA] for treatment of some medicare-eligible veterans at VA health care facilities.

There are two very important reasons I intend to introduce and press for passage of this legislation which I would like to briefly outline. First, reforming veterans' health care is one of my top priorities. I strongly believe that if we don't reform the archaic and arcane rules governing veterans access to VA medical care, it will be impossible for the VA to provide America's veterans with 21st Century health care. To accomplish this, the VA must be authorized to receive Medicare reimbursements for treatment of some Medicare-eligible veterans. Two different proposals prepared by major veterans service organizations (VSO's) provide that the VA be authorized to receive Medicare reimbursement for treating Medicare-eligible veterans. The GAO, however, has questioned both the feasibility and cost of providing Medicare reimbursement to the VA. While I lean toward the VSOs' view that Medicare reimbursement would be both feasible and cost-effective, the only way to prove this is by means of a demonstration project that will determine both the feasibility and cost effectiveness of Medicare subvention. That is precisely what my legislation will authorize.

Second, I believe that because the VA is facing and will likely continue to face severe funding constraints that will reduce its capabilities to provide access to quality health care, the VA will be under strong pressures to deny health care to Medicare-eligible veterans who are not in the mandatory category for outpatient or inpatient treatment. For many years VA medical costs have lagged behind medical cost inflation and under the budget resolution adopted by Congress last year the VA medical care budget would be frozen for 7 years, lagging behind overall inflation and probably even further behind medical cost inflation. As a consequence, the VA may be compelled to ration care, with veterans 65 and over one of the groups likely to be affected. Even before the VA was faced with a flat health care budget, many of its facilities were compelled to resort to rationing. Despite the bold and imaginative efforts of Secretary of Veterans Affairs Jesse Brown and his Under Secretary for Health Ken Kizer to modernize, streamline and decentralize VA health care, a flat VA health care budget for 7 years can only lead to more extensive rationing of health care for veterans. This will further fray our solemn contract with the men and women who selflessly defended our country.

Mr. President, the bill I am planning to introduce is intended to ensure that our aging veterans population is not denied access to VA health care at a time when they need it most. Improving and safeguarding health care for our country's veterans should be a priority issue for my colleagues on both sides of the aisle. I hope all of my colleagues will carefully review my bill after it is introduced and will carefully consider supporting it.●

ORDERS FOR MONDAY, MAY 13, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjournment until 12 noon on Monday,

May 13; further, that immediately following the prayer the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period of morning business until the hour of 3:30 p.m. with Senators allowed to speak for up to 5 minutes each.

I further ask that Senator DASCHLE, or his designee, be in control of the time between 12:30 and 2 p.m., and that Senator COVERDELL, or his designee, be in the control of the time between the hours of 2, and 3:30 p.m.; and, further, that immediately following morning business the Senate resume consideration of H.R. 2937, the White House Travel Office legislation.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will resume consideration of the White House Travel Office bill and the pending gas tax repeal issue on Monday.

There will be no further votes during today's session. The Senate will not be in session on Friday of this week, and no rollcall votes will occur during Monday's session of the Senate, although the Senate will be in session on Monday.

Senators are expected to debate the gas tax repeal issue throughout the day on Monday. And, as a reminder, a cloture motion was filed on the pending amendment.

And, therefore, I ask unanimous consent that the cloture vote occur on the Dole amendment at 2:15 p.m. on Tuesday, May 14, and the mandatory quorum under rule XXII be waived.

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

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of the distinguished Senator from Massachusetts.

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

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for permitting us to address the Senate for just a few moments at this time.

ACTIONS OF THE SENATE

Mr. KENNEDY. Mr. President, I wanted to just correct the record with regard to the suggestion of the Senator from Mississippi about actions that were taken by those of us who favor having an up-or-down vote on the minimum wage and the action that was necessary to try to keep the issue of the minimum wage before the U.S. Senate because, as the record shows very clearly, we have demonstrated a majority support for increasing the minimum wage as an amendment on legislation earlier this year, and at the time that the Senate voted by 55 votes, Republicans and Democrats, to increase the minimum wage. Our Republican majority leader made a motion to recommit the pending legislation, sending it back to the committee and having it returned to the floor without that amendment that was pending which would have effectively denied us any further debate or discussion of the minimum wage. And, before that action was processed, I filed a cloture motion on the minimum wage to at least assure that the Senate would have an opportunity to vote on the minimum wage issue and which we have been denied the opportunity to do.

The Senator from Mississippi can continue to talk about the various procedures, processes, and actions that can be used by the Republican leadership to avoid this institution taking a vote up or down on the minimum wage, which they have been successful in doing. But I do not think there is an American today that does not understand that it has been the Republican leadership position in the House of Representatives and the Senate of the United States that is frustrating the overwhelming sentiment of the people of this country—in all regions of the country and among all ages of the country—that believe that fairness and decency ought to permit the Senate of the United States and the House of Representatives to vote on a modest increase for those men and women who work 40 hours a week, 52 weeks of the year, to try to provide for themselves and their families.

That is not favored by the majority leadership. That is opposed by the Republican leadership, and the Senator from Mississippi, as outlined earlier, which may be of interest to I do not know who at this hour of the day here in the Senate, about various procedures that are utilized to deny us that opportunity. But I can tell you that there are families that are gathered around the kitchen table at this moment at 6:30 at night, and there are the mothers of children that are gathered there at the kitchen table at this very moment that are wondering how they are going to pay the utility bill, or the emergency room bill, or the rent, or food on the table, or the clothing for their children. That is happening now. And, if they could afford a television and watch what is happening on the floor of the U.S. Senate, they have to ask, ''Why? Why is the Republican leadership demanding or forbidding the opportunity to have an up-or-down vote on this measure one more day, one more day?''

They denied it yesterday, denied it the day before, denied it the day before that, denied it last week, and denied it in the weeks before, in spite of the fact that the majority leader has voted for an increase in the minimum wage four times, voted against it eight times, but voted for it on four different occasions, and in spite of the fact that Republican Presidents Eisenhower, Bush, and Nixon have all supported an increase in the minimum wage. So, it is an interesting perhaps story about the procedural steps which have been taken by various Senators to deny an increase in the minimum wage.

But, Mr. President, there is no doubt in the minds of the American people about what is taking place here in the U.S. Senate; Republican leadership denying working families on the bottom rung of the economic ladder the opportunity to have a living wage, a living wage for themselves and for their families, and that is wrong. No parliamentary procedure is going to change that fundamental fact.

Now, Mr. President, in recent days a number of commentators have pointed out that the Senate seems to be in the doldrums, ''D-o-l-e-d-r-u-m-s.'' I believe the normal spelling leaves out the ''e''—d-o-l-d-r-u-m-s. I thought it might be worth listening to some of the dictionary definitions for that word.

The Random House Dictionary of the English Language defines it this way:

> A state of inactivity or stagnation;
> A belt of calms and light baffling winds;

Or, three:

> A dull, listless, depressed move; low spirits.

The Oxford English Dictionary refers to the doldrums this way:

> A vessel almost becalmed, her sails flapping about in every direction.

It goes on to call it:

> A region of unbearable calm broken occasionally by violent squalls.

The American Heritage Dictionary defines it this way:

> Ocean regions near the equator characterized by calms, or light winds, and the calms characteristic of;

Or, second:

> The calms characteristic of these areas;

Or, third:

> A period of inactivity, listlessness, or depression probably influenced in form by the word ''tantrum.''

That seems to fit the Senate precisely. First our Republican friends have a tantrum over the Democratic efforts to raise the minimum wage. Then our Republican friends go into the doldrums.

The American people look to the Congress for action on the minimum wage, and all they see are cloture motions, quorum calls, and procedural gymnastics to avoid taking action.

I say end the gridlock, end the deadlock, end the doldrums. The way for Senator DOLE to find his way out of the doldrums is clear: Raise the minimum wage.

Finally, Mr. President, on one other matter that was raised by my friend from Mississippi about cloture motions; and there will be those that will

study this period of history in the 102d, 103d, and the 104th Congress.

What they will find is that the times when the cloture motions were filed was to close off the prolonged debate which was taking place in the Senate. But they will also find that when our Republican leadership has been filing the cloture motions in this Congress, it is not to terminate debate. It is to block out debate, to close out the possibilities to offer amendments to the underlying measure, a very significant and important difference. It can be made light of on the floor of the Senate, but every Member of this body ought to know what the significance and the difference is about in the application of cloture during this period of time—to close out debate, to deny the opportunity for Members to be able to express the interests of people they represent. It is unbecoming for this institution to be put in that position because this is the institution which has debated the great issues as well as less important issues over the period of the history of this Nation. Denying that opportunity for debate does not serve this institution or its tradition well. To the contrary.

I wish to make just a final observation, Mr. President. I ask unanimous consent to be able to proceed for 3 or 4 more minutes.

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

Mr. KENNEDY. In every case where cloture was filed on an amendable vehicle during the 103d Congress and Republicans sought to offer amendments, amendments sponsored by or cosponsored by Republicans were voted on before the cloture vote. Do we hear that? In every case where cloture was filed on an amendable vehicle during the 103d Congress and Republicans sought to offer amendments, amendments sponsored by or cosponsored by Republicans were voted on before the cloture vote. Not today in terms of where we are on proposals of Democrats and on proposals that are cosponsored by Republicans, because the minimum wage increase is cosponsored by a Republican. In no case was the amendment tree completely filled to prevent Republicans from offering amendments after cloture was filed. In no case. In no case. I have heard that claim to be the case by the Republican majority leader and again repeated this afternoon. But the facts do not support that statement.

Cloture was most frequently filed to close off debate in situations where amendments were not in order—conference reports, nominations, motions to proceed to bills. The only bill on which cloture was filed during the 103d Congress and no Republican amendments were offered was S. 414, the Brady bill. In that bill, cloture was filed on the Mitchell-Dole substitute amendment. There were no votes on Republican amendments because a unanimous-consent agreement was reached dictating which amendments would be permitted—unanimous consent—a completely different history than has been described either earlier this evening or by the majority leader on yesterday.

So, Mr. President, as I mentioned, the people in my State who are receiving the minimum wage have been fortunate in that my State increased the minimum wage. Fortunately, it has been in effect since January of this year, and the unemployment has gone down. It has gone down. In our neighboring State of New Hampshire, where they have not increased it, the unemployment has gone up.

So I will welcome the opportunity to debate the issue of whether the minimum wage adds to inflation, whether it adds to unemployment, about what the economic impact is going to be. We have ample examples of that from history. We have at other times reviewed that for the benefit of the Senate, and we will welcome the chance to either do that again or not do it.

We continue to deny an increase in the minimum wage to hard-working Americans, most of whom are women. A good percentage of those women have small children. This is a women's issue. It is a families' issue. It is a children's issue. It is an issue for justice. It is an issue on decency. It is an issue on fairness. The American people understand that.

So perhaps as we come to the conclusion of this week of Senate debate and discussion, those families are going to wonder why the Senate did not address this issue again. It is more and more difficult for this Senator to explain to families that are trying to provide for themselves and their families why Republican leaders refuse to give working families a livable wage that we have been prepared to do at other times in our history with Republicans and Democrats alike. The last time we increased it, we had a Democratic controlled Congress and a Republican President. Now we have a Republican Congress and a Democratic President, but the Republican leadership in the House of Representatives and the Senate of the United States has refused to do it.

In a final point, I will say it is going to get done. It is going to get done, and those families ought to understand that it will get done. It will get done, I believe, sooner than later. We will continue to offer this amendment on the legislation, and if the Senator from Mississippi or the Senator from Kansas, the majority leader, want to go to this arcane procedure of denying any debate or discussion on either the minimum wage or any amendments thereto, they are going to have a very long spring and a very long summer, but we are going to prevail on this issue.

I yield the floor.

ADJOURNMENT UNTIL MONDAY, MAY 13, 1996

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Monday, May 13, 1996.

Thereupon, the Senate, at 6:57 p.m., adjourned until Monday, May 13, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 9, 1996:

THE JUDICIARY

RICHARD A. LAZZARA, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE JOHN H. MOORE II, RETIRED.

MARGARET M. MORROW, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE RICHARD A. GADBOIS, JR., RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

TERENCE FLANNERY, OF VIRGINIA
LARON L. JENSEN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DOLORES F. HARROD, OF NEW HAMPSHIRE
JAMES L. JOY, OF FLORIDA
DAVID K. KATZ, OF CALIFORNIA
GEORGE W. KNOWLES, OF FLORIDA
KAY R. KUHLMAN, OF FLORIDA
JOHN L. PRIAMOU, OF THE DISTRICT OF COLUMBIA
GEORGE F. RUFFNER, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JUSTIN EMMETT DOYLE, OF NEW YORK
HECTOR NAVA, OF CALIFORNIA

DEPARTMENT OF COMMERCE

CRAIG B. ALLEN, OF WISCONSIN
ROBERT M. MURPHY, OF WASHINGTON

DEPARTMENT OF STATE

DAVID M. BUSS, OF TEXAS
PATRICIA M. HASLACH, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DAVID JOHN CLARK, OF TEXAS
AMY RENNEISEN FAWCETT, OF TENNESSEE
JAMES B. GAUGHRAN, OF VIRGINIA
MICHAEL J. GREENE, OF WASHINGTON
PHILIP D. HORSCHLER, OF CALIFORNIA
VIRGINIA HOWELL POOLE, OF VIRGINIA
CLAUDE WILBUR MARK REECE, OF VIRGINIA
CAROLINE TRUESDELL, OF NEW YORK
RUTH F. WOODCOCK, OF FLORIDA
ALBERT OBIRI YEBOAH, OF VIRGINIA

DEPARTMENT OF AGRICULTURE

SHARON A. BYLENGA, OF FLORIDA

DEPARTMENT OF COMMERCE

ANN M. BACHER, OF FLORIDA
NANCY K. CHARLES-PARKER, OF VIRGINIA
DAVID K. SCHNEIDER, OF VIRGINIA
DALE N. TASHARSKI, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LINDA F. ARCHER, OF CALIFORNIA
FRANK G. CARRICO, JR., OF TEXAS
JAMES M. FLUKER, OF NEW YORK
ROSEMARY D. GALLANT, OF VIRGINIA
KENNETH H. KEEFE, OF FLORIDA
JAMES M. MCCARTHY, OF MARYLAND

DEPARTMENT OF STATE

MICHAEL JONATHAN ADLER, OF MARYLAND

STEFANIE AMADEO, OF NEW JERSEY
MARY RUTH AVERY, OF FLORIDA
DANIEL KARL BALZER, OF OHIO
DOUGLAS COVELL BAYLEY, OF WISCONSIN
MARK D. BYSFIELD, OF MISSOURI
PAUL M. CANTRELL, OF CALIFORNIA
ROBIN LISA DUNNIGAN, OF CALIFORNIA
MONICA ELIZABETH EPPINGER, OF ARIZONA
JILL MARIE ESPOSITO, OF NEW YORK
NICHOLAS A. FERRO, OF VIRGINIA
MICHAEL EDWARD GARROTE, OF PENNSYLVANIA
PAMELA L. GOMEZ, OF TEXAS
BRIAN A. GOGGINS, OF THE DISTRICT OF COLUMBIA
DEBORAH ZAMORA GROUT, OF NEW MEXICO
HELEN HAMILTON HAHN, OF FLORIDA
RUTH MARY HALL, OF VIRGINIA
SCOTT IAN HAMILTON, OF ILLINOIS
RICHARD ALAN HINSON, OF FLORIDA
GERARD THOMAS HODEL, OF NEW YORK
DIRK J. HOFSCHIRE, OF NEBRASKA
TODD MICHAEL HUIZINGA, OF MICHIGAN
DONALD EMIL JACOBSON, OF CALIFORNIA
CATHERINE ELIAS KAY, OF ILLINOIS
MICHAEL CHRISTOPHER KEAYS, OF CALIFORNIA
KRISTINA A. KVIEN, OF CALIFORNIA
CHRISTOPHER JOHN LAMORA, OF RHODE ISLAND
JEANNE M. MALONEY, OF TENNESSEE
COLETTE A. MARCELLIN, OF TEXAS
MICHAEL JOHN MATES, OF WASHINGTON
ANN BARROWS MCCONNELL, OF CALIFORNIA
JENNIFER ALLYN MCINTYRE, OF MARYLAND
KELLIE A. MEIMAN, OF GEORGIA
ELIZABETH INGA MILLARD, OF VIRGINIA
DOUGLAS ALAN MORRIS, OF NEBRASKA
W. PATRICK MURPHY, OF NEW HAMPSHIRE
COURTNEY R. NEMROFF, OF PENNSYLVANIA
MATTHEW A. PALMER, OF MASSACHUSETTS
SOOKY WYNNE PARK, OF MARYLAND
RICHARD CARLTON PASCHALL III, OF NORTH CAROLINA
SARAH S. PENHUNE, OF MASSACHUSETTS
MARK STEPHEN PROKOP, OF CONNECTICUT
CHARLES RANDOLPH IV, OF CONNECTICUT
THOMAS METZGER RAMSEY, OF NEW YORK
HOWARD VERNE REED, OF NEW YORK
WALTER SCOTT REID III, OF VIRGINIA
SONJA KAY RIX, OF NEW YORK
WILLIAM VERNON ROEBUCK, JR., OF NORTH CAROLINA
AVA L. ROGERS, OF LOUISIANA
MARILYNN WILLIAMS ROWDYBUSH, OF OHIO
PAUL M. SIMON, OF FLORIDA
SHERRY LYNN STEELEY, OF PENNSYLVANIA
GREGORY WILLIAM SULLIVAN, OF FLORIDA
JOSEPH F. TILGHMAN, OF CONNECTICUT
DONNA VISOCAN VANDENBROUCKE, OF VIRGINIA
STEVEN CRAIG WALKER, OF HAWAII
DEIRDRE M. WARNER, OF PENNSYLVANIA
ROBERT FORREST WINCHESTER, OF CALIFORNIA
JAMES A. WOLFE II, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

REBECCA ARENDA, OF VIRGINIA
KATHLEEN T. AUSTIN, OF THE DISTRICT OF COLUMBIA
FRANK JOSEPH BABETSKI, OF VIRGINIA
BARTHOLOMEW LOUIS BARBESSI, OF NEW YORK
ALLISON M. BECK, OF VIRGINIA
JEMIE L. BERTOT, OF CONNECTICUT
HARRY ARTHUR BLANCHETTE, OF FLORIDA
LILLIAN A. BRAMAN, OF VIRGINIA
RON A. BRAVERMAN, OF NEW JERSEY
MARY KATHLEEN BRYLA, OF THE DISTRICT OF COLUMBIA
GUILLERMO SANTIAGO CHRISTENSEN, OF VIRGINIA
DAVID F. DAVISON, OF VIRGINIA
PAUL J. DEFRANCESCO, JR., OF OHIO
CATHERINE I. EBERT-GRAY, OF COLORADO
DAVID J. FINEMAN, OF VIRGINIA
CLARENCE FRANKLIN FOSTER, JR., OF VIRGINIA
DENNIS DAVID GRABULIS, OF VIRGINIA
RICHARD JASON GRIMES, OF VIRGINIA
BRIAN GIBBS GUNDERSON, OF VIRGINIA
KENT FRENDON HALLBERG, OF VIRGINIA
JERRY HERSH, OF NEW YORK
SALLIE MARIE HICKS, OF VIRGINIA
TYRENA L. HOLLEY, OF THE DISTRICT OF COLUMBIA
JON CLARKE HOOPER, OF VIRGINIA
HORACE P. JEN, OF VIRGINIA
JENNIFER J. JORDAN, OF VIRGINIA
SCOTT H. JUNG, OF MARYLAND
KURTIS MICHAEL KESSLER, OF VIRGINIA
MARK A. LABRECQUE, OF VIRGINIA
KRISTINE R. LANSING, OF VIRGINIA
MICHAEL W. LIIKALA, OF CALIFORNIA
DOUGLAS M. LITTREL, OF VIRGINIA
FRANK J. MANGANIELLO, OF VIRGINIA
MARK J. MARTIN, OF VIRGINIA
KEVIN BRUCE MCKINNEY, OF VIRGINIA
MARION K. MCMAHEL, OF MARYLAND
TARA K. NATHAN, OF VIRGINIA
GERALDINE H. O'BRIEN, OF VIRGINIA
HENRY OPPERMANN, OF MARYLAND
HOMER C. PICKENS III, OF VIRGINIA
PHYLLIS MARIE POWERS, OF TEXAS
CHRISTOPHER C. RAND, OF VIRGINIA
HELEN PATRICIA REED-ROWE, OF MARYLAND
WILLIAM RODMAN REGAN, OF VIRGINIA
CORNELIO RIVERA III, OF VIRGINIA
FRED A. SCHELLENBERG, OF VIRGINIA
DAVID D. SCHILLING, OF MARYLAND
JAMES B. SIZEMORE, OF VIRGINIA
MARY EMERSON SLIMP, OF VIRGINIA
AMY KATHERINE STAMPS, OF VIRGINIA
ANDREA ROBIN STARKS, OF MARYLAND
REVALEE STEVENS, OF THE DISTRICT OF COLUMBIA
LOUIS V. SURGENT, JR., OF MARYLAND
DWAYNE LEO THERRIAULT, OF VIRGINIA
MICHAEL S. TULLEY, OF CALIFORNIA
BURCE G. VALENTINE, JR., OF VIRGINIA
RANDALL R. VIDEGAR, OF VIRGINIA
ANTHONY DAVID WATT, OF WYOMING
ANN G. WEBSTER, OF VIRGINIA
HELGA L. WEISTO, OF MARYLAND
DAVID S. WICK, OF DELAWARE
ROBERT T. YURKO, OF MARYLAND

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. DAVID A. BRAMLETT, 000–00–0000, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER SECTION 601, TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. JEFFREY W. OSTER, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

DENTAL CORPS

To be rear admiral (lower half)

CAPT. VERNON PAUL HARRISON, 000–00–0000, U.S. NAVAL RESERVE.

JUDGE ADVOCATE GENERAL'S CORPS

To be rear admiral (lower half)

CAPT. CLIFFORD JOSEPH STUREK, 000–00–0000, U.S. NAVAL RESERVE.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. STEVEN ROBERT MORGAN, 000–00–0000, U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS

To be read admiral (lower half)

CAPT. ROBERT CHARLES MARLAY, 000–00–0000, U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE LINE IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. DANIEL R. BOWLER, 000–00–0000, U.S. NAVY.
CAPT. JOHN E. BOYINGTON, JR., 000–00–0000, U.S. NAVY.
CAPT. JOHN T. BYRD, 000–00–0000, U.S. NAVY.
CAPT. JOHN V. CHENEVEY, 000–00–0000, U.S. NAVY.
CAPT. RONALD L. CHRISTENSON, 000–00–0000, U.S. NAVY.
CAPT. ALBERT T. CHURCH III, 000–00–0000, U.S. NAVY.
CAPT. JOHN P. DAVIS, 000–00–0000, U.S. NAVY.
CAPT. THOMAS J. ELLIOTT, JR., 000–00–0000, U.S. NAVY.
CAPT. JOHN B. FOLEY III, 000–00–0000, U.S. NAVY.
CAPT. KEVIN P. GREEN, 000–00–0000, U.S. NAVY.
CAPT. ALFRED G. HARMS, JR., 000–00–0000, U.S. NAVY.
CAPT. JOHN M. JOHNSON, 000–00–0000, U.S. NAVY.
CAPT. HERBERT C. KALER, 000–00–0000, U.S. NAVY.
CAPT. TIMOTHY J. KEATING, 000–00–0000, U.S. NAVY.
CAPT. GENE R. KENDALL, 000–00–0000.
CAPT. TIMOTHY W. LAFLEUR, 000–00–0000.
CAPT. ARTHUR N. LANGSTON III, 000–00–0000.
CAPT. JAMES W. METZGER, 000–00–0000.
CAPT. DAVID P. POLATTY III, 000–00–0000.
CAPT. RONALD A. ROUTE, 000–00–0000.
CAPT. STEVEN G. SMITH, 000–00–0000.
CAPT. THOMAS W. STEFFENS, 000–00–0000.
CAPT. RALPH E. SUGGS, 000–00–0000.
CAPT. PAUL F. SULLIVAN, 000–00–0000.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. ROLAND B. KNAPP, 000–00–0000, U.S. NAVY.
CAPT. KATHLEEN K. PAIGE, 000–00–0000, U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. PERRY M. RATLIFF, 000–00–0000, U.S. NAVY.

SPECIAL DUTY OFFICER (FLEET SUPPORT)

To be rear admiral (lower half)

CAPT. JACQUELINE O. ALLISON, 000–00–0000, U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT SECOND LIEUTENANTS IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

To be second lieutenants

CRAIG R. ABELE, 000–00–0000
CHRISTOPHER G. ABRAHAM, 000–00–0000
JOSEPH S. AGRES, 000–00–0000
MARC D. AMOS, 000–00–0000
MICHAEL C. ANDERSON, 000–00–0000
ARTHUR R. ARAGON, 000–00–0000
ENRIQUE A. AZENON, 000–00–0000
ANTHONY BAGGS, 000–00–0000
TONYA R. BARZ, 000–00–0000
STEVEN C. BERGER, 000–00–0000
BRIAN D. BERNTH, 000–00–0000
JOHN F. BERRIGAN III, 000–00–0000
AMY E. BERTAS, 000–00–0000
CHRISTOPHER L. BOPP, 000–00–0000
PATRICK W. BOYD, 000–00–0000
JURI P. BRANDT, 000–00–0000
CHRISTOPHER J. BRONZI, 000–00–0000
THOMAS A. BUDREJKO, 000–00–0000
TYLER N. BUSH, 000–00–0000
WALTER J. BUTLER, JR., 000–00–0000
CHARLES M. BYRNE, 000–00–0000
JEFFREY D. CABANA, 000–00–0000
LONNIE M. CAMACHO II, 000–00–0000
LOUIS A. CAMARDO II,, 000–00–0000
JENNIFER M. CAMPION, 000–00–0000
ISMAEL CARDENAS JR., 000–00–0000
DARREN S. CATALLO, 000–00–0000
ALICIA A. CHIARAMONTE, 000–00–0000
BRENDAN P. COLLINS, 000–00–0000
DAWN N. CORCORAN, 000–00–0000
JOHN D. CORDONE, 000–00–0000
JOHN M. COSTELLO, 000–00–0000
JOSHUA D. CRIBBS, 000–00–0000
LUCAS E. DABNEY, 000–00–0000
REBECCA C. DENGLER, 000–00–0000
PATRICIA L. DESPAIN, 000–00–0000
PAUL E. DEVEAUX, 000–00–0000
ERWIN F. DICK, III, 000–00–0000
JEFFREY S. DIMMIG, 000–00–0000
JOHN A. DIUMENTI, 000–00–0000
WILLIAM P. CONNELLY, III, 000–00–0000
SEAN P. DONOVAN, 000–00–0000
CINDY R. DUGGAN, 000–00–0000
DANIEL W. DUKES, 000–00–0000
MIGUEL F. EATON, 000–00–0000
CHRISTOPHER V. EICHINGER, 000–00–0000
CRAIG G. ERLANGER, 000–00–0000
JENNIFER A. FARKASFALVY, 000–00–0000
TED L. FARRELL, 000–00–0000
ALYCE FERNEBOK, 000–00–0000
TODD P. FERRIS, 000–00–0000
GERALD J. FINNEGAN, JR., 000–00–0000
MARTIN J. FISHER, 000–00–0000
LEO J. FITZHARRIS, IV, 000–00–0000
EDWARD W. FLOYD, 000–00–0000
CHRISTOPHER B. FLYNN, III, 000–00–0000
GINA L. FOLTZ, 000–00–0000
DARIN J. FOX, 000–00–0000
EUGENE L. FUNDERBURK, 000–00–0000
CHRISTOPHER E. GEORGI, 000–00–0000
MEGAN L. GERSTENFELD, 000–00–0000
JAMES R. GLADDEN, III, 000–00–0000
JENNIFER M. GODDARD, 000–00–0000
JOSHUA S. GORDON, 000–00–0000
BRIAN T. GRANA, 000–00–0000
KENNETH J. GRANT, 000–00–0000
CORNELIUS D. GRAY, 000–00–0000
JAMES A. HANLEY, II, 000–00–0000
MARIUS L. HARRISON, 000–00–0000
BRIAN F. HAY, 000–00–0000
STACEY J. HAYNES, 000–00–0000
ERIK B. HEISER, 000–00–0000
NICK L. HERNANDEZ, 000–00–0000
WILLIAM B. HUBER, 000–00–0000
DOMINIC J. IACONO III, 000–00–0000
JAIME A. IBARRA, 000–00–0000
CHRISTOPHERSCOTT IEVA, 000–00–0000
JOHN B. JACKSON III, 000–00–0000
JACOB A. JENKINS, 000–00–0000
JOSEPH T. JOHNSON, 000–00–0000
ARTHUR F. KEAR III, 000–00–0000
LORI A. KELLEY, 000–00–0000
MARK D. KERBER, 000–00–0000
BRIAN T. KOCH, 000–00–0000
MATTHEW D. KRAUSE, 000–00–0000
THOMAS E. LEAHY, 000–00–0000
JEFFREY D. LEWIS, 000–00–0000
DANIEL A. LOVELACE, 000–00–0000
CARL J. LUCAS, 000–00–0000
CHARLES A. LUMPKIN, 000–00–0000
GEORGE W. LUNDY III, 000–00–0000
STEPHEN P. LYNCH, 000–00–0000
JARROD A. MARSH, 000–00–0000
PATRICK M. MCBRIDE, 000–00–0000
LAURA C. MCCLELLAND, 000–00–0000
MAUREEN R. MCFARLAND, 000–00–0000
ANDREW J. MCNULTY, 000–00–0000
JASON K. MEINERS, 000–00–0000
ANNIKA MOMAN, 000–00–0000
STEPHEN J. MONSOUR, 000–00–0000
TOBY F. MOORE, 000–00–0000
DAVID A. MUELLER, 000–00–0000
KEVIN M. MULLIGAN, 000–00–0000
KIRK B. NELSON, 000–00–0000
JONATHAN R. OHMAN, 000–00–0000
OKWEDE M. OKE, 000–00–0000
KEITH S. OKI, 000–00–0000
JEREMY R. ORR, 000–00–0000
STEPHEN S. PAINTER, 000–00–0000
BENJAMIN J. PAPPAS, 000–00–0000
TEAGUE A. PASTEL, 000–00–0000

LESLIE T. PAYTON, 000–00–0000
ROBERT A. PEAL, 000–00–0000
DARRYL A. PIASECKI, 000–00–0000
BENJAMIN T. PIPES, 000–00–0000
ROBERT E. POWELL JR., 000–00–0000
MELISSA PRATT, 000–00–0000
AARON R. RAMERT, 000–00–0000
JABARI J. RENEAU, 000–00–0000
PATRICIA M. RESTREPO, 000–00–0000
JAMES C. REYNOLDS, 000–00–0000
JOSHUA A. RIGGS, 000–00–0000
RANDALL C. RISHER, 000–00–0000
AMY J. ROY, 000–00–0000
CHRISTIAN S. RUWE, 000–00–0000
DOUGLAS C. SANDERS, 000–00–0000
DENNIS A. SANTARE, 000–00–0000
SERGIO R. SANTOS, 000–00–0000
JOHN E. SARNO, 000–00–0000
GREGG E. SAXTON, 000–00–0000
JASON L. SCHWARTZ, 000–00–0000
IAN D. SELBY, 000–00–0000
MICHAEL P. SHAND, 000–00–0000
PATRICK N. SHEARON, 000–00–0000
ANDREW J. SHINSKIE, 000–00–0000
WILLIAM T. SIMMONS III, 000–00–0000
DANIEL B. SMITH, 000–00–0000
SCOTT W. SMITH, 000–00–0000
JOSEPH A. SPEED, 000–00–0000
JAMES T. STEIDLE, 000–00–0000
SHAUN J. STEPHENSON, 000–00–0000
MICHAEL C. STEVENS, 000–00–0000
MARK A. STIFFLER, 000–00–0000
GRAYSON T. STORY, 000–00–0000
ANDREW J. THOMPSON, 000–00–0000
IAN F. THOMPSON, 000–00–0000
JEREMY S. THOMPSON, 000–00–0000
ARCHIE L. TINJUM, JR., 000–00–0000
JESUS TORRES, JR., 000–00–0000
ANDREW J. TROUT, 000–00–0000
JAMES RORY J. TUCKER, 000–00–0000
GLENN H. VANAIRSDALE, 000–00–0000
KENNIE VELEZ, 000–00–0000
RANDAL M. WALSH, 000–00–0000
BRITT A. WATSON, 000–00–0000
RICHARD N. WEEKS, 000–00–0000
PAUL J. WEIDE, 000–00–0000
LAWRENCE A. WHITE, JR., 000–00–0000
IVAN C. WILLIAMS, 000–00–0000
ZACHARY G. WILLIAMS, 000–00–0000
JASON C. WINN, 000–00–0000
THOMAS M. WOLTER, 000–00–0000
PAUL E. ZAMBELLI, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

MARINE CORPS

To be second lieutenant

CARLTON W. ADAMS, 000–00–0000
JASON S. ALBELO, 000–00–0000
PATRICK E. ALLEN, 000–00–0000
GREGORY T. ALZNAUER, 000–00–0000
BRANDON M. AMES, 000–00–0000
RYAN L. ANDERSON, 000–00–0000
JUSTIN J. ANDERSON, 000–00–0000
MICHAEL J. ANDRETTA, 000–00–0000
AUBREY J. ARNOCZY, 000–00–0000
JACK R. ARTMAN, 000–00–0000
PHILLIP N. ASH, 000–00–0000
ROZANNE BANIKI, 000–00–0000
KAHLIEL R. BARLOWE, 000–00–0000
CASEY M. BARNES, 000–00–0000
KRISTIN A. BEARY, 000–00–0000
NATALIE L. BEEDE, 000–00–0000
GARRETT L. BENSON, 000–00–0000
JONATHAN L. BERRY, 000–00–0000
JAMES W. BISHOP, 000–00–0000
TODD M. BOYETT, 000–00–0000
JUDE BRICKER, 000–00–0000
BENJAMIN BROWN, 000–00–0000
HUBERT K. BRUMBACK, 000–00–0000
RUSSELL P. BUTTRAM, 000–00–0000
RICHARD CAMPBELL, 000–00–0000
LEO J. CANNON, 000–00–0000
MICHAEL J. CARREIRO, 000–00–0000
JAMIE A. CARSON, 000–00–0000
JAMES V. CARTWRIGH, 000–00–0000
ELIZABETH A. CATHCART, 000–00–0000
JEAN-PAUL CHAINE, 000–00–0000
CHARLTON C. CHAO, 000–00–0000
TRACY L. CHAVANNE, 000–00–0000
BRYON C. CHERRY, 000–00–0000
JOHN L. CHERRY, 000–00–0000
WILLIAM D. CHESAREK, 000–00–0000
CHAD A. CHORZELEW, 000–00–0000
ADRIAN K. CLEYMANS, 000–00–0000
SCOTT J. COOK, 000–00–0000
BRADLEY A. CORNALI, 000–00–0000
TRES M. DAGOSTINO, 000–00–0000
RACHEL L. DECKMAN, 000–00–0000
STEVEN M. DEMATTEO, 000–00–0000
JAMES O. DEWEY, 000–00–0000
BRIAN J. DOYLE, 000–00–0000
CHRISTOPHER DOYLE, 000–00–0000
RYAN A. DWYER, 000–00–0000
PHILIP E. EILERTSON, 000–00–0000
MARK ERAMO, 000–00–0000
JAMES B. FAITH, 000–00–0000
JAMEY M. FEDERICO, 000–00–0000
KONRAD K. FELLMAN, 000–00–0000
GREGORY FIELD, 000–00–0000
JASON P. GALETTI, 000–00–0000
KATIA M. GARCIA, 000–00–0000
ROBERT D. GARST, 000–00–0000
MARK T. GELSTON, 000–00–0000
WILLIAM J. GLAH, 000–00–0000
MICHAEL H. GLASHEEN, 000–00–0000
STEVEN A. GOMBAS, 000–00–0000
LUIS M. GOMEZ, 000–00–0000
SHANNON L. GORRELL, 000–00–0000
GIDEON I. GRAVATT, 000–00–0000
JONATHAN GRAY, 000–00–0000
BRUCE V. GREENE, 000–00–0000
JENS W. GREGORY, 000–00–0000
JULIE A. GRITZ, 000–00–0000
JULIAN D. GUDGER, 000–00–0000
ROBERT M. HANCOCK, 000–00–0000
BRIAN F. HARLEY, 000–00–0000
JILL A. HASTINGS, 000–00–0000
ROBERT P. HEFFNER, 000–00–0000
JARET L. HEIL, 000–00–0000
NATHAN C. HENDERSON, 000–00–0000
ROBERT S. HEPLER, 000–00–0000
SEAN P. HOEWING, 000–00–0000
ROBERT HOFFLER, 000–00–0000
ERIC K. HOLLINSHEA, 000–00–0000
ROBERT W. HOWARD, 000–00–0000
RYAN M. HOYLE, 000–00–0000
ROBERT A. HUBBARD, 000–00–0000
BENJAMIN K. HUTCHINS, 000–00–0000
DANIEL M. HUVANE, 000–00–0000
CHRISTOPHER JANCOSKO, 000–00–0000
STEWART JOHNSTON, 000–00–0000
TRACEY L. JONES, 000–00–0000
RUSSELL W. JONES, 000–00–0000
DANIEL B. KALSON, 000–00–0000
KEVIN D. KELLEY, 000–00–0000
DANIEL D. KNIGHT, 000–00–0000
RYAN M. KRUPA, 000–00–0000
BRYAN C. KUS, 000–00–0000
JUSTIN Y. KWONG, 000–00–0000
CHRISTOPHER LAVELLE, 000–00–0000
ANDREW J. LAVOY, 000–00–0000
RAYMOND LAWLER, 000–00–0000
JOHN G. LEHANE, 000–00–0000
JONATHAN LEUSCHEL, 000–00–0000
EDWARD A. LEVANDOWS, 000–00–0000
GREGORY W. LEWIS, 000–00–0000
LEONARD K. LEWIS, 000–00–0000
MICHAEL J. LIVINGSTON, 000–00–0000
CHRISTOPHER B. LOGAN, 000–00–0000
TIMOTHY M. LONG, 000–00–0000
SKYLER D. MALLICOAT, 000–00–0000
CARL G. MANGONA, 000–00–0000
LAURA J. MANKAMYE, 000–00–0000
MICHAEL T. MARTIN, 000–00–0000
JOSHUA MASSEY, 000–00–0000
MICHAEL A. MAUGHAN, 000–00–0000
MARK B. MC CLINCHIE, 000–00–0000
ERIN E. MC COMB, 000–00–0000
JULIE F. MC COY, 000–00–0000
RYAN J. MC FADDEN, 000–00–0000
MICHAEL S. MC FADDEN, 000–00–0000
MATTHEW MC INERNEY, 000–00–0000
MYLES C. MC LAUGHLIN, 000–00–0000
JOSHUA MC LEOD, 000–00–0000
AMI L. MESSNER, 000–00–0000
BARRON E. MILLS, 000–00–0000
CRAIG S. MLEKO, 000–00–0000
CHRISTIAN M. MOBLEY, 000–00–0000
CHRISTOPHER J. MONDZELEWSKI, 000–00–0000
MARK S. MOONEY, 000–00–0000
JOE L. MOORE, 000–00–0000
JONATHAN C. MOREL, 000–00–0000
ALISSA MORRIS, 000–00–0000
CHARLES A. MORRISON, 000–00–0000
TREVOR MOS, 000–00–0000
JOHN P. MUELLER, 000–00–0000
BRIAN M. MURPHY, 000–00–0000
LISONIA MYERS, 000–00–0000
ADAM J. NARYKA, 000–00–0000
JOHN B. NAYLOR, 000–00–0000
JOHN T. NGUYEN, 000–00–0000
MARK F. NICHOLSON, 000–00–0000
THOMAS B. NOEL, 000–00–0000
ALEX M. OLAVERRI, 000–00–0000
ADRIAN A. OTTERMAN, 000–00–0000
ROSS A. PARRISH, 000–00–0000
MILTON K. PARSONS, 000–00–0000
JASON D. PEJSA, 000–00–0000
GABRIEL A. PEREZ, 000–00–0000
JAMES F. PHELAN, 000–00–0000
FORD C. PHILLIPS, 000–00–0000
JOSHUA PICKENS, 000–00–0000
JOSEPH J. PORROVECCHIO, 000–00–0000
MICHAEL F. POWER, 000–00–0000
RAYMOND PRADO, 000–00–0000
RORY B. QUINN, 000–00–0000
CRAIG L. RAISANEN, 000–00–0000
DANNY G. RAYMOND, 000–00–0000
PHILLIP A. REEVES, 000–00–0000
MARK R. REID, 000–00–0000
CHRISTIAN REITE, 000–00–0000
CHRISTOPHER A. RICE, 000–00–0000
JULIAN J. RIVERA, 000–00–0000
TIMOTHY C. RIZNER, 000–00–0000
RAUL RIZZO, 000–00–0000
MICHAEL J. ROACH, 000–00–0000
TESSA I. ROBERTS, 000–00–0000
RICHARD ROSENSTEIN, 000–00–0000
CHARLES RUSSELL, JR., 000–00–0000
DENNIS W. SAMPSON, 000–00–0000
MAURICE A. SANDERS, 000–00–0000
JAMES P. SCHAFER, 000–00–0000
DEAN D. SCHULZ, 000–00–0000
SUSAN M. SCORZA, 000–00–0000
DANIEL B. SHEEHAN III, 000–00–0000
RYAN P. SHEEHY, 000–00–0000
WILLIAM SHERIDAN, 000–00–0000
MICHAEL J. SIMEK, 000–00–0000
TIMOTHY M. SLINGER, 000–00–0000
JOHN J. SWINCINSKI, 000–00–0000
ERIC S. SYVERSON, 000–00–0000
JEFFREY N. TAKLE, 000–00–0000
JAMES L. TIERNEY, 000–00–0000
HEIDI H. TIMMERMAN, 000–00–0000
MATTHEW TOTILO, 000–00–0000
SCOTT T. TRENT, 000–00–0000
ERIC TURNER, 000–00–0000
MATTHEW R. TYSON, 000–00–0000
CHRISTIAN VELASCO, 000–00–0000
ALEXANDER S. WALKER, 000–00–0000
STEVEN O. WALLACE, 000–00–0000
MICHAEL B. WARREN, 000–00–0000
RICHARD D. WATTS, 000–00–0000
COLIN G. WHITE, 000–00–0000
MARTIN A. WILLIAMS, 000–00–0000
JASON K. WILLMAN, 000–00–0000
JEFF W. WITHEE, 000–00–0000
ALBERT K. YARBROUGH, 000–00–0000
MATHEW D. ZEMAN, 000–00–0000

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MARINE CORPS

To be second lieutenant

WENCESLA AVALOS, 000–00–0000
GILBERT A. BARRETT, 000–00–0000
TOBIN J. BREVITZ, 000–00–0000
E.W. BRINKERHOFF, 000–00–0000
JAMES E. BUCK, 000–00–0000
GAYTHA M. BUTTERS, 000–00–0000
COREY M. COLLIER, 000–00–0000
GERALD C. COLLINS, 000–00–0000
WALTER M. CURRIER, 000–00–0000
DONALD DALE, 000–00–0000
BRIAN J. DOW, 000–00–0000
MICHAEL D. DUNBAR, 000–00–0000
HELON K. DUNLAP, 000–00–0000
BRYAN R. FREEMAN, 000–00–0000
LAWRENCE GAINES, 000–00–0000
TRENT A. GIBSON, 000–00–0000
BRIAN E. GITTENS, 000–00–0000
RICHARD R. GRIMM, 000–00–0000
KELLY J. GRISSOM, 000–00–0000
PATRICK HODGES, 000–00–0000
ALEXANDER R. HULT, 000–00–0000
DAVID K. HUNT, 000–00–0000
JOHN F. KESTERSON, 000–00–0000
JASON D. KINDRED, 000–00–0000
TODD A. KISTLER, 000–00–0000
SCOTT H. LAROCCA, 000–00–0000
WILLIAM W. MA, 000–00–0000
JAMIE MACIAS, 000–00–0000
JOHN W. MALONEY, 000–00–0000
TODD M. MANYX, 000–00–0000
MARK J. MARACLE, 000–00–0000
MATTHEW D. MC BROOM, 000–00–0000
GREGORY MC DOWELL, 000–00–0000
ERIC S. MONTALVO, 000–00–0000
KEVIN L. MOODY, 000–00–0000
BRENDAN OCONNELL, 000–00–0000
LUIS ORTEGA, 000–00–0000
MARK H. PAYNE, 000–00–0000
STEVEN D. PUCKETT, 000–00–0000
CHRISTOPER PURSCHKE, 000–00–0000
EUGENE R. PURSEL, 000–00–0000
JEFFREY R. RAITHEL, 000–00–0000
DAVID L. REAS, 000–00–0000
FELIXNAND RODRIGUEZ, 000–00–0000
MARCO A. RODRIQUEZ, 000–00–0000
DAVID T. ROMLEY, 000–00–0000
LOUIE SAGISI, 000–00–0000
JOHN T. SCHWENT, JR., 000–00–0000
TIMOTHY W. SCOTT, 000–00–0000
JAMES K. SELLERS, 000–00–0000
THEODORE P. SUDMEYER, 000–00–0000
ALLEN D. THOMAS, 000–00–0000
SCOTT E. VASQUEZ, 000–00–0000
CHRISTIAN M. WARD, 000–00–0000
MICHAEL B. WILLIAMS, 000–00–0000

THE FOLLOWING-NAMED AIR FORCE ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 541:

MARINE CORPS

To be second lieutenant

SANG K. HAHN, 000–00–0000
BRIAN J. HAMLET, 000–00–0000
TIM Y. KAO, 000–00–0000
FREDERICK L. LEWIS, JR., 000–00–0000

THE FOLLOWING-NAMED U.S. MILITARY ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 541 AND 5585:

MARINE CORPS

To be second lieutenant

JAMES S. VINALL, 000–00–0000
GEOFFREY J. MC KEEL, 000–00–0000
DONALD C. PROGRAIS, 000–00–0000