SENATE—*Wednesday, March 9, 1994*

(Legislative day of Tuesday, February 22, 1994)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, the Reverend Hensel E. Hendrickson, of the Trinity Lutheran Church in Bismarck, ND.

PRAYER

The guest chaplain, the Reverend Hensel E. Hendrickson, offered the following prayer:

Let us pray:

Almighty God, whose presence throughout history has been known and experienced by generations of people, we thank You today for the availability of Your guidance in our lives.

Help us to look within ourselves to detect the Divine power that has enabled many to be people of vision and valor during trying moments of hardship and adversity.

Allow us to look beyond ourselves, to those who struggle under the gravity of oppression, searching for the hope of the dawning of a new day that will bring peace and justice.

Give us courage as we contemplate the mission that we have been called upon to undertake while it is day, or as the words of Chaplain Peter Marshall to this assembly 45 years ago reminds us, "Deliver us from the fear of what might happen and give us the grace to enjoy what now is and to keep striving after what ought to be."

In Your name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. I yield to the Senator from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN].

THE GUEST CHAPLAIN

Mr. DORGAN. Mr. President, I rise today to welcome a friend and a fellow North Dakotan, the Reverend Hensel Hendrickson, who is from the Trinity Lutheran Church in Bismarck, ND.

Reverend Hendrickson is a distinguished and well-respected North Dakotan, which happens to be the home State, I might add, of the resident Chaplain in the U.S. Senate, Reverend Halverson.

I might also point out to my colleagues that Reverend Hendrickson is a Scandinavian and a Lutheran, which is not a rarity in our part of the country.

I am delighted to welcome him to the Senate today, and I am very pleased he was able to open the Senate with prayer.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senate majority leader.

Mr. MITCHELL. Mr. President, I join my colleague in welcoming Reverend Hendrickson, and I thank him for his prayer this morning.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will now be a period for morning business until 10:15 a.m., during which time Senator HATCH will be recognized for up to 10 minutes and, if time permits, other Senators, for no more than 5 minutes each.

At 10:15, the Senate will return to consideration of S. 4, the competitiveness legislation.

I wish now to repeat what I said last evening. We have been on this bill for 2 days and have made very little progress. This is a bill which passed the Senate unanimously without a single dissenting vote 2 years ago. Now, we spend 2 days in discussion on amendments that have nothing to do with this bill, and there may be other such amendments. Although permitted under the Senate rules, I hope Senators will keep in mind that this is an important bill that is directed at economic growth and job creation in our society. We should be moving as rapidly as we can to encourage economic growth and job creation and not obstructing or delaying action on such legislation.

As I indicated last evening, if we have not completed action on the bill today, we will be in session tonight for a very long time. The same thing is true of tomorrow night and of Friday. We simply have to make progress on this bill.

I hope my colleagues can find a way to exercise some self-restraint and not offer amendments that have nothing whatsoever to do with this important bill.

Let us pass this important bill, which, I repeat, has as its objective economic growth and job creation. We all should be applauding and encouraging and working toward that goal, because that is really still the central need in our society.

I thank my colleagues and I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Utah [Mr. HATCH] is recognized to speak for up to 10 minutes.

Mr. HATCH. Thank you, Mr. President.

WELCOME TO THE GUEST CHAPLAIN

Mr. HATCH. Mr. President, I, as well, welcome Reverend Hendrickson to the Senate. We are happy to have him here.

THE NEED TO RETAIN THE SENATE CRIME BILL'S DEATH PENALTY FOR DRUG KINGPINS

Mr. HATCH. Mr. President, I remain deeply concerned that the tough provisions of the Senate's crime bill will be weakened in conference between the House and the Senate. This happened in the last Congress. I believe President Clinton should not be silent on all but a few of the elements of the crime bill. I believe the President should endorse the tough-on-crime provisions of the Senate crime bill.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

One such provision is the Senate bill's proposal to extend the death penalty for drug kingpins to certain cases where death does not directly result for their activities. This measure passed the Senate by a strong vote of 74 to 25.

The activities of drug kingpins pose perhaps the gravest risk that we face today to our health and well-being, both as individuals and as a nation. In my home State of Utah, the spread of drugs and its attendant violence is a growing problem. Death by violence and disease, destruction of minds and bodies, follow in the wake of these unseen crime barons.

Mr. President, the time has come that we punish these evil purveyors of death and destruction as they deserve to be punished, and no longer let them hide behind the hired guns who pull the triggers for them. This was the position of the prior Republican administration.

I might add that one of the reasons we have so many problems with guns in our society is because of drugs and because of these drug kingpins and because of their financing of violence in our society. It is time to just say, "Enough is enough. We are going to put you to death if you keep inflicting this misery on society."

Their pernicious trade results in the deaths of literally tens of thousands of people around the world, and certainly thousands of people in this country.

The Clinton administration, in my opinion, has retreated from the prior administration's position in the crime war. It has been reported that its reason is that the death penalty is supposedly cruel and unusual punishment as applied to these major drug dealers and thus unconstitutional. As I will explain in a few minutes, the case for the constitutionality of this provision is very, very strong. An administration on the side of the American people and the victims of drug kingpins would support this provision and defend it in the courts.

The drug kingpins will have high-priced lawyers—legal hired guns—arguing for them. That the Clinton administration feels it has to take the side of drug kingpins in this matter is a disturbing development. I hope the President will reverse this apparent position and announce his support for the Senate bill's drug kingpin proposal.

In 1988, Congress passed legislation to provide the death penalty for murders by drug kingpins and for drug-related murders of law enforcement officers. By passing this important legislation as part of the Anti-Drug Abuse Act of 1988, Congress acknowledged that capital punishment is a needed and proper weapon in our Nation's effort to fight the drug war. This action on the part of the 100th Congress was a valuable first step.

However, we did not go far enough. Drug kingpins are currently not subject to the Federal death penalty where they themselves are not directly involved in committing murder. But their nefarious traffic in drugs causes untold deaths. The death penalty for these drug kingpins contained in the Senate crime bill sends a signal that our Nation is prepared to punish appropriately those who cause so many deaths—major drug kingpins. These drug kingpins are responsible for untold deaths and are, in a real sense, responsible for many drug-related murders which occur on our streets every day.

The bill provides that major drug traffickers—organizers, leaders, or administrators of continuing criminal enterprises—may be subject to the death penalty if the enterprise traffics in twice the amount of drugs which would qualify them for mandatory life imprisonment—that is, 300 kilograms of cocaine; 60 kilograms of heroin; or 70,000 kilograms of marijuana—or if the enterprise makes $20 million or more in gross receipts during any 12 month period. Additionally, kingpins who, in order to obstruct justice, attempt to kill any public officer, juror, witness, or member of the family or household of such person shall eligible for the death penalty.

The Senate bill also limits the application of the death penalty in these cases by requiring the jury to find that at least one or more additional aggravating factors exists and that such aggravating factor outweighs mitigating factors, if any are found. Specifically, the defendant must have: a previous conviction or offense for which a sentence of death or life imprisonment was authorized; or two or more prior felony convictions; or a previous felony drug conviction; or used a firearm; or sold drugs to persons under 21 years of age, near a school, or used minors in selling drugs; or mixed the drugs with a lethal adulterant.

The imposition of the death penalty is constitutional for drug kingpins—even for those who do not themselves pull the trigger and in those cases where no death can be directly attributed to them. First, Anglo-American law has a long tradition of imposing the ultimate sanction against those who pose an extremely grave risk to society, even where no death directly results. A few examples are treason, certain types of espionage, and airliner hijacking.

Second, because of the enormous magnitude of the public harm drug trafficking and related violence causes, applying the death penalty to these cases is wholly consistent with the proportionality requirement of eighth amendment's cruel and unusual punishment clause.

The eighth amendment's rule of proportionality requires that the severity of punishment be proportionate to: First, the gravity of the injury caused by the offense and second, the moral culpability, or blameworthiness, of the offender. (See, *Tison* v. *Arizona*, 481 U.S. 137, 148–49 (1987); *Coker* v. *Georgia*, 433 U.S. 584, 598 (1977); *Gregg* v. *Georgia*, 428 U.S. 153, 173 (1976). The death penalty for certain cases of large scale drug trafficking meets this burden.

In addition to the pernicious effects on the individual who takes illegal drugs, drugs relate to crime in at least three ways: First, a drug user may commit crime because of drug-induced changes in physiological functions, cognitive ability, and mood; second, a drug user may commit crime in order to obtain money to buy drugs; and third, a violent crime may occur as part of the drug business or culture. (See Goldstein, Drugs and Violent Crime, in "Pathways to Criminal Violence" 16, 24–36 (N. Weiner, M. Wolfgang eds., 1989)). Studies bear out these possibilities, and demonstrate a direct nexus between illegal drugs and crimes of violence. (See generally id., at 16–48.)

The connection between crime and drugs is unquestionable. For example, 57 percent of a national sample of males arrested in 1989 for homicide tested positive for illegal drugs. (National Institute of Justice, "1989 Drug Use Forecasting Annual Report 9" (June 1990)). The comparable statistics for assault, robbery, and weapons arrests were 55, 73, and 63 percent, respectively. (Ibid.)

Opponents of capital punishment may argue that *Coker* v. *Georgia*, 433 U.S. 584 (1976), applies to this legislation. In Coker, a plurality of the Supreme Court ruled that the death penalty for rape is forbidden by the eighth amendment as cruel and unusual since it was grossly disproportionate and excessive punishment. The Court defined punishment as "excessive" if it: First, makes no reasonable contribution to acceptable goals of punishment and hence has nothing more than the purposeless and needless imposition of pain and suffering; or second, is grossly disproportionate to the severity of the crime. In determining proportionality, the plurality considered three factors: First, whether the crime is morally depraved; second, the extent of the injury to the public; and third, the extent of the injury to the person. The court determined that rape did not compare with murder "in terms of moral depravity and of the injury to the person and to the public." Yet, the injury that a drug kingpin inflicts on the public is often vastly greater than that committed by a single murderer, and the moral depravity is certainly comparable. Thus, the proportionality test set forth by the plurality in Coker supports the conclusion that the death penalty for drug kingpins is constitutional.

Some would have the Congress focus on snippets of Coker that note that rape, unlike murder, does not involve

the taking of human life. Yet as Coker makes clear, the injury to the person is but one facet of the proportionality review. The injury to the public and the moral depravity of the offense must also be considered.

In *Tison* v. *Arizona*, 481 U.S. 137 (1987), the Supreme Court found that reckless indifference to the value of human life may be every bit as shocking to the moral sense as any specific intent to kill. The Court held "that the reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making a capital sentencing judgment. * * *" (481 U.S. at 157–58.) A specific intent to kill is not required in imposing a death sentence on an individual. The class of drug kingpins covered by Senate crime bill do act with reckless disregard for human life and should be subject to the death penalty.

Large scale drug traffickers threaten millions of people. They engage in this destructive behavior purely for pecuniary gain. The Supreme Court in Gregg versus Georgia determined that the issue of whether the defendant acted for pecuniary gain is a factor to be considered relevant in determining blameworthiness and the appropriate punishment. These cases support the argument that the death penalty is constitutional for major drug traffickers, even when they do not directly cause a death themselves.

Although the Supreme Court has not directly addressed this issue, in the context of upholding a sentence of life without parole for drug possession, a majority of the Court has recently expressed the opinion that the evils associated with drugs warranted the legislative imposition of "the second most severe penalty permitted by law." (*Harmelin* v. *Michigan*, 111 S. Ct. 2680 (1991) (opinion of Scalia, J., 2702) (opinion of Kennedy, J., 2705).) Harmelin, the defendant, was sentenced to life without parole for mere possession of 650 grams of cocaine. A plurality of the Court explained that—

> Possession, use, and distribution of illegal drugs represents "one of the greatest problems affecting the health and welfare of our population." *Treasury Employees* v. *Von Raab*, 489 U.S. 656, 668 (1989). Petitioner's suggestion that his crime was nonviolent and victimless . . . is false to the point of absurdity. To the contrary, petitioner's crime threatened to cause grave harm to society.

Id. at 2705–06 (opinion of Kennedy, J.).

The death penalty is wholly proportional to the enormous danger drug kingpins pose to our society. As Justice Powell noted in Rummel versus Estelle, "A professional seller of addictive drugs may inflict greater bodily harm upon members of society than the person who commits a single assault." *Rummel*, 445 U.S. 263, 296, n. 12 (1980) (Powell, J., dissenting). I agree with Judge Gee of the fifth circuit that whereas most killers have a discrete and limited number of victims, drug kingpins are a cancer killing people across our entire country. Writing for an en banc court, Judge Gee said:

> Except in rare cases, the murderer's red hand falls on one victim only, however grim the blow; but the foul hand of the drug dealer blights life after life and, like the vampire of fable, creates others in its owner's evil image—others who create others still, across our land and down our generations, sparing not even the unborn.

Terrebonne v. *Butler*, 848 F.2d 500, 504 (5th Cir. 1988), cert. denied, 109 S.Ct. 1140 (1989).

The line between the activities of large-scale drug enterprises and death is unquestionable. Reports of bystander deaths due to drug-related gunfights and drive-by shootings continue. Intravenous drug use is a major source of HIV infections.

Congress can and should broaden the category of offenses for which the death penalty can be applied to include those individuals who pose the greatest threat to our Nation's health and safety—drug kingpins. The Senate has done its part—by a vote of 74 to 25. President Clinton should announce his support for this measure so that the House will pass the measure as well.

If the President does that, all of America, it seems to me, will be able to express gratitude that somebody in the White House has taken these problems seriously.

So I encourage the President to do so. It is the right thing to do. It is an appropriate degree of punishment for those who are wrecking our society and the youth of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader [Mr. DOLE].

Mr. DOLE. Mr. President, is leader's time reserved?

The ACTING PRESIDENT pro tempore. It is.

WHITEWATER HEARINGS

Mr. DOLE. Mr. President, earlier this week, independent counsel Robert Fiske weighed in, asking Congress not to hold hearings on the Whitewater affair until after he completes his investigation. Mr. Fiske cites concerns about the granting of immunity and the premature disclosure of testimony and documents.

No doubt about it, Mr. Fiske has a tough job, but he must remember that Congress has a tough job too. In fact, Congress has more than a job, it has a constitutional obligation to exercise oversight over executive branch activities. And lest we forget, Mr. President: Those of us in Congress were elected by the American people. Mr. Fiske was not. His appointment as independent counsel was never intended as an excuse for Congress to punt on its own oversight responsibilities.

In fact, when I wrote to Senator RIEGLE last December, I requested Banking Committee hearings, not the appointment of a special counsel. I urged the appointment of a special counsel only after Republican calls for hearings had been rejected. Hearings are still necessary.

Obviously, we do not want to needlessly interfere with Mr. Fiske's investigation, and that is why it is important for Congress to do what it can to address his concerns.

For starters, we can ensure that any committee looking into Whitewater not grant immunity to any witnesses. That should avoid the so-called Iran-Contra problem.

In addition, we can certainly work out whatever arrangements may be necessary to prevent the premature disclosure of testimony and documents.

Later today—in fact, at 11:30—Senator D'AMATO and others will be meeting with Mr. Fiske, and these issues, no doubt, will be discussed.

Mr. Fiske should also remember that the recently revealed behind-the-scenes meetings among White House, RTC, and Treasury officials would still be shrouded in secrecy if Banking Committee Republicans had not used the opportunity of an RTC oversight hearing to ask Whitewater-related questions. If there had been no hearing, there would have been no public disclosure of the meetings, and no subpoenas.

Mr. President, Congress has never been shy about exercising oversight, particularly when allegations of executive branch wrongdoing are involved. During the Reagan and Bush administrations, the Congressional Research Service estimates that more than 20 such hearings were held. Remember the hearings to examine the so-called irregularities in Ed Meese's 1985 financial disclosure reports? Or the investigation into the alleged misuse of a gift fund by President Reagan's Ambassador to Switzerland? Or the October Surprise hearings? These were not major stories, but, oh, we had congressional hearings. My colleagues on the other side could hardly wait for congressional hearings in those days.

And, yes, there is plenty of precedent for holding congressional oversight hearings while criminal and civil investigations are pending. The BNL and BCCI hearings come to mind. Again, that has not been that long ago, and all these things were going on and we still had hearings.

Yesterday, President Clinton unfortunately accused Republicans of practicing the politics of personal destruction, suggesting that we are trying to gin up Whitewater hysteria. I categorically reject these claims.

No matter how hard some of my colleagues on the other side of the aisle try to paint Whitewater as a Repub-

lican conspiracy, the bottom line is that Republicans are not responsible for negative editorials and press coverage in the Washington Post, the New York Times, and countless other newspapers. Nor do Republicans control Newsweek magazine, which this week ran a cover story entitled "Whitewater Torture." Much of the Whitewater torture is self-inflicted, the result of missteps, misstatements, some honest mistakes, and yes, some outright deceptions.

So, Mr. President, let us stop the finger pointing. And let us get on with the hearings. As the New York Times editorialized today,

Congress has a clear right to ask questions about Government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represent an attempt to obstruct justice.

That is not my quote, not from the Republican National Committee, not from any Republican, not from a Republican newspaper, but from the New York Times today.

No doubt about it, it is critical that Whitewater hearings be bipartisan, carefully structured, and conducted in a way sensitive to the concerns of the independent counsel.

This is not an impossible task, even for Congress.

I do not want to prejudge what these hearings may or may not disclose, but it is becoming increasingly clear that we need to get to the bottom of Whitewater so we can move ahead on the vital issues facing our country.

Mr. President, I ask unanimous consent that the New York Times editorial and a Washington Times editorial be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times]

HOW TO INVESTIGATE WHITEWATER

A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are pressing for Congressional hearings and the independent counsel, Robert Fiske, who is pursing a criminal investigation.

Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon. But Congress has a clear right to ask questions about government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The challenge now is for both sides to figure out a way for Congress to conduct legitimate inquiries without impeding a thorough and fair criminal investigation.

The White House and many Democrats complain that Republicans are merely out to embarrass the President and Mrs. Clinton. That is surely true of some—but the public has a right to know whether the White House is abusing its power.

Mr. Fiske concedes that Republicans like Representative Jim Leach are correct to insist on Congress's oversight responsibility. Even so, he fears that any hearings "would pose a severe risk" to his inquiry. That exaggerates the danger, so long as Congress refrains from granting key witnesses immunity—a problem that ultimately doomed Iran-contra prosecutions. The Republicans have already said they would not offer immunity.

Mr. Fiske is on stronger ground when he argues that Congressional hearings could lead to "tailored" testimony from witnesses who might adjust their stories after gaining access to documents or testimony before Congress. That risk, however, can be minimized if Congress agrees to delay its hearings and give Mr. Fiske time to interview the major players, especially those in the White House and the Treasury Department. In any case, the risk is not sufficient to justify asking Congress to abandon its oversight role until the end of an investigation of uncertain length.

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar Congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, Congressional Watergate hearings brought out the existence of crucial White House tapes.

There should be room for give here by both sides. Mr. Leach and Mr. D'Amato should grant Mr. Fiske a head start, probably measured in weeks. But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

[From the Washington Times, Mar. 9, 1994]

NO IMMUNITY, JUST HEARINGS ON WHITEWATER

It is understandable that the Whitewater special prosecutor, Robert Fiske Jr., does not want his investigation trampled by clumsy congressional inquiries. The history of Capitol Hill's show trials is not a pretty one, with the truth often lost in the process rather than revealed. The Iran-Contra hearings are a case in point, and as Mr. Fiske argued in his letters to lawmakers Monday, that investigation proved to be a legal stumbling block that independent counsel Lawrence Walsh never was able to hurdle. Mr. Fiske has so far made a clear that he is no prosecutorial wallflower, and he should be given room to do his job. But a congressional airing of Whitewater does not have to be an impediment to the special prosecutor. Short of undesirable interference with Mr. Fiske's work, the public's need and right to know about Whitewater far outweighs any reservations the special counsel might have.

The disaster that was the Iran-Contra investigation was built out of a bundle of grants of immunity. Democrats on the Hill believed they had their chance to ruin Ronald Reagan and were so eager to bring him down that they granted immunity to almost every player in Iran-Contra. Once granted immunity, Democrats were sure they would hear from a string of witnesses who would point their fingers at the president. Instead, the actions of dubious legality turned out to have been undertaken without the president's approval. At the end of the day, all the ringleaders had confessed, conveniently under a grant of immunity. It should be remembered that Mr. Reagan escaped prosecution because the prosecutors had nothing on him, not because he had been granted immunity.

The great flaw of the Iran-Contra hearings does not have to be repeated in Whitewater hearings. The solution: Give no grants of immunity. Without immunity, congressional investigation into Whitewater is more likely to help the special prosecutor than hinder him. Events and facts may come to light in thorough questioning on the Hill that might not have turned up in Mr. Fiske's efforts. Already the efforts of those doing independent investigative work have aided Mr. Fiske. The special prosecutor was put on to the issue of document shredding at the Rose law firm after an account of it appeared in The Washington Times. Reporters and congressmen turning up new information will not hurt Mr. Fiske's probe.

Without grants of immunity, no one guilty of wrongdoing will get an easy out. Congress can subpoena witnesses, and those who don't wish to answer the Hill's questions will not have to. They can simply invoke the Fifth Amendment's protection against self-incrimination and remain silent.

Congressional Democrats are latching onto Mr. Fiske's request as just one more excuse to avoid hearings that will gravely embarrass their party. But it becomes apparent to more of the electorate every day that it is partisan politics that has the hearing rooms silent. Democrats attacked every hint of Republican scandal with unsuppressed glee for more than a decade, always with long-winded and self-congratulatory sermons about the independent investigative role of the legislative branch. Now, they think no inquiry at all is appropriate. Democratic leaders can try to hide behind Mr. Fiske's request that they not interfere, but the hypocrisy is just too large for the fig leaf.

Mr. DOLE. Mr. President, I reserve the remainder of my leader time.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,545,813,542,657.08 as of the close of business yesterday, Tuesday, March 8. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,436.22.

HUMAN RIGHTS ISSUES IN CONGO

Mr. HATCH. Mr. President, I rise to speak briefly today about the human

rights situation in the Congo, where civil strife and irregularities in the recent elections have undermined the process of democratization in that country.

I believe that virtually all Members of this body support an active human rights policy abroad. During the last 20 years, the United States has made promotion of human rights a vital dimension of its foreign policy, a development supported by both parties and by four Presidents.

We have all welcomed the remarkable developments in the former Soviet bloc in recent years, but we must just as actively work for the advancement of human rights and democracy in the developing world, including Africa.

There have been hopeful human rights developments across Africa in recent years. One of those was the 1992 presidential election in Congo, which was won by Pascal Lissouba, a technocrat who formerly served as an adviser to UNESCO. Following the breakup of a coalition government in the National Assembly, Lissouba dissolved the Parliament and called for new elections. The opposition charged that the first round of the elections were fraudulent, with charges and countercharges degenerating into civil strife.

Fortunately, mediation efforts by the Organization of African Unity and the President of Gabon succeeded in preventing a full scale of civil war. However, even after the initial implementation of the so-called Libreville Accords in late October 1993, renewed violence broke out between the army and opposition militias.

As the Department of State Human Rights report states,

> Following the enormous strides achieved between 1990 and 1992, the human rights situation seriously deteriorated in 1993. While citizens now legally enjoy many civil and political liberties denied them in the recent past, 1993 saw the perpetration of widespread abuses.

There have been many grievous violations of human rights by the Presidential Guard, some directed at minority ethnic groups.

Mr. President, it is imperative that the United States speak out against these abuses. If we want to continue global progress toward democracy and human rights, if we want to make democracy the wave of the future, the United States must speak out in favor of those values not only in the former Soviet Union, China, and Latin America but also in Africa. If we press for renewed democratic change in the Congo, the hopeful progress of the 1990–92 period can get back on track, benefiting not only the people of the Congo but also the democratic revolution in Africa.

HONORING THE MEMORY OF A WONDERFUL KENTUCKIAN, DR. HENRY A. CAMPBELL, JR.

Mr. McCONNELL. Mr. President, I rise today to honor the memory of Dr. Henry A. Campbell, Jr., of Kentucky who passed away recently. Dr. Campbell devoted his life to educating America's youth, spending most of the last 30 years as president of Prestonsburg Community College [PCC] in Floyd County, KY.

Dr. Campbell became president of PCC in June 1964, at a time when the total enrollment of the college was only 322 students. Mr. President, by the time he retired in June 1991, Prestonsburg Community College boasted a student population of more than 2,500. Dr. Campbell was not only responsible for increasing enrollment, he greatly expanded the curriculum as well establishing a satellite campus in Pike County which claims an enrollment of more than 800 students.

Although Dr. Campbell lived and taught in many sections of the country, he began and ended his career in rural Kentucky. He taught for the first time at Buckeye High School in Garrard County in 1949 before he moved on to positions in New Mexico, Harlan County, KY, and as the first president of Crowder College in Neosho, MO.

After returning to Kentucky in 1963 he soon was named president of PCC, he dedicated his life to the development and improvement of the college. The school now consists of a five-building educational complex which was constructed during his tenure. Among the buildings is the Campbell Science Center which was named in his honor.

Mr. President, Dr. Campbell will be remembered as an educator and administrator who gave his all every day and never lost sight of the most important rule in education—the student comes first. In fact, perhaps he described it best when he said of his legacy, "The part of life that is most rewarding is looking around in the Big Sandy and the State and seeing thousands of young people who are working at respected jobs in every walk of life—and it started right here." Indeed, Dr. Campbell launched many successful careers and contributed greatly to an improved quality of life in the region.

Mr. President, I ask my colleagues to join me in remembering this wonderful Kentuckian. The people of eastern Kentucky have suffered a tremendous loss, but fortunately the legacy of Dr. Henry A. Campbell, Jr., will live on for many years to come as a result of his tremendous work and dedication. In addition, I ask that an article from the Floyd County Times be inserted in the RECORD at this point.

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

[From the Floyd County Times, Feb., 23, 1994]

EDUCATION PIONEER DIES; FUNERAL IS SET

(By Janice Shepherd)

Former Prestonsburg Community College President Dr. Henry A. Campbell Jr., 68, died Tuesday morning at the Veterans Medical Center in Huntington, West Virginia. He leaves behind a legacy that will be shared each time a PCC student is awarded a diploma.

Dr. Campbell was PCC's first president, taking the helm June 12, 1964. Under his tutelage, the college grew from an enrollment of 322 students in 1964 to more than 2,500 students 1991, when he retired on June 30. He expanded the curriculum and, in 1987, established a satellite campus in Pike County which now enrolls more than 800 students.

Campbell established a science building on the PCC campus and it has been named the Campbell Science Center in his honor. He also played a role in the establishment of Hazard Community College.

Born August 27, 1925 in Cosmos, Washington, he was a son of Henry A. Campbell Sr. of Clarksville, Tennessee, and the late Viva Blair Campbell. He attended elementary school in Wayland when his family moved back to their home state. The Campbells moved to Hi Hat in 1940 and Campbell graduated from Wheelwright High School in 1943.

While an engineering student at the University of Kentucky, Campbell joined the Army's Special Reserve Program on August 3, 1943. He was in the reserves for one quarter before going to Ft. Benning, Georgia, and later to Ft. Jackson, South Carolina for training.

He joined the 87th infantry and served in Europe with the 3rd Army under General George Patton. He was wounded and sent back to Camp Carson, Colorado where he was discharged on July 7, 1945.

He returned to Washington and enrolled in a university in Seattle. After two years, he transferred to UK where he graduated with a major in math. Campbell later obtained a Master's Degree in 1957 and an Education Specialist Degree in 1961 from the New Mexico State University. He was awarded his Ph.D. from the University of Texas in 1963.

Campbell began his teaching career at Buckeye High School, Garrard County, in 1949. He also taught at high schools in Harlan County and in New Mexico. In 1957, a community college was established in Alamogordo, New Mexico, and Campbell became its first director. On August 20, 1963, he accepted a post as first president of Crowder College, a two-county junior college in Neosho, Missouri.

Campbell returned to Kentucky after his wife, Patsy Ruth Justice, and son, John Charles Campbell, died in 1963. He was offered the position of dean at Alice Lloyd College but chose the challenge of developing the new college in Prestonsburg. He spent the next 27 years molding the college from its single, one-story Johnson Building to the five-structure educational complex that it is today. During an interview at his retirement, Dr. Campbell said that he felt good about the role he had played in educating Eastern Kentucky students.

"The part of life that is most rewarding is looking around in the Big Sandy and the state and seeing thousands of young people who are working at respected jobs in every walk of life—and it started right here. Had the college not been here, they would not have had this opportunity to pursue those careers," Campbell said.

Campbell was a community leader and fundraiser. A former president of the Jenny

Wiley Drama Association, he served on the boards of the East Kentucky Health Systems Agency, the Big Sandy Area Development District, Area Health Education System, Big Sandy Comprehensive Health Planning Council, and Big Sandy Tourism Committee.

Campbell was an active member of many local, state and national educational organizations, including the national Education Association and Phi Delta Kappa. Campbell was listed in Who's Who in Education and in Presidents and Deans of American Colleges and Universities.

In addition to his father, Campbell is survived by his wife, Nancy Elizabeth Belew Campbell; three daughters, Mica Lauren Rogers of Beckley, West Virginia, Jane Rebecca Brockhausen of Garden Grove, California, and Sheryl Robin Campbell at home; and four grandchildren. He is also survived by his stepbrother, Ernest Wendell Campbell, of Clarksville, Tennessee; three sisters, Terri LaMothe of Prestonsburg, Phyllis Campbell of San Diego, California, and Lu Wilgus of San Marcos, California; a stepmother, Mrs. Henry A. Campbell Sr.; and a niece, whom he helped rear, Linda Wilgus of San Diego, California.

Visitation may be made today, Friday, from 11 a.m. to 9 p.m. in Room 102, of the Johnson Building at PCC. A local funeral service will be conducted at 11 a.m. Saturday in the Pike Auditorium at PCC.

Local arrangements are under the direction of the Hall Funeral Home.

Visitation will also be held Saturday, from 5-9 p.m. at Pulaski Funeral Home in Somerset. A second funeral service will also be conducted Sunday at 1 p.m. at the funeral home in Somerset. Burial will be made in the Bethel Cemetery at Burnside.

All classes and activities at PCC on Friday and Saturday have been canceled.

In lieu of flowers, contributions may be made to the Henry A. Campbell Jr. Scholarship Fund at PCC.

HONORING MICHAEL NOVAK

Mr. DURENBERGER. Mr. President, I rise today to honor one of the most distinguished Catholic intellectuals of our generation. Michael Novak of the American Enterprise Institute was honored yesterday with the Templeton Prize for Progress in Religion—and this award was richly deserved.

Michael Novak rose to prominence as a liberal theologian in the 1960's. He sought to explain to Americans the deeper meaning of the openness to the world that was the hallmark of the Second Vatican Council. In the spirit of "aggiornamento," or renewal, that was launched by Pope John XXIII, he sought to read the signs of the times in an effort to demonstrate the relevance of the eternal truths of religion in a time of rapid change.

I believe that his more recent work—his efforts to outline a spirituality of liberal capitalism—are entirely of a piece with his earlier theological writings. Surely one of the greatest signs of the times in our century has been the achievement of American-style economic freedom in raising the material standard of living of millions of people the world over.

In important works like "The Spirit of Democratic Capitalism," Novak attempted to capture the essence of this achievement. He once remarked that the wrong turn taken by much political thought in this century was to search for the "causes of poverty." Novak believes that we already have enough poverty in the world: "What we have to look for is the causes of wealth."

The career of Michael Novak has increased the spiritual and material wealth of our country—and the world. I ask my colleagues to join me in congratulating him on the important honor he has just received.

In this regard, I am delighted to point out that last year's distinguished recipient of the Templeton Prize, Charles Colson—founder of the prison fellowship ministry—is a good friend of mine. I am gratified by the recognition that the Templeton Prize confers on these outstanding individuals.

I ask unanimous consent that today's Washington Post story about Michael Novak be included in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, Mar. 9, 1994]

CATHOLIC CAPITALIST NOVAK WINS $1 MILLION RELIGION PRIZE

(By Gustav Niebuhr)

Michael Novak, a neoconservative Roman Catholic theologian best known for his spirited defense of American-style capitalism, was awarded the world's most generous honor for professional achievement yesterday, the Templeton Prize for Progress in Religion, worth about $1 million.

Novak, 60, a scholar at the American Enterprise Institute, has sparked considerable controversy among Catholics who do not share his economic views.

In 1986, he helped guide a commission of Catholic lay people who publicly challenged the U.S. Catholic bishops after the latter criticized U.S. economic policies during the Reagan years. The bishops' pastoral letter urged greater social spending to help the poor, while the commission rejected such government intervention.

The prize Novak won was established in 1972 by Wall Street investor John Templeton to honor religious figures as the Nobel Prizes do scientists and writers. Templeton, a resident of the Bahamas, required that the prize's value exceed that of the Nobels. This year, it is worth 650,000 British pounds, about $1 million.

Last year the prize went to former Watergate figure Charles Colson, founder of Prison Fellowship, which brings a Christian message to prison inmates. Past recipients include the Rev. Billy Graham and Mother Teresa.

A self-described liberal and Vietnam War critic in the 1960's, Novak moved right thereafter, arguing that free market capitalism provides the poor with greater economic opportunity than socialism.

The author of more than 20 books, Novak has described U.S. capitalism as a "three-sided system"—a free market restrained by the moral force of Judeo-Christian values and by demands of different political groups. His work won praise from former British prime minister Margaret Thatcher, one of this year's Templeton Prize judges.

But the Rev. Jim Hug, executive director of the Center of Concern, a nonprofit Catholic research group focusing on peace and justice issues, said: "What he fails to analyze adequately is the [free market] economic system generates a great deal of wealth and puts it in the hands of a few people who then gain control of the political system and use it to their needs."

Novak said he has gotten less criticism since the collapse of socialism in Eastern Europe. "It's surprising how many . . . people say they agree with me," he said in a telephone interview.

He said he plans to use money from the prize to endow scholarships in honor of his late parents. He said he would also use some of the money to aid a Catholic college in Bangladesh in honor of a younger brother, a priest who died in a riot in that country 30 years ago.

The Rev. J. Bryan Hehir, who has disagreed with some of Novak's economic stands, praised him for the range of his writing on religion and culture. "Michael has written on a multiplicity of topics," said Hehir, professor of religion and society at Harvard Divinity School. "I've read his theology for years and benefited from it."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL COMPETITIVENESS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:15 having arrived, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevensson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kassebaum amendment No. 1477, to establish a 15-year statute of repose for those aircraft with fewer than 20 seats that are used in scheduled service.

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I understand there could be some separate activity relative to the Kassebaum amendment. We are not sure at this particular point. I am told the distinguished Senator from Mississippi now has an amendment.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. May I inquire of the Chair if it would be in order to send an amendment to the desk at this point, or do I need to seek unanimous consent to temporarily set aside another pending amendment?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Mississippi that the amendment offered by the Senator from Kansas [Mrs. KASSEBAUM] is now the pending business of the Senate. The Senator from Mississippi can either ask that that amendment be set aside or offer his amendment to the amendment currently pending from the Senator from Kansas.

AMENDMENT NO. 1480

(Purpose: To extend certain compliance dates for pesticide safety training and labeling requirements)

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Kansas [Mrs. KASSEBAUM] be laid aside for the purpose of offering this amendment, which I will now send to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment offered now by the Senator from Mississippi.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1480.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—

(1) IN GENERAL.—The compliance date for the worker protection standard set forth in part 170 of subchapter E of chapter I of title 40, Code of Federal Regulations, shall be October 23, 1995.

(2) PESTICIDE SAFETY TRAINING.—Not later than April 23, 1995, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—

(A) develop and distribute pesticide safety training materials that convey, at a minimum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on October 23, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, may be enforced only—

(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and

(ii) for the purpose of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on October 23, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASERS.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is October 23, 1995.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to carry out the intent and purpose of the underlying legislation before the Senate, to improve competitiveness and to help ensure that America's economic well-being is developed without unnecessary burden and restriction by Federal Government rules and laws. At the same time, this amendment helps the Government recognize that it has a responsibility to ensure that its actions serve the interests of our economic growth and expansion.

To that end, I send this amendment to the desk. The Senate will note that it is cosponsored by the Senator from Texas [Mrs. HUTCHISON], and the Senator from Kansas [Mrs. KASSEBAUM]. The purpose is to extend a deadline that now exists under regulations promulgated by the Environmental Protection Agency for the protection of farm workers who are handling and using pesticides in agriculture activity.

The reason I am offering this amendment is that unless Congress acts before an April 15 deadline stipulated by current EPA regulations, State departments of agriculture will be required to enforce regulations dealing with worker protection procedures. Farms, nurseries, and timberland operations throughout the United States will have to follow these regulations.

The reason the April 15 deadline is a problem is very accurately described in a letter that I received back in early September from a farmer in my home county of Hinds County, MS. The letter is signed by Mr. Randolph Smith, president of the board of directors of the Hinds County Farm Bureau and a person I have known all my life. As a matter of fact, he is a distant cousin, and I hope the Senate will not hold that against me for responding to his request for some assistance in this matter.

He basically outlines the problem in the letter as follows:

The farmers of Hinds County Farm Bureau are very concerned about some of the new regulations regarding the use of personal protective equipment and also the upcoming rules on restricted entry intervals. These regulations are included in the new worker protection standard that was issued by the Environmental Protection Agency.

He says:

It is our belief that many of these rules are much too complicated, in some cases, and very impractical in others.

We as farmers have more exposure to ag chemicals than anyone else. Therefore, we are keenly aware of the need for caution when applying them. It is in our best interest as well as the general public's best interest to see that these chemicals are handled in a safe manner for everyone involved. That's why it is our hope that some of the rules that have been passed down to us concerning the application and use of ag chemicals can be looked at so that we can change them to be more practical.

He then goes on to describe a lot of the specifics and problems that the farmers in my county think should be addressed by the EPA. I sent this letter over to the Environmental Protection Agency for its information and asked the agency to respond to the concerns that have been raised. I also asked the EPA to indicate whether or not there would be any possibility for extending the effective date of these regulations beyond April 15, if these concerns could not be dealt with in a satisfactory manner.

I received a long letter from the EPA dated October 26, 1993. I will not take up the time of the Senate by reading it. I will put both of these letters in the RECORD for the information of Senators.

But I am going to read the last paragraph.

EPA recognizes that not all provisions of the WPS—

That is the worker protection standards.

are equally applicable across American agriculture, and, while establishing minimum requirements for worker/handler protection, has provided great flexibility in how and when that protection is to be provided. I hope this responds to your concerns. If I may be of further service, please let me know. Sincerely yours, Victor Kimm, Acting Assistant Administrator.

After receiving this letter, my concerns, and those of farmers I was seeking to help, were heightened and increased. If you read the letter, you will understand that EPA is talking about flexibility in the enforcement of these regulations. EPA officials say they are going to have flexibility in how and when these regulations are enforced. I suppose that means they will randomly select some people against whom to enforce the regulations and then let others have a grace period in which they will be free from compliance requirements under the regulations. That is the only conclusion that a fair reading of this letter allows you to form.

At this point, for the purpose of clarity of the record, Mr. President, I ask unanimous consent that a copy of both of these letters, the one to me from Mr. Randolph Smith, and the other I re-

ceived from the Environmental Protection Agency in October 1993, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HINDS COUNTY
FARM BUREAU FEDERATION,
Raymond, MS.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR HON. THAD COCHRAN: The farmers of Hinds County Farm Bureau are very concerned about some of the new regulations regarding the use of Personal Protective Equipment and also the upcoming rules on Restricted Entry Intervals. These regulations, as you know, are included in the new Worker Protection Standard that was issued by the Environmental Protection Agency. It is our belief that many of these rules are much too complicated in some cases and very impractical in others. We as farmers have more exposure to ag chemicals than anyone else; therefore, we are keenly aware of the need for caution when applying them. It is in our best interest as well as the general public's best interest to see that these chemicals are handled in a safe manner for everyone involved. That is why it is our hope that some of the rules that have been passed down to us concerning the application and use of ag chemicals can be looked at so that we can change them to be more practical.

One of the areas in which we should like to see some modification is the rules concerning the use of Personal Protective Equipment. We believe certainly, that this equipment should be available and that all workers should be trained to use it. The decision as to when and where to use this equipment should be up to the particular individual. Some of the reasons for this opinion are as follows:

1. Wearing the PPE clothing in the extreme heat that we have here in summer can be more hazardous than the actual chemicals.

2. If an employee did not wear the equipment even after he was instructed to, then would the farmer have liability?

3. Some employees may become more careless because they would feel they were fully protected with the clothing on.

Another area that we believe should be reviewed is the fact that all agricultural crops are treated the same under these guidelines. There is a considerable difference in the way that fruits and vegetables are raised as opposed to a crop such as cotton or soybeans. It is our opinion that these differences should be considered when the regulations are written. Crops that are handled by hand should be treated differently from crops that are worked completely mechanically.

Finally, the rules regarding Restricted Entry Intervals is something that we are very concerned about. This regulation mandates the placing of hazardous chemical signs at all entrances of a field for a certain period of time before and after a chemical is applied. We believe that many of the rules in this section are unnecessary. Some of the reasons are:

1. Chemicals are almost exclusively applied on private property, therefore anyone who would enter the property without the owners permission would be guilty of trespassing.

2. Employees of a farmer who applies a chemical should be aware of the timing of the application and of the restrictions of any chemicals.

3. Hazardous chemical signs posted all through the countryside will cause unnecessary alarm among the general public.

In closing we would like to thank you for all your support that you have provided to agriculture over the years. We hope that you will be able to help us in this effort to modify the rules and regulations that we are concerned with. Let us assure you that there is no one who is any more concerned with the safe application and use of agricultural chemicals than the farmer. We are the ones who are using these tools and our livelihood depends on them being used safely and effectively.

Thank you again for your help and support.

Sincerely,

RANDOLPH SMITH,
President, Hinds County Farm Bureau Board of Directors.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, October 26, 1993.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: Thank you for your letter of September 15 on behalf of the Hinds County Farm Bureau Federation, expressing their concern at certain provisions of the Environmental Protection Agency's (EPA) Worker Protection Standard (WPS). This regulation was issued in August 1992, and will be fully implemented in April 1994.

The Farm Bureau is concerned about several aspects of the WPS, in particular the provisions for personal protective equipment (PPE) and field posting requirements.

With respect to PPE, the Farm Bureau rightfully recognizes the possibility that PPE worn in high heat and humidity may result in heat stress. EPA also recognizes the heat stress problems associated with protective clothing, a potential problem which is by no means confined to southern states such as Mississippi. The WPS specifically provides that employers should take appropriate precautions to prevent heat stress when using PPE. Moreover, they are required to include in training for pesticide handlers information on how to recognize the symptoms of heat stress. The Agency has prepared a guidance document discussing the recognition and management of heat stress, now in the process of being finalized. This brochure will be made widely available to the user community. Notwithstanding these provisions, however, EPA believes that PPE is an essential protection that should not be withheld, and that with proper awareness and management of heat stress conditions, PPE can generally be used without increasing risks.

The Farm Bureau also asks whether the farmer would have liability if a worker failed or refused to wear appropriate PPE. This rule creates responsibilities based upon the employer/employee relationship, and it is primarily the responsibility of the employer to ensure compliance with its provisions, including the wearing of PPE. However, enforcement officials have authority to consider the facts of the case before making a determination of whether a violation has occurred.

EPA cannot speculate whether a worker wearing PPE would become careless or ignore safety measures because the PPE gives a feeling of protection. Certainly a worker wearing appropriate PPE is better protected against the hazards of pesticide exposure than one who is not. Nonetheless PPE cannot entirely substitute for other risk reduction measures, such as restricted entry intervals. A key element to ensure that workers do not become complacent is proper training as to the hazards of pesticides, the ability of PPE to prevent such hazards, and the limitations of PPE. In training, emphasis should be placed upon taking advantage of all of the protections (PPE, Restricted entry intervals, training, notification, decontamination) as means of reducing risk, and not placing reliance on any one in particular.

The Farm Bureau raised the point that the farming of fruits and vegetables differs significantly from that of cotton and soybeans, expressing the belief that EPA did not take these differences into account in developing the WPS. I assure you the Agency has fully considered that many crops are grown almost entirely mechanically, and has built into the WPS exceptions that minimize the burdens of the rule for such agricultural operations. The provisions of the WPS are intended for the protection of agricultural workers and pesticide handlers. If workers or pesticide handlers are never used in the production of an agricultural crop, clearly the provisions of the WPS never apply. Even where workers are used, the provisions of the WPS are based upon the potential for worker/handler exposure: where such exposure does not occur, as might be the case in cotton or soybean farming, the provisions are minimal and non-burdensome. I encourage the Farm Bureau to familiarize their members with the various exposure based exceptions of the WPS, which will relieve them of a number of its provisions based upon "no exposure."

Finally, the Farm Bureau believes that the posting of fields is unnecessary, arguing that posting would unnecessarily alarm the general public, that employees of a farm know or should be aware of the chemical applications and restrictions, and that others who enter private fields are trespassers (and presumably posting should not be required for their protection). EPA cannot agree with these arguments.

First, fields are required to be posted only for applications of pesticides that are of highest toxicity (Toxicity Category I). There will not be a vast number of posted fields because many pesticides are not in Toxicity Category I. When less toxic pesticides are used, employers may use signs or oral warnings to notify workers of pesticide applications. Posting or other notification is not required, however, if no worker will enter, work, or pass on foot within ¼ mile of a treated area. In the case of field crops such as cotton, soybeans, wheat, and corn, which are not generally harvested by hand, it may well be that no workers would be in or near the treated areas.

Moreover, the WPS is intended for the protection of workers and not trespassers or the general public. Therefore, fields are required to be posted at usual points of worker entry only. Signs would not be expected to be necessary along public roads unless workers routinely use the road to gain access to a treated field, and then only at the field entrance. If there are no usual points of worker entry, signs would normally be placed in the corners of treated fields. The signs will neither be so numerous nor so directed that they should create public alarm by their presence. To the extent that the public is informed of pesticide-treated fields by warning signs, they benefit indirectly.

Second, one of the principal reasons for the WPS is that, contrary to the Farm Bureau's statement, workers and handlers generally are not informed about pesticide hazards, trained in safety measures, or informed of pesticide applications. On farms with small

numbers of workers or permanent workers (such as may be the case for cotton, soybeans, and other large mechanized crop operations), it may be true that the workers are as well informed as the Farm Bureau assets. If this is the case, the WPS will reinforce those notification and training practices that already exist. However, the vast majority of workers are migrant, seasonal or contract workers who are not aware or informed of which pesticides have been used, or of the hazards they pose. For these workers, the WPS is of paramount importance to ensure that employers provide such basic information.

EPA recognizes that not all provisions of the WPS are equally applicable across American agriculture, and, while establishing minimum requirements for worker/handler protection, has provided great flexibility in how and when that protection is to be provided. I hope this responds to your concerns. If I may be of further service, please let me know.

Sincerely yours,

VICTOR J. KIMM,
Acting Assistant Administrator.

Mr. COCHRAN. I do not want to delay the Senate too long, but I do want to put in perspective what the problem is and why we are asking in March 1994 to suspend the effective date of these enforcement regulations.

We have come a long way since we first understood the complexity of the issues involved. The dangers include added costs to American agriculture, compliance expenses, uncertainties about whether some of the regulations will be enforced or ignored, and the inconsistencies among different kinds of agriculture pursuits regarding the use of chemicals. There are also concerns over whether farmers will have to wear protective clothing when applying chemicals. If so, which ones will and which ones will not have to wear this clothing.

These are questions that concern American agriculture. I think what I will have to say over the next few minutes will illustrate that point.

Following some additional discussions and meetings at EPA, on December 13 a letter was written by me and Senator BENNETT JOHNSTON of Louisiana, which was signed by other Senators, to the President in regard to the regulations that were about to be implemented. The letter was written in connection with the fiscal year 1994 appropriations bill that was being considered by the Senate. There was report language we had suggested to include to help EPA understand the problems. What we basically said in this letter is as follows:

While we strongly support a program which provides a high level of protection for farm workers from pesticides, a substantial concern has been raised over the complexity of these requirements and the potential for confusion or uncertainty by State regulatory agencies and agriculture users. We are concerned with reports that EPA is seriously behind schedule in developing training materials, educational outreach programs, and implementation guidance to States on how to regulate the program.

I will ask at this point, Mr. President, that this December 13 letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 13, 1993.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing you with regard to S.Rpt. 103-137, which accompanies H.R. 2491, the fiscal year 1994 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies. The report language refers to the implementation of the Environment Protection Agency's (EPA) Worker Protection Standard (WPS) for Agricultural Pesticides. While we strongly support a program which provides a high level of protection for farmworkers from pesticides, a substantial concern has been raised over the complexity of these requirements and the potential for confusion or uncertainty by state regulatory agencies and agricultural users. We are concerned with reports that EPA is seriously behind schedule in developing training materials, education outreach programs, and implementation guidance to states on how to regulate the program.

The Senate report language suggests that the "EPA review their implementation schedule of these standards to permit adequate educational and outreach activities." The National Association of State Departments of Agriculture (NASDA), the association representing the state agencies, which in most cases, will be responsible for the enforcement of the program, has proposed a solution to EPA which tracks the Senate language. That proposal is to delay the enforcement until October 23, 1995. In the interim, the state agencies have suggested that an increased level of education and training should occur in order to prepare the regulated community for the new pesticide labels which would be on the market October 23.

In a recent meeting between EPA and NASDA, six "ideal goals" of the program were agreed to by both parties: to protect farmworkers; to provide effective training of employers prior to the program implementation (worker training after implementation); to obtain effective and timely label changes; to develop quality compliance programs in all states; to create an environment for acceptance of the program in "the field" (by farmers); and to resolve the major issues of concern still surrounding the program (e.g., reentry interval, personal protective equipment, notification, etc.). It is our opinion that these goals cannot be met if implementation occurs as scheduled on April 21, 1994. Moreover, we are told EPA has failed to provide a host of educational materials to the regulated community, and has failed to provide the state regulators with the information and answers necessary to regulate the program. Also, we understand much of this material was due prior to April 21, 1993, and either has yet to be provided or was provided at inadequate levels.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay the labeling requirements until October 23, 1995. This will allow EPA, the states, farmworker representatives and farmers to discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be ready to provide the protection farmworkers deserve.

Thank you for your consideration.

Sincerely,

J. BENNETT JOHNSTON.
CHUCK GRASSLEY.
MITCH MCCONNELL.
THAD COCHRAN.

Mr. COCHRAN. It is important to understand this issue because we are now describing a State regulatory responsibility. Even though it is a Federal regulation that EPA has promulgated and will enforce, unless we act, on April 15, the States are under an obligation under the regulations—and I suppose the law, even though the law is very vague about this—to enforce the regulations.

This means that State governments all over the country will have to train staff to understand the EPA regulations, when they apply, when they do not apply, and what all the materials mean. As a result of these regulations, they will have the responsibility to impose fines and penalties and to ensure farm workers, farmers, nurserymen, and timberland owners who grow pine trees and other kinds of timber in production agriculture environments comply with these very detailed and very technical regulations.

We did not receive any kind of satisfactory response to our letter of December 13. Because of this lack of response, 10 other Senators raised this same issue in a letter to the President dated February 16 of this year. It was either drafted by Senator HEFLIN of Alabama or Senator FAIRCLOTH of North Carolina. Their two names appear as the first two signatures. By sending the letter to the President, the Senators wanted to ensure that somebody in the administration understand the seriousness of the problem that Senator JOHNSTON and I had raised in December. I am going to read another highlight of this letter as an example of the kind of anxiety that was being manifested by the Senate as recently as February 16.

This is not a debate about the regulations themselves.

I will read from the letter.

As you know, the goals of the program have been agreed to by all participants. The EPA and the States wish to (1) protect farm workers; (2) provide effective training of employers prior to program implementation; (3) obtain effective and timely label changes; (4) develop quality compliance programs in all States; (5) create an environment for acceptance of the program locally; (6) and to resolve the major issues of concern still surrounding the program.

It is our opinion, and that of many of the States, that these goals cannot be met if implementation occurs as is scheduled on April 21, 1994.

And then in the last paragraph the Senators say this.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay enforcement of the program. This will allow the EPA, the States, farm worker representatives, and farmers to

discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be effective in providing protection to farm workers.

I ask unanimous consent, Mr. President, that this letter of February 16 be printed in the RECORD.

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

U.S. SENATE,
February 16, 1994.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to you today in regard to the Environmental Protection Agency's (EPA) implementation of the Worker Protection Standards (WPS) for agricultural pesticides.

While we all understand the importance of a program which protects farm workers from pesticides, substantial concern has been raised nationwide over the complexity of these requirements and the potential for confusion by state regulatory agencies and agricultural users, including farm workers themselves.

Members of the National Association of State Departments of Agriculture (NASDA), the association representing the state agencies, will be responsible for the enforcement of this program, and NASDA has proposed a feasible solution to potential disaster. We would request that you postpone enforcement of new WPS standards until their concerns have been addressed.

This is not a debate about the regulations themselves. As you know, the goals of the program have been agreed to by all participants. The EPA and the states wish to (1) protect farm workers; (2) provide effective training of employers prior to program implementation; (3) obtain effective and timely label changes; (4) develop quality compliance programs in all states; (5) create an environment for acceptance of the program locally; (6) and to resolve the major issues of concern still surrounding the program. It is our opinion, and that of many of the states, that these goals cannot be met if implementation occurs as is scheduled, on April 21, 1994.

In fact, although the EPA and state Departments of Agriculture have been working together on this project, the EPA has continued to ignore the concerns of state pesticide regulators regarding the complexity of the new standards, and the logistical problems that will result from implementation on April 21, 1994. While ongoing dialogue between all effected parties is now progressing, it will be impossible to resolve the outstanding issues and provide the educational and training material needed for proper implementation by April 21.

In light of the complexity of the regulation and serious deficiencies in the program implementation preparation, we strongly encourage you to delay the enforcement of the program. This will allow the EPA, the states, farm worker representatives and farmers to discuss the areas of concern and develop the necessary material for proper implementation. Only then will a program be effective in providing protection to farm workers.

Thank you for you time and consideration.

Sincerely,

Lauch Faircloth, Larry E. Craig, Dirk Kempthorne, Dave Duenberger, Kay Bailey Hutchison, Howell Heflin, Jesse Helms, Pete V. Domenici, Larry Pressler, Strom Thurmond.

Mr. COCHRAN. As I mentioned, the States are charged with enforcing these new regulations.

The people at the local level in the State departments of agriculture will be charged with implementing these regulations on a day to day basis. Ironically, this group itself opposes these regulations.

I have a letter that I will put in the RECORD to illustrate the seriousness of this situation, and how it is viewed by the States and those who will be called upon to carry out these things on a daily basis.

At their annual mid-year meeting the National Association of State Departments of Agriculture, representing all 50 States and four territories, unanimously approved a resolution asking the administration to delay enforcement implementation of the Environmental Protection Agency's new Worker Protection Standard for agricultural pesticides. They asked that this be delayed until October 23, 1995.

The details of their concerns are expressed very well in a letter dated February 27, which has been signed by almost all of the members of this association who were attending this meeting. Over 40 state commissioners of agriculture, or whatever other title they have, signed this letter. It very clearly asks that this be considered a matter—I will use their phrase—"of utmost urgency" that the administration act to delay the enforcement of these standards.

It says:

We, as the heads of the State-led pesticide agencies, believe it is time for EPA to listen to our concerns and act in a responsible manner.

Mr. President, I ask unanimous consent that the February 27 letter that I just referred to be printed in its entirety in the RECORD, and showing the signatures of all of those who signed it.

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

NATIONAL ASSOCIATION OF
STATE DEPARTMENTS OF AGRICULTURE,
February 27, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: At its annual mid-year meeting, the National Association of State Departments of Agriculture (NASDA), representing all fifty states and four territories (American Samoa, Guam, Puerto Rico, and the Virgin Islands), unanimously approved a resolution once again asking you to delay enforcement implementation of the Environmental Protection Agency's (EPA) new Worker Protection Standard (WPS) for Agricultural Pesticides until October 23, 1995. In the interim, NASDA believes that increased education and training efforts should be conducted by the states with material just now becoming available from EPA (though quantities are still inadequate). In almost every case, the state departments of agriculture will be required to implement this new standard on April 21, 1994 under a cooperative agreement with EPA and consistent with state laws requiring us to enforce the label.

Mr. President, a major train wreck is about to occur. It is simply impossible for us as state regulators and farmers to implement this program nationwide as currently designed and scheduled. We have been working with EPA, USDA, Members of Congress, farmers, and farmworkers attempting to fix the serious problems with the program and to educate the regulated community. Our efforts, as well as those of the agricultural production community, have been rebuffed by EPA and have failed to resolve this serious problem. A combination of the lateness of EPA in providing educational material—almost ten months late by their own schedule, and now arriving to the states after farmers have already entered the field for this planting season—and parts of the regulation which will be impossible to implement have created a situation primed for disaster.

EPA has suggested that enforcement of the standard should be "flexible" in the beginning stages of the program. We do not believe that it is in the best interest of pesticide regulation to tell farmers to ignore the law—the label is the law. Beyond that, we as regulators cannot ignore the label once it is on the product. It is the law, so we must enforce the standard on April 21, 1994.

Dr. Lynn Goldman, Assistant EPA Administrator for Prevention, Pesticides and Toxic Substances, addressed our meeting. We were seriously disappointed with her remarks on WPS and continued lack of regard for our concerns as state regulators. EPA has consistently failed to address our problems in a genuine way even though we have come to the table in good faith.

Mr. President, it is of the utmost urgency that you act to delay the enforcement of the standard to October 23, 1995. We as the heads of the state lead pesticide agencies believe it is time for EPA to listen to our concerns and act in a responsible manner.

Sincerely,

Bob Odom, Louisiana; Gus R. Douglass, West Virginia; W. Greg Nelson, Idaho; Don Rolston, Wyoming; Phillip A. Fishburn, Kansas; L.H. Ivy, Tennessee; Thomas A. Kourlis, Colorado; Bernard W. Shaw, Maine; Keith Kelly, Arizona; Henry J. Voss, California; Rick Perry, Texas; Clinton V. Turner, Virginia; Arthur R. Brown, Jr., New Jersey; Richard T. McGuire, New York; Fred L. Dailey, Ohio; Yukio Kitagawa, Hawaii; Bruce Andrews, Oregon; David L. Tompkins, South Carolina; Neftali Soto-Santiago, Puerto Rico; James A. Graham, North Carolina; Elton Redalen, Minnesota; Charles W. Anderson, Oklahoma; Alan T. Tracy, Wisconsin; Rebecca Doyle, Illinois; John L. Saunders, Missouri; Leo A. Giacometto, Montana; A.W. Todd, Alabama; John W. Cramer, Alaska; Frank A. DuBois, New Mexico; Thomas W. Ballow, Nevada; Gerald King, Arkansas; Boyd E. Wolff, Pennsylvania; James R. Moseley, Indiana; Dale M. Cochran, Iowa; Ed Logsdon, Kentucky; Jay C. Swisher, South Dakota; John F. Tarburton, Delaware; Stephen H. Taylor, New Hampshire; Thomas Irvin, Georgia; Gary G. Peterson, Utah; Larry E. Sitzman, Nebraska; Jim Buck Ross, Mississippi.

Mr. COCHRAN. Mr. President, I hope that Senators realize the meetings we've held have been at the highest levels in the administration, involving Cabinet level officials who are trying

to resolve some of these concerns and issues. But we have not really gotten anywhere.

The February 27 letter was written as a policy statement resulting from all of these discussions. It was obviously written in an effort to assuage concerns and tell everyone that everything was going to be all right. It emphasized that nobody was going to get in trouble; there would be a lot of flexibility; there would be a grace period while everybody learned what the words meant in all of these regulations; and, there would only be occasional enforcements, with nobody new being targeted or exempt.

So, rather than contribute to a feeling of comfort, it increased concerns.

This policy statement is dated February 22. I have a copy here under the title of "Enforcement of the Agricultural Worker Protection Standard Under FIFRA." It is a three-page statement. I am going to ask, at this point, Mr. President, that a copy of the policy statement be printed in the RECORD.

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

[Policy statement from the U.S. Environmental Protection Agency, Washington, DC, Feb. 22, 1994]

ENFORCEMENT OF THE AGRICULTURAL WORKER PROTECTION STANDARD UNDER FIFRA

The Agency has received a number of questions regarding delaying enforcement of the Federal Agricultural Worker Protection Standard (40 CFR part 170 and related labeling regulations at 40 CFR part 156). We have never proposed delaying enforcement of this rule; to do so would seriously undermine the protections afforded pesticide handlers and agricultural workers, the very people the rule was designed to protect.

We are committed to using the flexibilities that we do have, in terms of guidance and implementation, to reach the underlying goals of the revised Worker Protection Standard while addressing the concerns. We have clearly demonstrated our willingness to listen to concerns and to bring all parties together to find solutions.

On enforcement of the Standard, EPA's position has been one of advocating phased-in, risk-based targeting of inspectional activities. We have also consistently supported state flexibility to address state priorities through State Implementation Plans (SIPs) and Enforcement Response Policies (ERPs) reflecting the nature of violations and their risk. Given the flexibility provided, the importance of the safety provisions of the revised rule and the amount of work completed and underway with the states and regulated parties, we do not believe that it is appropriate or necessary to delay the enforcement of the revised rule.

We would like to describe specifically the tenor of the enforcement guidance currently being used by the states for this rule, and to point out areas where the states are encouraged to set priorities and target activities based on state-specific needs.

In planning for the implementation of the WPS, the Agency prepared guidance on the national approach for compliance monitoring and enforcement and shared the guidance, in draft form, with the states so that they could provide their perspective and comments before the national guidance was finalized. The Agency received significant input from the states and took serious steps to incorporate the majority of the states' comments into the national guidance. This guidance includes a National Compliance Monitoring Strategy, a WPS component in the National Cooperative Agreement Guidance, assistance to the states in their development of State Implementation Plans, worker protection inspection guidance, and worker protection inspector training which is being piloted this week with state representatives at the National Enforcement Training Institute (NETI).

The National Compliance Monitoring Strategy for WPS recommends that the states strike a balance between activities used to prevent violations from occurring in the first place (i.e. guidance, training, outreach and compliance assistance) and activities used to correct and deter violations (i.e. inspections, and enforcement actions). The Strategy and the other guidance issued by the Agency recommend that the states focus on outreach and compliance assistance prior to the enforceable dates of the rule. Once the effective dates of the rule have passed, EPA encourages the states to target their inspections based on: (1) the phased-in compliance dates associated with different components of the rule; and (2) factors associated with the risk posed at different inspection sites, including information on product toxicity, crops grown, harvest methods used at specific sites, worker exposure, historical problems with products, and compliance history of sites. Enforcement priorities for the initial compliance dates focus on pesticide product label compliance.

Our inspection guidance recognizes that many states already have an inspection targeting scheme in place, and therefore recommends ". . . that states and regional offices: incorporate worker protection specific factors into their schemes based on available information, and tailor targeting schemes to meet particular needs and local concerns." EPA provided a risk-based inspection targeting approach to the states simply as an example of the type of approach we recommend be developed on a state-by-state basis. Our guidance goes on to state that compliance assistance can still be provided following the completion of both routine and targeted inspections in order to inform the regulated community of the WPS provisions, as well as to clarify requirements. People need to understand what is expected of them, and we will continue to emphasize communication and training for the next few years.

With regard to enforcement actions themselves as a result of violations identified during inspections, many first time FIFRA violations by individuals such as farmers who are not certified commercial applicators may receive a notice of warning for their first violation. The Agency's FIFRA Enforcement Response Policy incorporates the statutory minimum penalties and adjusts any penalty for violations based on risk and other factors such as whether the violator has a history of violations. Each state may either adopt the Federal ERP or, more commonly, adjust its penalties to state law. Each new regulation, such as the Worker Protection Standard, offers a state the opportunity to adjust its ERP to new provisions. States currently have written Enforcement Response Policies (ERPs) reflecting the appropriate penalties for violations of individual state law. We have indicated to the Regions that states should be following their own ERPs for violations of the WPS.

Beyond the guidance discussed above, under the state Enforcement Cooperative Agreements, the states were asked to develop State Implementation Plans which address: 1) outreach and communication; 2) training; 3) coordination with other state and Federal agencies; and 4) state-specific compliance monitoring strategy based on the National Strategy. States submitted these SIPs to the Regions with their enforcement priorities articulated. Regions have been working with the states to implement their SIPs. The FY 95 State Cooperative Agreement Guidance will request states to continue to update their SIPs. Since FY 90, a major component of the Cooperative Enforcement Agreement program has been to provide funds for the development of a program for enforcement of WPS. The Agency received earmarked funds from Congress for each of those fiscal years to award to the states and tribes for implementation planning of the WPS. We should note that the State Enforcement Cooperative Agreements are negotiated between the regions and states annually and revised to reflect changing priorities at both the state and National level.

We fully intend to go forward with all of the training, education, compliance assistance and flexible focused enforcement activities planned for the Worker Protection Standard. We continue to be committed to working with all interested parties in ensuring responsible and reasonable implementation of this important regulation.

Mr. COCHRAN. Mr. President, I will read the last paragraph again to show you that we have not come very far since that first exchange of correspondence that I had with EPA back in September of last year. Here is the last paragraph:

We fully intend to go forward with all of the training, education, compliance assistance and flexible—

Flexible.

focused enforcement activities planned for the Worker Protection Standard. We continue to be committed to working with all interested parties in ensuring responsible and reasonable implementation of this important regulation.

Everything in there sounds pretty good unless you stop to think about this phrase: "* * * flexible focused enforcement activities." Nobody knows what that means. After all of these months trying to understand the EPA's intentions, and whether there would be a period for training and developing equipment designed to meet the regulations that are being implemented, farmers and agriculture agencies around the country are still perplexed.

It seems to me, Mr. President, and those who have joined in writing these letters, that Senators ought to cosponsor this amendment and delay the enforcement of these regulations for a period of time within which we can do these things that EPA says are necessary.

I am going to again read what we want to have done. It is in the last paragraph of this policy statement:

* * * training, education, compliance assistance.

That is what we need before the regulations are enforced. What they are

saying is we are going to begin enforcing the regulations in a "flexibly, focused" manner—whatever that is. And while we are doing that, we are going to proceed with "training, education, and compliance assistance."

The whole point is that for almost 2 years EPA has had an opportunity to do those things: "training, education, and compliance assistance." EPA officials could have held workshops around the States, assisted people who will have the job of day-to-day enforcement, and explain to farmers what the phrases mean.

For example, you are supposed to wear full protective clothing if you are a farm worker and you are applying a pesticide. Think about this. You are a crop duster in Mississippi in July. Just think what all of this means in practical, everyday terms and how people deal with these things out in the real world. You are going to have a crop duster look like he is going on a space ship to the Moon.

Maybe that is what EPA is going to require. But if you read what the protective clothing requirements are for pesticide applicators, you could reach that conclusion without stretching your imagination much at all.

I do not know what effect it will have on people who apply pesticides from the air in the Mississippi Delta or throughout the country. But it is bound to have some new requirement. These are persons who handle and apply pesticides. Here is a whole list of things that they are going to have to do beginning in April of this year.

It seems to me, Mr. President, that this requires some action by the Congress that says, in effect, "Hey, wait a minute, let's don't get the cart before the horse. Let's don't start fining people and imposing penalties on folks before they know how to comply with the regulations."

That is the whole point of this. Those of us who have been raising these concerns and trying to have meetings and iron these issues out are not against protecting farmers. But we think they have a right to be treated fairly and to be put on notice and have an opportunity to understand the rules. That is at the core of our system of justice and it ought to be at the core and at the heart of the way Government treats its citizens.

Here we are talking about improving competitiveness and our economic ability to compete as a Nation. But we are going to put on the necks and backs of American agriculture some of the most potentially costly and disruptive requirements and regulations that we have ever seen. And agriculture has had its fair share of burdensome requirements and regulations.

I am not saying we do not need to be careful. That is not the point. People need to be educated, and they need to be protected.

But if we turn loose an agency of the Federal Government to direct State departments of agriculture to enforce regulations and impose sanctions on farmers, agriculture producers, nursery people and folks who grow pine trees, we need to make sure that they fully understand what the consequences of all of these regulations will be, how they are going to be enforced, and how they should comply.

The other day, my friend and our distinguished Secretary of Agriculture, Mike Espy had an opportunity to talk to an agriculture group meeting in New Orleans. This issue came up at the meeting, and he discussed it, and said he would try to get an extension of this deadline.

The whole thing is that we are at the point where the deadline is almost here—April 15, almost a month from now. This will become a fact of life for agriculture throughout this Nation, unless the Congress acts or unless the administration changes its mind. But they keep saying they are not going to do anything.

This policy statement which I just put in the RECORD, and other responses that we have had, indicate that they are not going to do anything. Here are some newspaper articles, in addition to the one I mentioned about Secretary Espy's visit to New Orleans and to Mississippi. Here is one in the Farm Bureau News, which also brings everybody up to date, a February article, and then one as recently as March 7, where the Farm Bureau brought this matter to the attention of President Clinton himself at its meeting in Washington.

According to reports, they do not expect to delay implementation of these standards, and they expect States to crack down on violators.

I ask unanimous consent that these newspaper articles from the Farm Bureau News be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Farm Bureau News, Feb. 7, 1994]

AG OFFICIALS SEEK DELAY IN REGS

Farm Bureau and other agricultural groups are urging a delay in implementation of the Environmental Protection Agency's farm worker pesticide protection regulations, saying more time is needed for education and training.

The new worker protection standard is scheduled to be implemented this year on April 21. Farm Bureau and the National Association of State Departments of Agriculture (NASDA) have asked EPA to delay implementation until Oct. 23, 1995.

The state agricultural officials and other groups say they are committed to protecting farm workers, but that the program, as currently developed, does not achieve that goal. They say EPA has failed to provide information, educational materials and training in order for the agricultural community to comply with the new rules.

A large portion of the material either has yet to be provide or has been provide at inadequate levels, they say.

"Unfortunately it appears EPA is more committed to its arbitrary date of April 21, 1994, than it is to protecting farm workers and ensuring the education of the agricultural community," said a letter from NASDA to President Clinton, urging him to resolve the issue.

The new regulations expand the scope of protection standards to include not only field workers performing hand labor operations, but also forestry, nursery and greenhouse workers and pesticide handlers. The rules apply to all operations that hire one or more workers.

The agriculture industry is not asking that EPA abandon its regulatory scheme, said Libby Whitley, an American Farm Bureau Federation governmental relations director. She said farmers—who will bear the brunt of these regulations—are prepared to comply, but need extensive training.

A delay in implementation to October 1995 would provide a more realistic timeframe for the agricultural community to comply with the complex new regulations, she said.

[From the Delta Farm Press, Feb. 11, 1994]

WANTS DELAY ON IMPLEMENTATION: ESPY VOWS FIGHT ON WPS DATE

(By Forest Laws)

Agriculture Secretary Mike Espy says he will seek postponement of the April 15 deadline for full implementation of the new Worker Protection Standards.

Although EPA officials have indicated on several occasions recently that there will be no delays in the April 15 effective date, Espy said he will discuss the issue with other cabinet officials to try to buy more time for farmers to learn how to cope with the complicated standards.

"I am sensitive to their (farmers') concerns, particularly with something as important as this," Espy said during a press conference at the National Cotton Council's annual meeting in New Orleans.

The secretary said he wants to talk to Labor Secretary Robert Reich and EPA Administrator Carol Browner about "easing in" WPS regulations that require extensive worker training and use of personal protective equipment for some agricultural chemicals.

"In the South, it doesn't make much sense, in some cases, to mandate the heavy protective clothing," he said. "As desirable as the intent may be, down here it gets hot, 100 degrees plus. The health effects may be more adverse from requiring that level of protective clothing than from the pesticide itself."

Espy said USDA is not the primary agency for implementing the WPS regulations. "But whenever agriculture is discussed, we have said we are going to be there."

That is the tack Espy took in December when he was able to keep agriculture's foot in the door on the reformulated gasoline issue—a door the petroleum industry had attempted to close.

Espy, WHO REPORTS have said was at home sick at the time, came to his office and arranged to meet with EPA officials on the eve of the announcement of their new reformulated gasoline policy. The result: Ethanol could account for 30 percent of that market in the years ahead.

In his speech to Cotton Council delegates, Espy said he had promised then President-elect Clinton that he would position USDA for the future, that he would make it more farmer friendly and that he would help to foster a "different attitude" within the department bureaucracy.

"I said that we would create a different climate, that we would move USDA from being

just a Department of Agriculture to being a Department for Agriculture," he noted. "And we're doing that—we're changing USDA from top to bottom."

As part of the streamlining or reinvention of government that is underway, Espy said USDA will reduce itself from 43 agencies to 30. He is proposing that an "early buyout" program be offered to 8,500 full-time employees.

The proposal was scheduled for mark-up in a House Agriculture subcommittee on Feb. 8, and Espy said he has received assurances from Senate Agriculture Committee leaders that they would begin work on the proposal soon after. The legislation could be enacted by March, he said.

Following passage, USDA, will begin the process of closing approximately 1,300 field offices nationwide and consolidating many of its functions into "one-stop" service centers.

"We're trying to save you money; we're trying to become more service oriented and less acronym-oriented," he said. "It's all about being farmer friendly, streamlined, consolidated, doing what we promised."

Espy said he was pleased with the way USDA worked with the council on the 1994 acreage reduction program (ARP) requirement.

"At the time we announced it in November, the preliminary 17.5 percent ARP for upland cotton made sense in terms of projected U.S. supply and demand balance and the requirements of the law," he said.

"But the final ARP that we announced earlier this month is 11 percent, and it's based on lower production estimates for the 1993 crop and improved export prospects stemming from reduced foreign production. Because we reduced the ARP, U.S. producers will benefit from the better export prospects and that means higher farm income."

Espy pledged to continue to fight for farmers on a variety of fronts, citing such issues as wetlands delineation, endangered species, reauthorization of the clean water act, and pesticide policy debates.

"This administration inherited a set of pesticide laws and regulations that don't work," he said. "We must work to harmonize often contradictory attitudes. Consumers demand constant assurances that our food supply is safe. They have trepidations about the harmful effects of pesticides.

"Producers, on the other hand, also demand constant assurances the regulatory system will give them the tools they need to raise their crops. And so we must work with both sets of attitudes to harmonize them."

The former congressman from Mississippi also said he wanted to publicly thank council staff member Bill Gillon for his assistance during confirmation hearings last winter.

Gillon, general counsel for the NCC, was detailed to Espy to brief him on USDA policy issues and accompany him during his round of visits with members of the Senate Agriculture Committee prior to the hearings.

[From the Farm Bureau News, Mar. 7, 1994]

FB ENCOURAGES CLINTON TO DELAY WORKER RULES

A delay in implementing new farm worker pesticide protection regulations is needed to give the agricultural industry adequate time to comply, Farm Bureau told President Clinton last week.

In a letter, American Farm Bureau Federation President Dean Kleckner urged Clinton to push back the enforcement date of the Environmental Protection Agency's regulations to Oct. 23, 1995. The current schedule calls for enforcement to begin this April 15.

The rules would require, among other things, that farm workers who handle pesticides wear protective clothing, be informed about the chemicals they handle and be prohibited from returning to fields too soon after chemicals are applied.

Kleckner said Farm Bureau is not asking EPA to abandon the new regulations, but rather to provide more time, education and training so state regulatory agencies and farmers can comply.

"These regulations are precedent-setting," Kleckner said. "They mandate vast new responsibilities and costs for farmers and ranchers. They create significant new liabilities both for pesticide users and manufacturers. Further, they are a sizable new unfunded federal mandate for state enforcement agencies.

"Farmers, who will bear the brunt of the regulations, will comply," Kleckner said. "To do so, however, will require extensive education and employer compliance training."

EPA has been slow to distribute training materials to states, and has not yet decided whether to implement a worker training certification program, he said.

"EPA has stated it believes that compliance will come about only through a trained work force," he said. "If it truly believes this, then the training activities must be focused at the basic employment level—on the farm."

State agriculture departments are strongly seeking the delay, citing the potential cost of enforcing the rules and inadequate preparation time. In addition, members of Congress, farm groups, state regulators, and farm worker groups and unions have asked EPA to delay implementation of the new standards.

Reps. Bill Emerson (R-Mo.) and John Boehner (R-Ohio) filed legislation last week asking Congress to delay enforcement of the rules to Oct. 23, 1995. They are concerned about the heavy financial burdens that could be placed on states and agribusinesses.

According to news reports, EPA assistant administrator Lynn Goldman said information on the rules is being circulated to farmers and states. She said the agency would not expect states to immediately crack down on violators.

Mr. COCHRAN. Mr. President, I hope the Senate will grant some relief in this situation and grant our request, which this amendment would do, to extend the deadline for this regulation.

Mr. FORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me compliment my friend from Mississippi for this amendment. My farmers are very concerned, and they have told me of their concern. They do not have time to do the training and get ready for the requirements and the regulations, and they have never seen Government be flexible when a regulation is in place and when they are in jeopardy. They are very concerned, and I compliment the Senator on his position.

But, Mr. President, may I make a point here. It may be that under the circumstances, this amendment may never see the light of day. I feel sorry for the chairman of the Commerce Committee, who is leading a fight for a bill that has been passed through the Senate unanimously at least twice. It came out of the Commerce Committee unanimously, and now we see all kinds of nongermane amendments being put on this legislation. They keep going on and on and on.

I think it is time we step back and begin to look at how we are operating legislatively here in the Senate. It may be that at some point we would just go ahead and let everybody have their say for a few minutes and move to table, and we will take these potential amendments off the bills one at a time, if necessary. But I think we are making this bill a Christmas tree, and that is very unfortunate.

I know, and others will say, "This is the only way I can get it up; I could not get it up any other way." I understand that part. But it does jeopardize the operation of the Senate to get to other bills that are important, and I hope that we will be able, through the leadership, to try to work out something, not only to accommodate those who have legislation that is necessary, but also to accommodate those that come to the Senate floor with a piece of legislation that comes out of committee unanimously, and you talk for a week on it, and you never get to the guts of the legislation that is brought out of the committee.

So I would like to put my colleagues on notice that I am going to be giving serious consideration to trying to see if there is something that cannot be worked out where we do not find ourselves in the position of getting a "Christmas tree" every time we have a piece of legislation up.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I would like to join in complimenting my colleague from Mississippi for introducing this amendment.

Three weeks ago, I held a farm advisory meeting in South Dakota. The meeting was held on a farm in Hamlin County near the small town of Hazel, SD. The meeting was held on a Friday night and well over 40 farmers, ranchers, and small businessmen were in attendance. Some farmers drove over 100 miles to attend.

The meeting was held in the basement of the home of Donald Christman. I hold several of these kinds of listening meetings. It is one of those times when a Senator gets home and listens directly to constituents at the grassroots level. This direct input lets me know exactly what is on the minds of farmers and ranchers in South Dakota.

One of the first things they raised with me was a concern about the Environmental Protection Agency's regulations on worker protection standards.

The most startling fact was that only one or two of the farmers in attendance were aware that the new regulations would become effective on April 15, 1994.

These farmers wondered how they could possibly comply with these regulations if they had not been told what they will have to do. Many wondered how the regulations came about in the first place. Now that was an excellent point.

I explained to them: "Well, Congress did not do this. This was the Government bureaucracy." They asked, "Who do we talk to? You are our Senator. We need your help." I said I would return to Washington and try to do something about it. I wish to join my colleague from Mississippi in sponsoring this amendment, because it directly addresses a main concern of South Dakota farmers and ranchers.

It is a problem that we need to attach this amendment to the pending business, but time is of the essence. Yet April 15, 1994, is just a few weeks away, and many farmers in South Dakota do not want to be fined or have legal action taken against them for not complying with regulations they know little, if anything, about. The EPA has even admitted that getting the word of the new regulations to the public has been a problem.

However, at times, this is the way the legislative process works. The amendment is very timely. Without some action by Congress, the regulation will go into effect and possibly jeopardize many farmers and ranchers. This should not be allowed to happen. Time must be granted to educate the public on what action is needed on their part. The regulations should not be shoved onto them. Time is also needed to thoroughly review how these regulations will impact the daily operations of farmers and ranchers. What may work in Maine may not work in South Dakota. What may work in South Dakota may not work in Mississippi. We need time to work this out as well.

My colleague from Mississippi has carefully analyzed the current situation and has developed an appropriate response. I hope the amendment will pass. It is greatly needed. I think most Members of the House and Senate should be in favor of this.

So I compliment my friend from Mississippi. This is exactly one of the main concerns the farmers and ranchers raised with me in my agriculture advisory listening meeting in the basement of a farmer's home near Hazel, SD.

I would like to join my colleague in sponsoring this amendment, and ask that he add me as a cosponsor to the amendment.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the distinguished Senator from South Dakota be added as a cosponsor to the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, it could very well be a meritorious initiative or amendment, but it is certainly not timely or appropriate on this bill. Let me first say that I share a great deal of sentiment for the initiative by the distinguished Senator from Mississippi. But not on S. 4. We have a technology bill; we have advance technology programs; we have the manufacturing technology centers, the extension services, and the small business loans. There is not a word in this bill about pesticides or the Department of Agriculture regulations on pesticides. So Senator COCHRAN's amendment is absolutely not germane whatsoever.

Nonetheless, as I said, I sympathize with the Senator's cause. I harken back to 1967, when my State's peach farmers faced a similar problem. They were confronted with rules and regulations requiring that they wear a white cape, a hood with eye slits opened up in it, and little white gloves; at that time they looked like Klansmen running around in the peach orchard. We had signs every 25 yards, and under the regulations, it was safe to eat the peach, but unsafe to go in and pick the peach.

I vividly recall Senator George Aiken, of Vermont, who joined with this freshman Senator in resolving this problem.

So I am sympathetic, but I am not prepared to talk on pesticides and rulings and regulations at this particular time. I am concerned by the procedural gridlock on this bill. As the distinguished majority whip has pointed out, we are getting into a sort of open sesame as to the offering of non-germane amendments; there is no discipline.

This has to be solved, I take it, at the top level by the leadership on both sides of the aisle as to what the procedures are going to be.

In times past, a Senator would not dare attempt to attach an extraneous amendment such as this on a bill. Now, it is virtually standard operating procedure around here to just come in at any time with any measure, no relation whatsoever to the subject matter. So this is not a surprise, you might say, in that we had heard this last evening. We notified the chairman of the Agriculture Committee and others who seem to be interested and have been working on this matter. That was 45 minutes ago. We understand they have other work to do, but we have work to do as well.

I do not know any way to advance this bill than to move to table this amendment. Everybody wants to be courteous and indulgent, but we will only be indulgent for a short period of time around here and then we will move for a vote. If the Senator gets his vote on the motion to table and we do not table it, that will tell us something. Then it is accepted and we will put it on the bill.

This open sesame on S. 4 began, unfortunately, with a sponsor of the bill who contributed to unanimous support for it in committee. We worked out problem areas together to make sure that it was not pork, that it was not picking winners and losers, that it had to be picked by the industry, that the industry had to provide the majority of the funds and, thereby, we provided for peer review by the National Academy of Engineering.

Now, because the Senator is disillusioned with the negotiations on GATT, the General Agreement on Tariffs and Trade, in December signals are switched, and I am hearing that same member who supported the bill over the years now talking about pork and claiming that now we have a new philosophy, a new departure in industrial policy.

Then in the next breath he said, in effect, "By the way, I like the industrial policy for the aircraft industry."

If we had to pick the No. 1 industrial policy for any private sector, it would be the aircraft industry. I mean we do not debate on NASA or whether we have a space station. We go forward, increase the budget, relative to space. I am chairman of that authorization committee and am totally familiar with that. We come and talk about the spinoffs. And the No. 1 spinoff is this. Why get a man up in space when you cannot afford to support the safety of a man walking on the streets.

Well, you have to understand here is the leading industry with respect to most of our balance of trade, our productivity, our lead in the manufacture of aircraft, and all of that comes from the space program. It all comes from research in the Department of Defense.

Yes, we have the Export-Import Bank financing to promote sales around the world in aircraft.

So I believe, yes, that is an industrial policy. But when it comes here to helping small business in technology, he says, oh, we better not, now we have a new departure, and it is time. I have talked to a Senator. The gentleman said he had not thought of that, and now we have to start a whole new debate because the distinguished Senator is disillusioned with the GATT negotiations back in December.

That is no way. It is gridlock. It is, I guess, in keeping with this idea that since we are the most deliberative body, yes, we can have extended debate. But this is not extended debate. This is extended shenanigans. Anybody can come at any time, and once you get your amendment up, you can get recognized; when you are talking about technology, and small business, and research you veer off into a discussion of regulations on pesticides in agriculture.

As manager of this bill I will go along with the general norms. But I put everybody on notice that we are not going to sit here all day long just to indulge Senators who are busy elsewhere and have work to do and then we are supposed to go to 11 and 12 o'clock at night until everyone gets exhausted and wants to go home on the weekend. I mean, come on. I will stay here through the weekend. It suits me fine.

But we need some discipline and understanding on both sides of the aisle so that we can move legislation that is agreed on by everyone and worked out by all the committees—the Committee on Energy and Natural Resources, the Committee on Small Business, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation, plus the committees on the House side.

So with that understanding, I understand that two or three Senators are on the floor who still want to be recognized. I understand the Senator from Mississippi has an important initiative here. However, it is an important initiative on an agricultural measure, and it is not relevant to this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, let me quickly say it is not the purpose of this Senator to delay the Senate in consideration of this legislation or this amendment. If the Senator wishes to proceed to a vote on the amendment, I have no objection to that.

We have made our argument. We have talked about the problem. We have tried to explain it as succinctly as we can and put it in perspective so the Senate will know what the issue is and understand what the vote will be about if we do have a vote on the amendment.

So, I just want Senators to understand that the request for delay in considering the amendment or voting on it or disposing of it is not coming from the proponent of the amendment.

We made our case. We have made the best argument we can make. We put in the RECORD all the supporting documentation of why we think this is a serious matter and one of some urgency.

So we certainly do not want to delay. We want to impose the will of the Senate on the process so that we can ensure that fairness and due process and advanced notice of the effect of these regulations are well understood. The whole point is for the EPA to recognize we need to have the training, the discussion of the procedures, and all of the rest in advance of the enforcement. We should not just randomly pick out someone to nail, start cracking down on violators and putting sanctions on State departments of agriculture who are the victims in many ways of the mandates of the Federal Government.

They have not been given any money to train or hire staff to carry out the enforcement. They have just been told by the Federal Government: "You do it. We are going to tell you generally what is against the rules and what is not, and if you cannot understand, we will just come in and enforce and fine you and then you will understand it."

That creates an awful lot of anxiety. If there is anything that is going to hurt our competitiveness, it is that kind of Government action that adds unnecessary costs, impedes our ability to efficiently operate farms, agriculture, timber growing operations, nurseries, and other operations. We ought to take action. That is the whole point of this amendment.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. President, I rise to address the bill before us today, S. 4, and to offer my strong support, not only for the substance of S. 4, the National Competitiveness Act, but to echo the appeals of the chairman of the committee, the distinguished Senator from South Carolina [Mr. HOLLINGS] and others that we exercise some self-restraint, which I know is often difficult, and focus on what is in S. 4 and not let it get sidetracked with a lot of amendments.

I say that without casting any judgment on the particular amendment pending now or any others being offered. But I say it with a particular sense of urgency since S. 4 addresses two problems that it is important for us to address—job creation and competitiveness.

Mr. President, we have a lot of problems in our country, but I can tell you, at least from the point of view of my constituents in Connecticut, there is no more serious problem than getting on with the task of getting our economy moving again, and creating and protecting jobs.

In the 5 years since 1989 when the recession began, my State of Connecticut has lost something on the order of 200,000 jobs. That is a lot of jobs. Connecticut has not been the only victim of job loss—as my colleagues in this Chamber know, Connecticut's experience with job loss is a story that has repeated itself in many places around the country.

But the sad part of the story is that this recession, which may be over in the minds of some economists, is not over in the lives of a lot of Americans: it is not like other recessions. This was not a temporary reduction in demand that led to people being laid off in the bad times and rehired in better times.

There are a lot of people out there who were laid off because of changes in the structure of our economy, because of downsizing, because of the reduction in our defense budget. These are people—many of whom are in midcareer—capable, qualified people—frankly, the kinds of people who never expected to be laid off and now worry about whether they will ever be rehired. And their worries resonate throughout much of the rest of the population—among their neighbors and their former coworkers who wonder whether they will be next.

This bill, in a way that would be hard to put on a bumper sticker, really deals with the heart of protecting and creating jobs in America by putting the Government in a partnership with business to improve our competitiveness and the available supply of good jobs in this country.

We use a lot of initials in talking about this bill—NIST, ATP's, MTC's. For me, what this bill is all about is j-o-b-s; jobs.

In the debate over how to improve the competitiveness in American manufacturing, we have spent a lot of time addressing the high cost of capital, the low rate of savings and investment, chronic trade and budget deficits, and failure of our educational system then to prepare our workers. All of those are obviously critical and important to protecting and creating jobs.

But this bill really confronts the basic question, which is: How do we keep this country on the leading edge of manufacturing and technology?

The Senator from South Carolina [Mr. HOLLINGS] has really been a pioneer in this. He was way out front before a lot of others saw the opportunity for the Government to be constructive in a partnership relationship with business.

I was privileged to serve on an economic task force a couple of years ago that the majority leader put together to continue some of these programs. In the various committees, we had bipartisan support. We worked to put together a package of economic initiatives and when that package passed, we had bipartisan support.

And we have had bipartisan support again in bringing this bill out of committee, because it is the right thing to do and the sensible thing to do. It is beyond politics, beyond partisanship. It is, in a practical sense, what the business community of America is asking the Federal Government to do to help them remain competitive by protecting and creating good jobs.

Let me talk in concrete terms about what this bill does.

This act expands the number of centers where small manufacturers can go to get hands-on training in the latest technology.

S. 4 also expands the Advanced Technology Program—that is ATP—at the National Institutes for Standards and Technology—that is NIST. The ATP matches funds for industry-led efforts to solve industrywide problems. And, for those with the idea that will take technology forward, the conceptual technological breakthrough, but who do not have the resources to carry it forward, this bill has the Critical Technologies Financing Pilot Program. I do not think we have even reduced this program to letters or an acronym yet, Mr. President, but it is important to people with the bright idea that could lead to the employment of thousands of people in the future.

Let me state there are three simple reasons to support this bill.

The first is to promote and improve American technology. The key to global competitiveness is the ability to deliver a better product at a better price. Obviously, this could be achieved in a number of ways. For example, we can artificially hold down wages or we can sell products more cheaply in foreign markets than we sell them at home. But there really is only one way to deliver a superior product at a cheaper cost without sacrificing the living standards of American workers or punishing American consumers. That is to increase productivity. And the way to get increased productivity is through advances in technology.

Technological advances can drive an economy by creating new goods, new services, new jobs, new capital, even new industries. When applied to existing systems, advanced technology can improve productivity and the quality of products. Anyone with the most basic computer can confirm that advanced technology can indeed make a job easier and faster.

Technological advances can help compensate for competitive disadvantages that American firms may face overseas, including comparatively higher costs of capital and labor.

We should take pride in the fact that the United States remains the world leader in basic research and in many areas of applied research. At the same time, research in and of itself does not lead to improved productivity and economic growth. R&D is merely the first step. It is commercialization, the process of moving products from our laboratories to our factories, that leads to increased productivity, continued economic growth, and the ultimate rise in our standard of living.

But, unfortunately, that is also where we too often fail. We must, as our competitors do, aggressively support emerging technologies so they can be transformed into the commercially viable products, the job-creating businesses for the international marketplace.

Reason two relates to manufacturing and small manufacturers.

Mr. President, manufacturing currently employs approximately nearly 19 million Americans and adds about $1.3 trillion to the economy each year. The export of manufactured goods account for nearly 67 percent of the total value of U.S. exports of goods and services.

As anyone who has visited a machine tool shop or a ball bearing plant can tell you, most of these manufacturers are hardly giants—there are an estimated 360,000 small and midsized manufacturing firms in the United States. But in terms of being job generators, these firms are giants. By way of illustration, during the years 1988 through 1992 manufacturing firms with fewer than 20 employees added 220,000 jobs, while manufacturing firms with more than 500 employees lost nearly 1 million jobs.

While the small companies employ millions of Americans, they lag behind virtually all our competitors in adapting new manufacturing equipment and technology. These companies need a sophisticated manufacturing extension service, much like the extensive system we have set up for agriculture. For comparison: While agriculture represents about 2 percent of our total GDP, U.S. manufacturing represents nearly 12 times that much—about 23 percent. At the same time, the U.S. spends over a billion dollars on agricultural extension programs while we spend one-tenth of that on manufacturing extension programs—about $100 million.

Mr. President, a robust and technologically advanced network of small business manufacturers are our best hope for staying competitive. "Few and far between" is the best description of the public and private institutions in the U.S. getting the word out on new technologies. This causes particular concern for small manufacturers who do not have the resources to keep up with technological developments taking place in the United States, never mind overseas. Contrast this with Japan—where technology dissemination and technical assistance is commonplace. For example, the Japanese Government provides $235 million for a nationwide network of 185 technology extension centers.

Reason three relates to information technology.

Mr. President, the "information superhighway" has become the new "buzzword" of the nineties. It has come to signify the frontier of technological innovation. It is also likely to become the frontier of international trade and competition. The U.S. is well positioned to set the standard, to be the "pace car" on this new information superhighway. However, that leadership role will require partnerships between government, universities, and the private sector.

By putting information about advanced technology onto the superhighway, S. 4 envisions benefits in any number of fields—including health, education, and medicine.

ANSWERS TO CRITICISM

INDUSTRIAL POLICY

Mr. President, there have been some suggestion that S. 4 puts the Federal Government in the position of picking winners and losers in the marketplace—so called industrial policy. Industrial policy conjures up images of Government bailouts for inefficient smokestack industries. That is not what this bill is about. What we are talking about is industry-led, not Government-led, initiatives that occur at the technology development stage, not after products go to market.

The National Competitiveness Act does not replace the free market. What it does do is carve out a constructive role for the Government to play in technology policy—particularly in the precompetitive, precommercial, developmental stages of technological advancement. That means that S. 4 does not meddle in the market. Indeed, S. 4 puts Government behind the private sector. S. 4 requires the private sector to match any Federal grant to ensure that it is the market—not the Government choosing the winners and losers.

Mr. President, the recognition of the importance of certain industries cuts across party lines. Even under President Bush, the National Critical Technologies Panel, which was part of the Office of Science and Technology policy, prepared a list of 22 key technologies and a report which stressed "the need for increased cooperation between Government and corporations." In their report, the National Critical Technologies Panel stated:

> The failure to maintain world class manufacturing capabilities would compromise the nation's ability to compete in domestic and international markets, and would threaten our ability to obtain access to the full range of components and equipment required for a strong national defense.

In these days of shrinking defense budgets, the civilian sector is increasingly leading the military in research and development. In the old, cold days it was very much the other way around with the military providing the research and developments for civilian spinoffs.

GATT

I would also like to address the GATT issue. Let us be clear—the Europeans spend heavily on industrial R&D and industrial subsidies. That is the status quo. That is the situation we face today. Under the new GATT rules, they will be limited in their ability to subsidize products and product develop-

ment. That is good news. The new GATT subsidy rules will help level the playing field for U.S. firms. In a March 7 letter to Majority Leader MITCHELL, John Gibbons, the President's science and technology advisor, had this to say about the subsidies code in the GATT agreements:

It puts real teeth in disciplining unfair, trade-distorting production and export subsidies. At the same time, it protects economically desirable U.S. government investment in research and development from potential challenge by foreign countries.

Mr. President, our GATT negotiators should be congratulated, not castigated, for the progress they have made in this area. The agreement will not open the subsidy floodgate—it is a precise, surgical approach which will impose discipline on our trading partners in the subsidy area. S. 4 clearly falls within the precise parameters set forth by our GATT negotiators.

BUDGET

I am concerned about the budget deficit. I have been saying for months that we must make hard choices—if we add programs, we must cut or eliminate others. And that is what this bill does.

Every new dollar this proposal authorizes is matched by cuts in the President's budget. More importantly, because S. 4 requires an industry dollar for dollar match for every award. S. 4 leverages both private sector and State dollars. For every dollar we spend we know we are moving at least twice as much into the economy. So not only are we making the hard choices, we are also spending wisely. I could not put it better than the President did in a letter he sent to Majority Leader MITCHELL on Monday:

S. 4's leveraged investment offers this nation a high rate of return: by helping industry to create jobs and compete successfully in the global marketplace, we will grow the economy.

CONCLUSION

If maintaining a world class manufacturing capability—as the Bush administration suggested—is critical to both our national defense and economic security, then we should not be expending our time on the question of whether or not the Federal Government should be supporting technological advances. What we should be asking is "What is the best way for us to keep and maintain that advances?" How can we put the resources and leverage capacity of the Federal Government directly behind American industrial technologies to improve our industrial competitiveness over the long term? I believe the National Competitiveness Act provides us with the answer to these questions. I am grateful for the work of Senator HOLLINGS and others in bringing this bill to the floor and I encourage my colleagues to support me in supporting S. 4.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Connecticut has really been part and parcel of this bill. He has headed up an economic leadership group of Senators from both sides of the aisle. They have been working. They have been vitally interested in technology. They have been vitally interested in the commercialization of our technology. They have been vitally interested in the research necessary for us to be kept on the cutting edge. In that light, no one could be more grateful than myself for his particular contribution over the last 1½ to 2 years that we have been working on this particular measure. So I thank him for his comments here this morning and his contribution.

Mr. President, I think we can move back to the Kassebaum amendment.

Mr. LIEBERMAN. I thank the distinguished Senator from South Carolina for his kind words and longtime leadership in the whole process of how the Government can create a partnership with business to create jobs.

Mr. President, I ask unanimous consent the remainder of my remarks be printed in the RECORD as if read and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS] is recognized.

AMENDMENT NO. 1477

Mr. HOLLINGS. Mr. President, I understand this particular matter now has been worked out with the distinguished Senator from Kansas. In this unanimous-consent request I will be referring to the text of the language attached. I will yield to the Senator from Kansas at that time to submit that language and to indicate her approval.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, I ask unanimous-consent amendment No. 1477 be withdrawn; that the Senate now proceed to the consideration of Calendar No. 329, S. 1458; that Senator KASSEBAUM be permitted to modify that bill with the text of the language attached to this unanimous-consent request; that the bill then be referred to the Judiciary Committee for not to exceed 1 calendar day, that if at the end of that time the Judiciary Committee has not reported the bill, the bill be discharged and placed on the calendar; that the Senate proceed to the consideration of S. 1458 when S. 4, or its companion, H.R. 820, is no longer before the Senate, provided the bill has been reported by the Judiciary Committee or been discharged by that time; that there be a time limitation on the bill as follows:

One hour for debate on the bill as modified, with no amendments or motions to recommit in order with the time to be equally divided between Senators KASSEBAUM and METZENBAUM or their designees.

Before I put that request, I yield to the distinguished Senator from Kansas.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the distinguished Senator from South Carolina?

Mrs. KASSEBAUM addressed the floor.

The PRESIDING OFFICER. Reserving the right to object, the Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, there is no objection. Before I send the modification to the desk, I just would like to express appreciation to the cosponsors who have over the years been strong supporters of general aviation product liability, particularly to the Commerce Committee, where, if there has not been strong support, there has been forbearance on the part of some. I am very appreciative of that.

I also would like to thank the Senator from Ohio [Mr. METZENBAUM] who helped work out an agreement which has enabled us to reach this point.

I just ask now the modification be sent to the desk for consideration.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from South Carolina?

Mr. HOLLINGS. The modification, Mr. President, is part and parcel of the unanimous-consent request.

The PRESIDING OFFICER. The Chair observes the unanimous-consent request had not yet been agreed to.

Mr. HOLLINGS. That is right.

The PRESIDING OFFICER. Is there objection? Without objection the unanimous-consent request is agreed to.

The amendment (No. 1477) was withdrawn.

The PRESIDING OFFICER. Under the order just agreed to, the modification will be sent to the desk.

The modification to S. 1458 is as follows:

1. Strike "15" on page 2, line 20 and on page 3, line 8, and insert "18."

2. Insert "Except as provided in subsection (b) of this section," after "(a) IN GENERAL.—" on page 2 line 13.

3. Insert new subsection (b) on page 3, line 10:

"(b) EXCEPTIONS.—Subsection (a) of this section does not apply—

"(1) If the claimant pleads with specificity the facts necessary to prove, and proves by clear and convincing evidence—that the manufacturer with respect to pre-market certification or obligations with respect to continuing airworthiness of an aircraft or aircraft component knowingly misrepresented to the FAA, or concealed or withheld from the FAA, required information that is material and relevant to the performance or the maintenance or operation of such aircraft or component that is causally related to the harm which the claimant allegedly suffered.

"(2) If the claimant is a passenger for purposes of receiving treatment for a medical or other emergency; or

"(3) If the claimant was not aboard the aircraft at the time of the accident.

4. Change "(b)" to "(c)" on page 3, line 10; "(c)" to "(d)" on page 3, line 19; and make relevant changes to the section entitled "Conforming Amendment" on page 4, line 1.

GENERAL AVIATION REVITALIZATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1458), to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

The PRESIDING OFFICER. Under the agreement, the bill will be referred to the Judiciary Committee for 1 calendar day, under the terms of the unanimous-consent agreement just entered into.

The Senator from South Carolina [Mr. HOLLINGS].

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Let me thank the distinguished Senator from Kansas for her cooperation and leadership, even though I happen to be on the minority side here. My only wish is that she had been handling this bill today instead of me. Then there would not be any amendments and we would have long since had this bill over to the House and our work would be through. All Senators have the highest respect for the distinguished Senator from Kansas.

I thank Senator METZENBAUM, Senator HEFLIN, and other members of the Judiciary Committee for their cooperation and forbearance and understanding on this particular matter, and I do thank the leadership on both sides of the aisle for working this out.

Once again I commend my distinguished colleague from Kansas on her excellent work, even though I regret it.

Mr. President, I understand perhaps on the pending amendment right now by the distinguished Senator from Mississippi there is some kind of work being done with respect to that amendment. I emphasize again my gratitude to Senator LIEBERMAN, the junior Senator from Connecticut, for his outstanding work and help in fashioning this particular measure.

If you remember, we have had more bills than you can think of relative to competitiveness. There has been a general frustration boiling up within the Congress itself over the past 15 to 20 years, actually, because we could see we were losing out in the productivity of the United States—not by the individual industrial worker, still the most productive in the entire world, but by the Government in the system as found in our deficit in the balance of trade over the past 12 to 15 years. As a result, we have all tried to come in with a separate initiative relative to Sematech, we have come in with trade measures relative to Super 301.

But we thought within the Government itself, watching our competition where, in the Pacific rim where the Governments pay for all the services—that is not our intent here. Our intent is to take at the initiative of industry for advanced technological research to support it only on the approval of the best of peer review organizations and the National Academy of Engineering.

Within it all, and the leadership relative to competitiveness on both sides of the aisle, the Senator from Connecticut [Mr. LIEBERMAN] has been nothing less than outstanding. So I appreciate his contribution in trying to get us back on track to the major bill. I am going to do my best to talk to the Senator from Kansas and see if she will replace me here and start moving this bill so we can get it on over to the House side.

I suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I know that efforts are underway to try to reach some type of accommodation with the distinguished senior Senator from Mississippi and his amendment. I discussed it briefly with him this morning. As chairman of the Senate Agriculture Committee, I share his concerns, but I have a feeling these are things that are workable.

I could not support the amendment in the way that it was originally placed. I feel it is not germane to S. 4. The distinguished Senator from Mississippi knows my concerns on that. I will just note for him and for the distinguished chairman of the Commerce Committee, Senator HOLLINGS, that in the Agriculture Committee, to whatever extent this may help, I am happy to work with him.

REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Mr. LEAHY. Mr. President, if I might—I understand no one is seeking the floor at the moment—tell the Members some of the things the Senate Agriculture Committee has been doing in the last few hours.

The Senate Committee on Agriculture, Nutrition and Forestry this morning reported out legislation to restructure the U.S. Department of Agriculture. In fact, this is going to be the first comprehensive overhaul of the Department of Agriculture since the 1930's. I want to praise Senators on both sides of the aisle who have made that possible, and the Senate staffs on both sides of the aisle who have been working almost around the clock on this reorganization.

It could not be understated what we did in the Department of Agriculture today. With reorganization, we have made a $2.3 billion downpayment on reinventing Government. It is a real victory for the American taxpayer. It means a more efficient and a better directed Department of Agriculture. The world is changing and we know that, and the Department of Agriculture has to change with it. What we have done is given the Secretary, Secretary Espy, the tools he needs to bring the Department of Agriculture into the 21st century. We have shown that Congress is ready to deliver on the Vice President's plan to make Government work better.

The legislation proves that we can cut costs and improve services at the same time. I hope we are setting a standard for the rest of the Federal Government to follow. I know that Senator LUGAR—as the ranking member—and I have been working on this for a number of years. I think that we have made a giant step forward this morning in the committee with the support of 17 members of the committee.

Let me just briefly summarize what the bill does. It provides budget savings by streamlining Federal employment and departmental administration. That is a savings of $2.3 billion through 1998.

It cuts the size of the Department of Agriculture bureaucracy and reduces the number of Federal employees by 7,500. It reduces the number of independent agencies from 43 down to 28. These are real cuts, and cuts in Washington, the headquarters, by requiring a higher percentage of cuts at the Department of Agriculture than in the field, and it requires consolidation of the Department of Agriculture's Washington offices. In other words, whatever cuts are going to be made, more will be done in Washington, than out in the field, to set the standard.

It creates a new Farm Service Agency. It consolidates all the farm programs. It makes way for entirely new field structures based on field service centers. This will lead to closing and consolidating over 1,100 county offices. It establishes the Natural Resources Conservation Service. That is going to give local control over final decisions on program recipients to county ASCS committees. It is going to consolidate the Department of Agriculture's cost-share programs in the new NRCS. It creates a single food safety agency to oversee all USDA food safety and inspection programs. It consolidates planning and policy development for all of USDA's research and education programs.

Mr. President, this bill is good for taxpayers, it is good for farmers, it is good for the Department of Agriculture, it is good Government. It is going to save money. It is going to cut personnel, and I should note for my colleagues, every State will be affected, including the State of Vermont. I am not going to say we will do cuts in the other 49 States and we will not do any in my own State. Every State will see consolidation, every State will see savings, every State will see cuts. But

all of us will be better off for it. The American taxpayers will spend $2.3 billion less than they would have without it, and I think rural areas and farmers and ranchers in this country will be better off in the long run.

MORE EFFICIENT AND LESS EXPENSIVE GOVERNMENT

Mr. LEAHY. Mr. President, not seeing anybody else seeking recognition, I note on yet another matter that these things, whether it is Department of Agriculture reorganization or anything else, reflect what we have to do in this country. We have to have more efficient and less expensive Government. We cannot afford to keep on going as we are and still bring deficits down.

We also have to work toward a health care plan that will save money, that will not be the enormous drain on the Treasury it is now, and can provide health care to tens of millions of Americans who are either without health care today or have totally inadequate health care.

There has been a lot of discussion of the roles of various people in that regard. I would like to note that one person who I have been thoroughly impressed with—with her dedication, with her enthusiasm, with her knowledge, with her expertise and with her untiring devotion to the subject—is the First Lady, Hillary Clinton. I think we would not be this far ahead in the debate and we would not be this far ahead in what we are doing without her help.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, just to bring the colleagues up to date, we have been here the morning now and have yet to have a vote on anything and very little debate otherwise. What is occurring at this particular moment is that I think we could work out something with respect to the Cochran amendment relative to pesticides. We have promised the Senator here at least that we would indulge the negotiations, I guess you might call it, for another 20 minutes. Otherwise, we will be prepared, if they cannot get together, to just go ahead and try to get movement on this bill.

The only way the Senator from South Carolina knows how to move this group is to just make a motion to table, without trying to be abrupt or arrogant or untimely, or whatever else. But I keep hearing stories about other peoples' problems: They have to be in a committee, and somebody else is here, and somebody else is there.

The prime responsibility of the U.S. Senate is to conduct its work here on the floor. We have indulged them right along. We have been told, for example, that one particular amendment was coming over yesterday at 2 o'clock. It is now past 12 today, and we do not have that amendment. The colleagues will pile in here after suppertime and want to know why we are going late. With that in mind, I let them know that we have to get these amendments up, or we will move to third reading, or move to table whatever amendment is pending, unless we can get better cooperation on the bill itself. We are not trying to cut off debate. We are not getting any debate. We are getting delays, procrastination, and put off. We are not going to go along with that.

Using the time here while they are negotiating in the next few minutes, it is clear to some of the colleagues that they are unfamiliar with the National Institute of Standards and Technology and its contributions to the Nation's economy. For example, I want to summarize a few recent success stories which show the bottom-line value of the National Institute of Standards and Technology activity.

NIST measurement specialists just developed a new method for improving the accuracy and safety of mammograms. We have the news article, and I ask unanimous consent that this be printed in the RECORD.

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

[From the National Institute of Standards and Technology, Nov. 22, 1993]

NEW NIST-INVENTED DEVICE TO HELP RADIOLOGISTS IMPROVE IMAGE QUALITY IN MAMMOGRAPHY

A new device invented at the National Institute of Standards and Technology will help radiologists improve image quality in mammography, one of medicine's most important breast cancer screening tools.

The device, an X-ray crystal diffraction spectrometer, measures the distribution of X-ray energies that a patient would receive from a mammography unit more accurately than existing field calibration methods, NIST scientists say.

"Accurate measurement of kilovoltage is a key step toward improving the image quality for the millions of mammograms performed annually in the United States," said NIST physicist Bert Coursey.

The American Cancer Society estimates that 180,000 women were diagnosed with breast cancer and that the disease claimed 46,000 lives in 1992.

"The clinical community needs to be able to put tighter limits on the voltage applied to X-ray sources," said Dr. Richard Deslattes, inventor of the diffraction spectrometer device. Deslattes and colleagues will describe the new device in the January issue of Medical Physics.

The quality of a mammogram, an X-ray image of breast tissue, is determined, in part, by the electrical voltage that generates X-rays in a mammography unit. Lower voltages produce lower energy X-rays, and higher voltages produce higher energy X-rays. The exact voltage required for optimum image quality varies from woman to woman.

A radiologic technologist sets the voltage on the unit based on the thickness and tissue density of the breast. The existing noninvasive voltage measurement systems that are practical for mammography are accurate to within one or two kilovolts. Image quality, on the other hand, is influenced by subkilovoltage changes.

More accurate voltage measurement is available by use of calibrated potential dividers, but this kind of "invasive" measurement is complex, labor intensive and disturbing to the clinical environment.

In response to this measurement need, NIST scientists have developed a new approach based on two very old ideas. They first noted that the highest energy X-rays emitted by a radiological source correspond exactly in energy to the voltage applied to the X-ray tube. They then took advantage of a spectrometer design originally described by Sir Ernest Rutherford and E.N. da C. Andrade in 1914 to produce a convenient instrument requiring neither precise alignment nor external calibration to determine the high energy limit of the X-ray spectrum.

The NIST X-ray crystal diffraction spectrometer will be used as a calibration device. When placed in the X-ray beam, the device tells whether the actual voltage agrees with the indicated voltage. The NIST device, a metal box about 46 centimeters (18 inches) in length, measures the electrical voltage over the range used in mammography more accurately than an existing method.

A patent for this approach to high voltage measurement has now been issued, and a license for commercial manufacture is pending.

More recent developments have extended the applicable range to 150 kV and demonstrated a new spectrometer design in which use of a slightly curved crystal permits high-resolution spectra to be obtained independent of the size and placement of the X-ray source.

"Tube voltage is an important parameter relating to mammography image quality and is one of the most difficult to measure accurately in the field. This new crystal spectrometer from NIST promises much more accurate measurements of tube kilovoltages made on the 12,000 mammography units in the United States," said R. Edward Hendrick, associate professor at the University of Colorado Health Sciences Center and chairman of the American College of Radiology Committee on Mammography Quality Assurance.

As a non-regulatory agency of the Commerce Department's Technology Administration, NIST promotes U.S. economic growth by working with industry to develop and apply technology, measurements and standards.

Mr. HOLLINGS. Mr. President, NIST scientists and a company have just developed a new mercury-free material for dental fillings. NIST-supported manufacturing technology centers are helping many firms. For example, Thomson Berry Farms in Duluth, MN, received advice on inexpensive equipment that subsequently increased its

productivity by 50 percent, helped increase sales by 100 percent, and kept the company from having to lay off workers. Prime Tube, Inc. of Livonia, MI, received advice that enabled it to remain as the Chrysler Corp. supplier. In my own State, Spartanburg Steel Products received significant help in designing and making new stamped automobile parts. And we have the details for that if any colleagues are interested. I will never forget going over, not too long ago, to Lexington County to a small entity making parts for airplane manufacture, and they went to the manufacturing center right there in Columbia, and they got computerized, the entire system. It was mechanized and outlined their time on delivery of the equipment and materials necessary for those parts. As a result of that kind of what we now call streamlining here in the Congress, they were able to double their employment and win some more of these competitive contracts.

One of the real things that came under the leadership of the National Institute of Standards and Technology over in Europe at the time was the rapid acquisition of manufactured parts. That was down in the innards of the old Bureau of Standards. We brought that out and developed it as the Advance Technology Program called for its kind of development. Now we have had the Navy and Air Force come, whereby if a ship would break down in the Persian Gulf, ordinarily what would happen is the ship would be 30 years old. It would be sent back, and after fabricating the part, it would take a year to a year-and-a-half to get the part and get things moving again.

What we are doing now in the Department of Defense is beginning to computerize the actual manufacture of all of these particular parts. So you do not always have to keep them in storage for 30 years or anything else, and keep the papers on file. If a part like that breaks, they put it into the computer, and it puts it into the machine, the robot spits it out, and you have that particular part back out there in a matter of a couple of weeks. That was one of the great things that impressed me in the very early days that could be done.

While the Advanced Technology Program is new, we already have some real successes. One firm, SDL Inc., of San Jose, CA, used its Advanced Technology Program award to develop new laser technologies. Then using its own money, it applied those technologies in several new products, including lasers for surgery in the treatment of tumors.

I have many other examples, but let me mention this particular one. In the 1970's, NIST worked with industry to develop one of the most important technologies in America—the residential smoke detector. This established a $100 million annual U.S. market, and U.S. manufacturers now hold 50 percent of the world market. But more importantly, those detectors have been a major factor in a 30 percent reduction in U.S. residential fire deaths since 1975.

Some of the colleagues may like to suggest that only a privileged few companies are "subsidized" by NIST programs, but the truth is otherwise. NIST is a national treasure, and its programs help countless companies and lives across our Nation.

By way of emphasis once again, this is for all of industry. This is industry-initiated, not politicians picking winners and losers. Nothing occurs within this particular function and this particular department of Government that is not asked for, in the original instance, by the industry itself, who promises at the time to provide the majority of the money.

So they come not just on a will-o-the-wisp but more particularly something that they really know from hard experience is economically feasible as well as technologically sound. Then they have to go through with the peer review process at the National Academy of Engineering before we actually make any awards.

I do not know of any better way to do it. It is working that way and thereby has the confidence and support of all segments of industry that we read out yesterday, if some forgot the long list of business, industry, technology, scientific companies, manufacturers and societies, and otherwise, that have worked on this bill and support it.

Now, Mr. President, let me list the States that will benefit from NIST.

First, companies in all States benefit from the measurement methods and safety technologies developed in NIST laboratories.

But many States also have benefited already from NIST's new Advanced Technology Program and extension programs. As I said, these are competitive, peer-reviewed programs. Nothing is earmarked, but in fact many States are benefiting.

With only over $200 million in Federal funding so far, the Advanced Technology Program has funded industry-led projects in 22 States. These include: California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, and Utah. I could go on and on.

NIST's own extension programs, and those it manages—that is, the National Institute of Standards and Technology managing for the Department of Defense under the Technology Reinvestment Project—now support manufacturing outreach and assistance projects in 31 States. These include: Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington State.

NIST's Malcolm Baldrige National Quality Award Program has helped companies everywhere learn how to improve quality and win new customers.

I have quite a bit of other additional information. I wanted to use this down time, you might say, to get this in the RECORD here because we have a program that is off and running at very, very minimal cost. The Government spends $70 billion on research. This is less than 2 percent of the $70 billion, if this were approved. It is less than 1 percent right now, less than 1 percent, and we intend and I am confident the leadership on both sides of the aisle and Senators concerned on both sides and in both Houses of Congress are determined to keep this going.

I do not know of any amendments to this bill. I know some nongermane political exercises that are on course that Senators feel, since we have a popular measure and we are ready to go, that they would like to just free ride, like one described earlier, and have a Christmas tree, really, to place ornaments thereon. But I hope they will withhold that and let us really bring up whatever contribution they would like to make, any amendment to the actual bill they would like to make that has to do with technology, and we will move from there. I think we have had almost enough time now to work out an agreement.

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. HOLLINGS. 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. HOLLINGS. Mr. President, later, I want to have printed in the RECORD a letter from the distinguished chairman and chief executive officer of the Xerox Corp., who also serves as the chairman of the Council on Competitiveness. This is a very august group.

We had this really organized in the early days under President Reagan, if I remember correctly. They put in a report as a publicly appointed Commission on Competitiveness. It was widely read and has been referred to over the years. Very little was done.

So the leadership there organized on the private side their own Council on Competitiveness, encompassing not only the distinguished chairman of Xerox, Mr. Paul Allaire, but Thomas E. Everhart, California Institute of Technology; Henry Schacht, Cummins En-

gine Co., Inc.; Jack Sheinkman, Amalgamated Clothing & Textile Workers Union, AFL-CIO; Donald Beall, Rockwell International; John Clendenin, BellSouth Corp.; George Fisher, Eastman Kodak Co.; Katharine Graham, Washington Post Co.; William Hambrecht, Hambrecht & Quist Inc.; Jerry Jasinowski, National Association of Manufacturers; Thomas G. Labrecque, the Chase Manhattan Corp.; Peter Likins, Lehigh University; Robert Mehrabian, Carnegie Mellon University; Thomas Murrin, Duquesne University; Michael Porter, Harvard University; James Renier, Honeywell, Inc.; Albert Shanker, American Federation of Teachers, AFL-CIO; Ray Stata, Analog Devices, Inc.; Jerre Stead, NCR Corp.; William Steere, Pfizer, Inc; Gary Tooker, Motorola Inc.; Charles M. Vest, Massachusetts Institute of Technology; Arnold Weber, Northwestern University; William Weiss, Ameritech Corp.; A. D. Welliver, the Boeing Co.; Lynn Williams, United Steel Workers of America; John A. Young, Hewlett-Packard Co.; President Daniel F. Burton, Jr.; Vice President Suzanne Tichenor; and Distinguished Fellow Erich Bloch, former head of the National Academy of Sciences; and there are senior fellows and others listed here.

They state:

On behalf of the Council on Competitiveness—a coalition of chief executives from U.S. industry, higher education and labor—I would like to express my support for S. 4, the National Competitiveness Act.

As a leading bi-partisan private-sector voice on U.S. competitiveness, the Council is dedicated to helping make America more competitive in the global marketplace and more prosperous at home. We believe that S. 4, through its support for civilian technology and manufacturing, is an important step toward these ends. The Council is on record as supporting several programs, in particular:

Significantly expand the Advanced Technology Program (ATP). S. 4 increases funding for a ATP to $567 million in FY 1996 and requires that the Department of Commerce develop a long-term plan for the program. These provisions will promote increased private-sector investment in critical enabling technologies and allow ATP to have a more strategic impact on U.S. industrial competitiveness.

Support development and diffusion of technology, especially to small and medium-sized manufacturers. S. 4 directs the Department of Commerce to work with industry to develop new generic advanced manufacturing technologies and consolidates existing NIST quality programs into a NIST National Quality Laboratory. It also combines existing federal and state extension programs into an integrated Manufacturing Extension Partnership (MEP) to help small and medium-sized manufacturers in all geographic regions adopt modern manufacturing technologies and create high performance workplaces. These initiatives will enhance U.S. industry's ability to develop and manufacture competitive products and promote long-term economic growth.

Stimulate investment in high performance computing and communications applications. S. 4 authorizes over $350 million in FY 1995 and FY 1996 for a coordinated interagency program to support research, technology development and pilot projects for computing applications in health care, education and manufacturing. These applications will help translate the potential of a 21st century information infrastructure into tangible economic and social benefits for the American people.

We commend your continued support for these initiatives and urge you to play a leadership role in their implementation through timely passage of S. 4.

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

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

COUNCIL ON COMPETITIVENESS,
Washington, DC, March 7, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the Council on Competitiveness—a coalition of chief executives from U.S. industry, higher education and labor—I would like to express my support for S. 4, the National Competitiveness Act.

As a leading bi-partisan private-sector voice on U.S. competitiveness, the Council is dedicated to helping make America more competitive in the global marketplace and more prosperous at home. We believe that S. 4 through its support for civilian technology and manufacturing, is an important step towards these ends. The Council is on record as supporting several programs, in particular:

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We commend your continued support for these initiatives and urge you to play a leadership role in their implementation through timely passage of S. 4.

Sincerely,

PAUL ALLAIRE,
Council Chairman,
Chairman and CEO, Xerox Corporation.

Mr. HOLLINGS. 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. HOLLINGS. 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. HOLLINGS. I am informed the distinguished Senator from Georgia [Mr. COVERDELL], is momentarily coming to the floor with an amendment.

In the meantime, Mr. President, I will ask unanimous consent that letters of support be printed in the RECORD: A letter from the Advanced Technology Coalition, dated February 9, to myself and endorsed by the American Electronics Association; the National Association of Manufacturers; the Modernization Forum; Microelectronics and Computer Technology Corp.; Honeywell, Inc.; National Society of Professional Engineers; Business Executives for National Security; IEEE-USA; Semiconductor Equipment and Materials International; Institute for Interconnecting and Packaging Electronics Circuits; Wilson and Wilson; American Society for Training and Development; Catapult Communications Corp.; Dover Technologies; Texas Instruments, Inc.; Columbia University; Motorola; Intel Corp.; Cray Research; Electron Transfer Technologies; Electronic Data Systems; American Society for Engineering Education; US West, Inc.; Electronic Industries Association; Tera Computer Co.; Southeast Manufacturing Technology Center; Convex Computer Corp.; Association for Manufacturing Technology; Semiconductor Research Corp.; American Society of Engineering Societies; AT&T; and Hoya Micro Mask, Inc.

That is one letter, Mr. President.

The other letter here, dated February, 8, to myself is from the National Coalition for Advanced Manufacturing. A third letter here from the Computer Systems Policy Project, February 23, 1994, signed by Lewis E. Platt, chairman and CEO of Hewlett-Packard Co. and also, the chairman of the CSPP Working Group on Information Infrastructure; a letter from the American Industrial Extension Alliance, dated February 14, signed by David Swanson, president; a letter from the American Society for Training and Development, dated February 4, and signed by Curtis E. Plott, the president and chief executive officer; and a letter from the American Society of Mechanical Engineers, dated February 7, 1994, signed by John Parker, the vice president of government relations.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ADVANCED TECHNOLOGY COALITION,
Washington, DC, February 9, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the Advanced Technology Coalition, we want to express our strong support for the Senate version of the National Competitiveness Act, S. 4.

We believe that the bill deserves bipartisan support. We ask that you vote for the bill when it reaches the floor in the very near future. Its passage is essential to strengthening the ability of our companies and members to compete in the international marketplace; in short, S. 4 means jobs and will contribute to our nation's long-term economic health.

Combined, the Advanced Technology Coalition represents 5 million U.S. workers, 3,500 electronics firms, 329,000 engineers, and 13,500 companies in the manufacturing sector. The Coalition is a diverse group of high-tech companies, traditional manufacturing industries, labor, professional societies, universities and research consortia that have a common goal of ensuring America's industrial and technological leadership.

The members of the Advanced Technology Coalition have invested an enormous amount of time working with both the House and the Senate in developing and refining the National Competitiveness Act. The Coalition believes that its views have been heard by Congress and reflected in the bill.

In short, we believe that S. 4 will promote American competitiveness and enhance the ability of the private sector to create jobs in this country. We hope that you will play a leadership role in ensuring its passage. We would be happy to sit down with you or your staff to discuss the bill in greater detail.

Sincerely,

American Electronics Association (AEA),
National Association of Manufacturers (NAM),
The Modernization Forum,
Microelectronics and Computer Technology Corporation (MCC),
Honeywell, Inc.,
National Society of Professional Engineers,
Business Executives for National Security,
IEEE-USA,
Semiconductor Equipment and Materials International (SEMI),
Institute for Interconnecting and Packaging Electronics Circuits (IPC),
Wilson and Wilson,
American Society for Training and Development,
Catapult Communications Corporation,
Dover Technologies,
Texas Instruments, Inc.,
Columbia University,
Motorola,
Intel Corporation,
Cray Research,
Electron Transfer Technologies,
Electronic Data Systems (EDS),
American Society for Engineering Education,
U.S. West, Incorporated,
Electronic Industries Association,
Tera Computer Company,
Southeast Manufacturing Technology Center,
Convex Computer Corporation,
Association for Manufacturing Technology,
Semiconductor Research Corporation,
American Society of Engineering Societies,
AT&T,
Hoya Micro Mask, Inc.

THE NATIONAL COALITION FOR ADVANCED MANUFACTURING,
February 8, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: On behalf of the National Coalition for Advanced Manufacturing (NACFAM), I want to express our strong support for the Senate version of the National Competitiveness Act, S.4.

We believe that the bill deserves bipartisan support and ask that you join many of your colleagues in supporting the bill when it reaches the floor. Its passage will enhance the ability of U.S. manufacturing companies to compete in the international marketplace. S. 4 would also help to expand the pool of high skill, high wage jobs for the American workforce.

NACFAM especially supports the manufacturing provisions of the bill (Title II) which, among other things, will develop a national system of manufacturing extension centers and technical services. This system will improve the ability of the nation's 360,000 small- and medium-sized manufacturers to modernize through the adoption of advanced manufacturing technology and related processes critical to increasing their productivity, product quality, and competitiveness.

These small- and medium-sized manufacturers are the backbone of our domestic industrial base. Manufacturing establishments with fewer than 500 employees represent 98% of the nation's total, employ two-thirds of the manufacturing workforce, and produce nearly half of the nation's value added in manufacturing.

NACFAM, a non-partisan, non-profit, industry-led coalition, has worked as a catalyst for public-private corporation in modernizing America's industrial base for over 5 years. NACFAM's rapidly growing membership includes 65 corporations, 175 manufacturing technology centers (making NACFAM the largest association of such centers) and 27 national trade and technical associations (representing between them over 80,000 companies and thousands of technical education institutions).

Thanking you in advance for your kind consideration of S. 4, I remain.

LEO REDDY,
President.

COMPUTER SYSTEMS POLICY PROJECT,
February 23, 1994.

Hon. ERNEST F. HOLLINGS,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR CHAIRMAN HOLLINGS: I am writing on behalf of the Computer Systems Policy Project (CSPP) in support of your efforts to enact legislation to establish an information applications technology component of the High Performance Computing Act, Title VI of S. 4.

CSPP strongly believes that the research framework established by Title VI of S. 4 will complement efforts by the private sector to develop applications for an enhanced national information infrastructure (NII). Title VI authorizes funds for precommercial research that will stimulate the development by the private sector of new applications in education, healthcare, access to government information and services, and digital libraries. These applications have the potential to create new products, services, and jobs and to improve the quality of life for all Americans by bringing the benefits of the information age to everyone.

The United States is currently the world leader in computing and communications technologies. An enhanced national information infrastructure will not only help us maintain that lead, but will put our information technology advantage to work for all Americans. CSPP believes that initiatives such as those authorized by Title VI of S. 4 will contribute significantly to successful and rapid evolution of the NII.

Sincerely,

LEWIS E. PLATT,
Chairman and CEO, Hewlett-Packard Co.

AMERICAN INDUSTRIAL EXTENSION ALLIANCE,
February 14, 1994.

DEAR SENATOR HOLLINGS: The Senate will soon be considering Senate File 4, a bill that will directly impact the ability of American industry to compete in world markets. This important bill contains a section on manufacturing extension that is designed to provide the United States with an effective system of assisting industry in modernizing technical, management and processing systems. There is a preponderance of evidence that our industries lag in utilizing modern equipment and systems, and this federal effort will bring cohesion to the disparate systems now in existence.

The members of the American Industrial Extension Alliance are firmly behind efforts to strengthen this country's technical assistance programs and bring this needed service to all the states. The Alliance members represent most of the industrial extension programs that now exist, but we are well aware of the size of the problem is beyond the capabilities of these few programs. We support the position of the National Coalition for Advanced Manufacturing and the expanding Manufacturing Extension Partnership at NIST.

Your support in strengthening American manufacturing firms by the passage of Senate File 4 will be appreciated.

Sincerely,

DAVID H. SWANSON,
President.

AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT,
February 4, 1994.

Re S. 4, The "National Competitiveness Act of 1993".

MEMBER,
U.S. Senate,
Washington, DC.

DEAR SENATOR: The American Society for Training and Development (ASTD), on behalf of more than 55,000 corporate-based human resources development specialists, urges your support for S. 4, the "National Competitiveness Act of 1993," when it is considered on the floor in the coming days.

The "National Competitiveness Act of 1993" establishes key underpinnings of a national technology policy based on outreach to the private sector, the targeting of assistance to small- and medium-sized companies, and the integration of worker training with technology assistance.

ASTD specifically supports provisions to create Manufacturing Outreach Centers and expand the activities of the existing Manu-

facturing Technology Centers. Enactment of these provisions will help companies gain increased access to manufacturing assistance, implement the best manufacturing technology and processes at least cost, and train workers in maximum utilization of technology and productions systems.

ASTD is the world's largest association dedicated to advancing workforce training in conjunction with technological progress and the creation of high performance workplaces. We look forward to swift passage of this important initiative during the 2nd session of the 103rd Congress as a critical step to improve U.S. competitiveness.

Sincerely,

CURTIS E. PLOTT,
President and CEO.

THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS,
Washington, DC, February 7, 1994.

Hon. BOB DOLE,
Hart Building, Washington, DC.

DEAR SENATOR DOLE: On behalf of the Technology Policy Group of the American Society of Mechanical Engineers (ASME), I urge you to support S. 4, the "National Competitiveness Act of 1993," which is scheduled to be brought to the Senate floor this week.

This important legislation will provide the underpinning for a realistic national technology policy. It includes provisions that support the development and use of manufacturing technologies which are essential for continued U.S. gains in productivity and industrial competitiveness. The bill also calls for industry participation in the development of advanced manufacturing program strategies through the use of an advisory committee to assure that the infrastructure and new knowledge gained from the program will be effectively utilized by U.S. manufacturers.

ASME has accorded competitiveness a high priority in our 1994 public policy agenda. This letter is written on behalf of the Technology Policy Group, a group of ASME members with expertise in the field of competitiveness, and reflects it views, rather than an official position of ASME.

Again, I urge your support of this legislation to further the nation's industrial competitiveness.

Sincerely,

JOHN PARKER,
Vice President, Government Relations.

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

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

THE DEPARTMENT OF AGRICULTURE

Mr. CRAIG. Mr. President, just a few moments ago, the Senate Agriculture Committee marked up what will be known as the Senate's version of the reorganization of the United States Department of Agriculture. For over 40 years, this marvelous, old establishment of our Government has gone relatively unchanged. And I think most of us agree that to keep pace with modern times, it is appropriate we do look at changing the structure. Secretary Espy brought a managed plan for change before us. We have looked at it and proposed restructuring.

In doing so, I think it is important we in this country do not forget that this phenomenal ability we have to produce food is a result of the productive capacity of American agriculture, and that this productivity has come about because Congress has given America's farmers support in their efforts to produce, and also to do so in an environmentally sound way. We must ensure that our effort to reorganize does not destroy the magic of the American agriculture system, which has become the envy of the world.

The basis of this magical productivity, or capacity to produce, has largely been embodied in private property and the ability of individuals to own and manage private property to their benefit and to that of the rest of the country. We must ensure that, by our actions, the ability of the people to manage their private property is unfettered. We must never deny the value of private property in the name of the environment and the so-called "good of the public."

I hope, in the reorganization effort we just passed out of committee, we are recognizing—more clearly, in my opinion, than the administration—this important responsibility. We must ensure we give direction to all segments, while at the same time making sure our message is clear: That USDA stands for and supports agricultural production in this country, instead of a lot of other alternatives and rather esoteric arguments that I think this administration has become involved in as to what ought to be the role of the U.S. Department of Agriculture.

For example, it has been my concern that in nutrition and environment, which are currently the buzzwords in this administration's role with USDA, they were attempting to direct reorganization in those two directions. Let me reemphasize that our American agricultural capacity today has been based on a USDA that supported production agriculture instead of one that got off into the other businesses of other agencies of our Government.

I think our reorganizational effort, hopefully, today, reminds us our primary role must continue to fall in production agriculture.

Let me also suggest I was extremely pleased today that Senator LEAHY, the chairman of the Senate Agriculture Committee, and our ranking Republican member, Senator LUGAR, allowed us to also say very clearly that there is a role in reorganization that the USDA and Secretary Espy had been relatively silent to: That in my State of Idaho, or other Western States where there are large U.S. Forest Service contingencies, and certainly large expanses of forest property, that we be very clear in what we expect out of reorganization as it relates to the Forest Service.

We spoke clearly to that today. We spoke about ecosystem management and the continued work to understand what that is and the ability for us to define more clearly what it is. We talked of budget and budget structuring and budget structuring processes in the reinvention of Government as it relates to the U.S. Forest Service, and that that be more clearly defined. We talked about measures of accountability. In other words, we set forth for this administration, I think, respectable and yet fairly clear guidelines as to what we would want them to do inside USDA as it relates to Forest Service reorganization.

Something else we also spoke very clearly to that was of great concern out in Idaho and other States across the Nation is the role of the ASCS, the role of the Soil Conservation Service, and the role of our land grant colleges as relates to agricultural research and the ability of land grant colleges in their important and primary agricultural research role to compete with Federal research.

Today, we "unfuzzed" what I think had been administration policy and clearly spoke to an independent Soil Conservation Service, clearly a farm-service-center approach and also at least equal role for our land grant colleges, colleges of agriculture, and agricultural research services as it relate to the Federal research service.

So, in conclusion, let me say I am extremely pleased with the product that we have now produced. It sends clear guidelines. I think it continues to maintain USDA as a primary support group for the production of agriculture and stimulates agriculture research and all of those interests that we remain strongly interested in.

I yield back the remainder of my time.

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. 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.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1481

(Purpose: To provide that a nongovernmental person may use a private express for the private carriage of any letter determined by such person to be urgent without being penalized by the Postal Service, and for other purposes)

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

Mr. HOLLINGS. If the Senator from Georgia will withhold, I ask unanimous consent that the pending Cochran amendment No. 1480 be temporarily laid aside so the Senator from Georgia may offer his amendment.

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

The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from South Carolina.

I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1481.

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

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

The amendment is as follows:

At the end of the committee substitute, add the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

(a) POSTAL SERVICE ADMINISTRATION.—(1) Section 601(a) of title 39, United States Code, is amended by striking out "A letter" and inserting in lieu thereof "Subject to the provisions of section 607, a letter".

(2)(A) Chapter 6 of title 39, United States Code, is amended by adding after section 606 the following new section:

"§ 607. Administration relating to urgent letters

"In the administration of the provisions of this chapter, chapter 4 of this title, and sections 1693 through 1699 of title 18, the Postal Service or the Attorney General of the United States may not—

"(1) fine or otherwise penalize any person who—

"(A) is not an entity of the United States Government; and

"(B) uses a private express for the private carriage of any letter which such person determines is urgent; or

"(2)(A) create a presumption of a violation by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph; or

"(B) establish or shift a burden of establishing the fact of compliance by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph.".

(B) The table of sections for chapter 6 of title 39, United States Code, is amended by adding after the item relating to section 606 the following:

"607. Administration relating to urgent letters.".

(b) PRIVATE EXPRESS PROVISIONS.—(1) Chapter 83 of title 18, United States Code, is amended by inserting after section 1699 the following new section:

"§ 1699A. Application of postal service provisions

"The provisions of sections 1693 through 1699 of this title shall be subject to the provisions of section 607 of title 39.".

(2) The table of sections for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1699 the following:

"1699A. Application of Postal Service provisions.".

Mr. COVERDELL. Mr. President, the amendment that I have sent to the desk clearly falls within the scope of competitiveness. As we and this Government endeavor to take steps to make American business, both small and large, more effective, one of the principal concerns we have to have is the degree to which the Government has become an obstacle, an intruder, not a partner, but a boss.

There are many issues discussed in these Halls that are immensely complex. This is very simple. Very simple. We have the U.S. Postal Department that is engaged in a process that exceeds its authority, that is intrusive, and is an obstacle for sound business in our country.

We have discovered in recent months the Postal Department has been engaged in a practice of isolating private businesses, intruding on that business, intimidating that business, and fining that business because it is concluding unilaterally that when the business uses a private carrier to deliver a message that it is not urgent.

Under the current statutes and regulations, a private business may use a private carrier to deliver a message if it feels the message to be urgent—if it feels that the message is urgent. The Postal Department has concluded that it alone has the jurisdiction to determine whether the message was urgent or not. I would think that it would be prima facie evidence that if the private business was willing to spend double the money to send it, they thought it was urgent.

The Postal Department should cease and desist. There should be no reason for this amendment. But repeated discussions have left us faced with the proposition that the Postal Department continues to pursue this erroneous policy. Therefore, it is incumbent upon the Congress of the United States to clarify the policy for the U.S. Postal Department and cease and stop this egregious activity.

If I might just take a few more moments, actually the whole matter ought to be moot and just proves to us how far behind the curve this arm of the Government is. I guess they are still in the fifties. Maybe they have never heard of a fax machine or E-mail or computer internets, or the telecommunications highways we are talking about. Maybe there is not an understanding that the delivery of messages on printed paper is probably only historical moments away from being moot.

Instead of engaging in this intimidating practice, which is giving them another black eye, taking an arm of the Government that already has serious public relations problems and moving on to an investment in developing products that American business wants to use, they have engaged in a bully process of forcing American business to use a system they find flawed.

It is wrong. They do not have the authority to do what they are doing. They are damaging their own public relations. They are interfering with sound business policy, and they are engaged in an activity that is being made moot by the advances in telecommunications.

Mr. President, this is a simple amendment. It is very narrow. It does not damage the monopoly of the U.S. Postal Department, but it tells them to disengage from this activity which they have admitted has no financial ramifications for the delivery of universal mail.

Mr. President, I yield the floor.

Mr. HOLLINGS. Mr. President, as our former President said, here we go again. I have the greatest regard for my distinguished colleague from Georgia, and I understand the idea that he has in mind. I used to serve on the Post Office Committee when I first came to the U.S. Senate. In fact, I was the chairman of the Postal Operations Subcommittee. When they said we are going to put it under Government Operations as a subcommittee, I said I need the staff that was provided at the time. You only have so much time you can give and real attention.

It is a very, very important role. So I have some understanding about the fundamental policy and law itself; namely, that the Post Office system of the United States, which is the oldest department of Government, I say to the Senator from Georgia, the Postmaster General, has what you might call a monopoly on first-class mail. Everyone thinks their letter is urgent. I do not think it is whether it is urgent or not. It is whether or not you are going to have private carriage of the mail in America. And we know what competition does when you compete, compete, deregulate, deregulate.

In that context, yes, it is like the old saying, you hunt where the ducks are. The competition goes where the money is. And where the money is, in the concentrated, easily delivered metropolitan areas of America. Otherwise, in rural Georgia and rural South Carolina and rural Montana, up in Alaska and

other places, you just could not afford to deliver.

So in essence we have all over again the long distance telephonic communications supporting the local. We come around now and we find that the post office balances off all folks' in order to make possible universal, affordable mail service here in America.

Now, break that down under the amendment of the distinguished Senator—and I had not really thought it through recently, but this comes from a memory over 20 years—to the effect that, yes, the private entities that come in, they are very enterprising and they have certain ways of carriage as we know now with the packages, with respect to Federal Express, United Parcel Service, and so on. If you get right into that first-class mail, then the ordinary little family letter, little postcard, little happy birthday card, Christmas card or whatever, to have those things delivered, the price is going to go right through the roof. I think they have now a proposal something like 33 cents for first class mail.

Mr. BURNS. Thirty-two cents.

Mr. HOLLINGS. Thirty-two cents. I stand corrected. I can tell you, of what I understand it to be an initiative or foot in the door, whatever it is, it goes to $2 and $3 to deliver just a regular letter, and that is why they have had this provision in law. It is well-founded. It has been tried and true over the many, many years. Under the quasi-governmental entity now of the Postal Service, we have had many a post office closed. It is for you and me in the Senate to leave it alone. People still do not understand it is a Federal crime, a felony, for me to recommend you to be the postmaster, say, of Charleston or for you to recommend me to be the postmaster of Atlanta, GA. We wanted to make sure that we got politics out of the Postal Service, and we went to that extreme, that we would not even have any part in actually recommending those to be the postmaster.

But otherwise, to the substance of the amendment of the distinguished Senator, it could well be heard, debated at another time on a bill by itself in that you see we have over 130 pages here of the Advanced Technology Program, with no mention of any Postal Service or carriage or delivery of mail. We have provisions with relation to the manufacturing centers. We have the intern program of the distinguished Senator from Montana. We have the matter of the information superhighway, some initiatives there for the libraries, the schools, public entities of that nature. We have really a well-conceived bill under the rubric of technology competitiveness, advanced technology program, the commercialization of our technology, and we would like to try to hold it to that.

The Senator has me, in a sense, off base. The Senator is familiar with his subject. He knows what he is talking about. But we do not have this subject matter in the Committee of Commerce, Science, and Transportation. And as a result here we go again. Open sesame. I think that is really what gets us bogged down as we were yesterday, day before yesterday, and now apparently today in ancillary matters that our colleagues are interested in, vitally interested in, and yet not germane at this particular time on this particular bill.

I do appreciate the Senator coming over because I was asking for an amendment. I was asking for an amendment to the bill and not on post office matters. But let me yield the floor and see if there is further debate.

I wish to make sure that everyone has time to consider it and any speakers that he has in support or otherwise be heard. We are not trying to be arbitrary. But as the majority leader said late last night—we sat around here late last night, and that was in the second day, without a vote—now we have to start moving to take these matters up and, if necessary, force a vote by way of tabling and then, if it is carried, fine, put it on the bill, accept it or otherwise. But I think everyone understands the rules of the game. I appreciate the Senator's interest and his leadership on this particular score. I just have to, as the manager of this bill, try to just hold it to this particular subject matter.

Mr. COVERDELL. Mr. President, I thank the distinguished Senator from South Carolina for his remarks. I understand the issues with which he is confronted in terms of the management of this bill. I also know that he has not had a full opportunity to review the scope of this amendment.

I am not challenging the monopoly statute as related to the Postal Service. I am ratifying and certifying what I believe already to be the law. I believe the postal department has a right to audit private carriers, but I do not believe it has the right to audit private companies with regard to its control over monopoly.

We are talking about a situation where a private business, primarily, is making a decision over whether to pay double or more the price to forward a message to another party. And I do not believe that will wrap its arms around the Christmas card or the wish to your family. Clearly, you are not going to pay double. Our citizens are stepping forward and in a sense paying a special price, which I think is definitional that they have concluded it is an emergency. But I do appreciate the Senator's knowledge of this area, his history in it, and for the purpose of clarification I ask that we temporarily set the amendment aside so we might have further discussion between us on it.

I ask unanimous consent to temporarily set it aside.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. No objection.

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

Mr. HOLLINGS. Mr. President, let me ask, even though it might be set aside, just as a matter of interest and education, how do you determine the urgency?

Mr. COVERDELL. Mr. President, the urgency is not defined in the postal department's own clarification, just that they sometime—I guess it was in 1978—in 1978, in deference to the emergence of private carriers, concluded that they could be used if it was an urgent matter; in other words, needed to arrive within 24 or 48 hours or something of that nature. But at that time it was clearly left up to the user to determine whether it was urgent or not. And to ratify or certify my point, you had to pay at least double to do that. So the Postal Service was setting a standard which was monetary. Now they come forward and say even though you met that standard, you paid the additional money, we still do not think it is urgent. They are claiming the right, and I do not believe this Government has given them that prerogative. So all this does is you do not take on the issue of monopoly, but we go back to the original premise that if the private citizen or business was willing to pay the added cost, they therefore had identified it as urgent.

Mr. HOLLINGS. Mr. President, with the set-aside of the Coverdell amendment, what is the pending business?

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

Mr. HOLLINGS. I think we almost have enough time. I am double checking to find exactly where it is. Pending that check, I think, once again, in answering questions relative to this particular measure, the studious and very deliberate approach to the actual financing of this program and awards to be made cannot be overemphasized.

It is unfortunate that the distinguished Senator from Missouri, my ranking member, in the early stages used the word "pork," even winners and losers. For the truth of it is, whether it is the industry itself, there are not any losers. That industry has to come in and pick itself, not the politician picking. That is absolutely crystal clear. There is no misunderstanding in this particular bill.

With respect to the matter of pork, we also said, No. 1, the industry has to put up at least 50 percent. And under the past 2 years, they have averaged nearer a 65 to 70 percent industry share in the particular endeavor. Then there is the final hurdle of approval by the Academy of Engineering.

Right to the point: I have the subcommittee of State, Justice, Commerce. I have the subcommittee of ap-

propriations. I have been in this appropriations work for over 20 years. I know how it works. I know how the demands come to put in a particular project. In fact, I have had good colleagues on the other side of the aisle say, put this in, put that in, and I have said we are not going to have a bill if we start including anything.

I worked this out with Senator DANFORTH, my ranking member, and other interested Senators. You have to go on the regular merit basis and peer review basis if you are going to get a center. It has to come through a competitive fashion, and go through all the particular hoops there if you are going to get an advanced technology program. It has to be peer reviewed by the National Academy of Engineering.

So I have been sort of standing there saying, no, it is not going to be. That is why I am very sensitive about somebody claiming that we have a bill here that will deal out moneys "hither and yon." It cannot be dealt out in that fashion. Otherwise, there are really not those amounts involved.

Mr. President, I ask unanimous consent that the schedule of a summary of appropriations in S. 4 be printed in the RECORD at this particular point.

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

SUMMARY OF AUTHORIZATIONS IN S. 4 FLOOR VERSION, WITH COMPARISONS TO FISCAL YEAR 1994 APPROPRIATIONS AND THE FISCAL YEAR 1995 REQUESTS

[In millions of dollars]

	FY 1994 appro.	Bill FY 1994	FY 1995 request	Bill FY 1995	Bill FY 1996
DOC PROGRAMS					
Under sec tech	6	20	11	75	83
Under sec	(6)	(6)	(11)	(11)	(14)
Additional[1]	(0)	(12)	(0)	(14)	(19)
Financing	(0)	(2)	(0)	(50)	(50)
National tech info service	0	0	18	20	20
NIST funding	520	548	935	991	1,150
Laboratory	(226)	(241)	(316)	(320)	(350)
ATP	(199)	(200)	(451)	(475)	(575)
Extension	[2] (30)	(40)	(61)	(70)	(100)
Quality	(3)	(2)	(7)	(10)	(10)
Facilities	(62)	(62)	(100)	(110)	(112)
Wind engr and environ constr	(0)	(3)	(0)	(6)	(3)
DOC subtotal	526	568	964	1,086	1,253
OTHER PROGRAMS					
New NSF manuf	0	50	0	75	75
Info tech[3]	0	108	.....	209	150
	526	726	.....	1,370	1,478

[1] Additional Technology Administration activities includes technology training clearinghouse, policy experiments related to intelligent manufacturing, and competitiveness assessment and technology monitoring.

[2] During fiscal year 1994, NIST also will manage approximately $33 million worth of extension/deployment projects funded by DOD's Technology Reinvestment Project.

[3] New authorizations (do not include cases in which sums are authorized out of the amounts already authorized): fiscal year 1995 request numbers is forthcoming.

Mr. HOLLINGS. Mr. President, just noting from that summary, the bill for 1994 over 1995, the laboratory of the National Bureau of Standards, there is no pork there. But that goes up from $241 million to $316 million. But that is not going out to South Carolina or to California or to anybody that helps them in the election or any pork.

The Advanced Technology Program, yes, it goes up from $200 million to $451 million. But as I said, it is not the Senator from South Carolina or the Secretary of Commerce or somebody saying it is good to put some money in South Carolina or California to help politically in that regard. Not at all. On the contrary, the request has to come from the industry. It might not have any requests from the State of South Carolina. It might have them all from the State of Wisconsin.

So, fine, business. If an industry located in Wisconsin feels that way and thinks they have a valid project for the advanced technology and need a little assistance from the Government, and if the National Academy of Engineering and its peer review also finds that is the case, then they go forward with it.

There they are. That is the extension services. It is not pork. I mean that is just to get the matters out there from $40 million to $61 million. Of course, they have some other projects in here relative to assistance with the Information Highway. But these are the increases here. Overall, it goes from $726 million to $1.37 billion and still is less than 22 percent of the entire $70 billion spent on research.

Admittedly, some of those programs have found themselves into what people might call pork in that they have been written into certain bills to have it at this particular college or that university or whatever else it is. But these programs have really been virtuous, you might say, in the context of these hurdles and the study and the competitiveness of the very nature in which an award is made.

I truly want to emphasize that because I keep asking about this bill that you have that is going to help you do this or help you do that. The truth of the matter is it is going to help all of industry. It is no particular industry. Since they asked me about the principal industry in my State, I want to tell you the actual experience in the textile industry making application to the Advanced Technology Program. Year before last and last year in the early part of the year, they were turned down. They did not pass peer review. Their program involved a computerized approach to the actual flow of goods to eliminate excessive manufacture of textile products or apparel wear.

I was a little chagrined because, as I say, here I am the chairman of the Commerce Committee, here I am the chairman of the appropriations subcommittee, here I am really the author of the bill. But you live by the sword, you die by the sword. It is a well-conceived program. I went along, obviously having to go along, with the peer review process, and the project proposed at the Department of Commerce last year in my own backyard was refused. It was not just for South Carolina textiles, but textiles all over the country. But I would have been a principal beneficiary if that had gone through.

Mr. President, they went to the Department of Energy. Over at the Department of Energy they went out to the Livermore Lab in California. If you look at the Energy Department, they have in excess of $6 billion in research there, and then on a matching deal fashioned together a $350 million research program. Heavens above. For the entire country under this little program right now of the ETP, $200 million going to $451 million for all of America and all of the program peer review; here is this one program. They put it in; got together with the Livermore for a $350 million program.

If colleagues on the floor are interested in pork and the politics of legislation, I would yield to them on going ahead and review some in the Department of Defense, review some in the Department of Energy or wherever it is. But this is a program that was initiated only on the trade bill with overwhelming support. It passed unanimously year before last because it was not pork. There was not any earmarking. There could not be any earmarking of the funds under this law.

I have the same concern that others have with respect to just writing in these particular projects and programs, but as not just of the Commerce Committee, the author of the bill, but as chairman of the appropriations subcommittee, I said, "No way, Jose." We are not playing that game on this one. It is up to industry and peer review. And this chairman, who is supposed to be in charge politically, finds out that you are not in charge of anything. But you ought to have a little bit of influence. That did not work at all. I supported that application. But it did not pass muster. But they did go to the Department of Energy.

So do not come around and ask me about pork in the Commerce Department on the Advanced Technology Program and the Manufacturing Extension Centers. There is none in this bill.

I suggest the absence of a quorum—I will withhold that.

Mr. PRYOR. I wonder if the distinguished Senator will refrain for a moment.

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

AMENDMENT NO. 1481

Mr. PRYOR. I want to speak just a moment, Mr. President, on an amendment that has recently been sent to the desk—I think, within the last few minutes—offered by the distinguished Senator from Georgia [Mr. COVERDELL].

Mr. President, I am urging my colleagues right now to look very, very carefully at the Coverdell amendment. We do not know what the Coverdell

amendment does. We do not know what the ramifications of the Coverdell amendment might be. We do not know what real threat to the revenue base the Coverdell amendment might have to the U.S. Postal Service. We have no way of knowing what the Coverdell amendment, if adopted, if enacted, would have on, for example, the vitality of our hundreds and hundreds of rural post offices in America.

So, Mr. President, I am asking my colleagues to pause a moment, to take a second look at the Coverdell amendment, and to ultimately, when we get the opportunity later, vote to table this particular proposal.

As a matter of fact, Mr. President, only 2 days ago, I prepared a letter to the Honorable Charles Bowsher, the Comptroller General, asking him—the GAO—to take a very thorough look into the postal fairness, which is basically what the Senator from Georgia is attempting to weave into what we now know as the Competitiveness Act, S. 4, the pending major legislation on the floor.

I think that we should, one, wait for the General Accounting Office report on all facets of what would result should such an amendment or such a proposal be integrated into this legislation.

Second, I have asked Senator COVERDELL—and he has been asked by others—to appear before the Governmental Affairs Committee on March 24, 2 weeks from now, to testify on his proposal. Have we had a hearing on this legislation? No. Have we had any sort of a discussion, an in-depth discussion, on what might happen if private carriers could basically carry and deliver the mail? No. We have no way of knowing, Mr. President, what we would be stepping off to should the Coverdell amendment be enacted.

Let us have this hearing on March 24. Let us look at the pros and cons of what the distinguished Senator from Georgia is proposing. Let us get a response from the General Accounting Office, which we have requested Dr. Charles Bowsher to engage in. Then, let us put the facts on the table and let the U.S. Senate and the House of Representatives and the process itself govern what we should do about this particular proposal and this particular theory of delivering mail to the 260 million people in this country.

Mr. President, I am not saying today that I am going to ultimately, for the rest of my life, oppose what Senator COVERDELL is doing. I may join him at a later time, but I am not sure I will do that. I certainly want to see the facts. I think each of my colleagues on the floor of the Senate, who will be voting on this very major change in the Postal Reorganization Act of 1973, are going to want to seriously study what the Senator from Georgia is doing. It is not going to really hurt anyone or hurt anything for us to just pause a moment, Mr. President, and to relook at what the Senator is proposing.

I urge my colleagues to ultimately vote for the motion to table the Senator's amendment.

Mr. President, I thank my colleague from Alabama. I think he was on his feet before me, and he allowed me to precede him. I am indebted to him.

I yield the floor.

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

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

The Senator from Alabama is recognized.

Mr. SHELBY. I thank the Chair.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. 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. WALLOP. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for not to exceed 10 minutes.

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

RANGELAND REFORMS

Mr. WALLOP. Mr. President, the Senate will well remember the struggles that it was put through last fall in the so-called debate on rangeland reforms. Senators from public land States and others assisted each other in seeing to it that the Reid amendment to the Interior appropriations bill—that package of 29 pages of proposed law and other things—did not become law.

Since that time, the Secretary of the Interior has made conciliatory remarks, saying that he understood the need for working with all parties involved. I have a number of quotes from the Secretary here.

"I really did underestimate the intensity," he said, and then chided himself for allowing special groups in Washington to tie up his original rangeland reform package.

> If I made a mistake it is because the Washington interest groups, national environmental organizations really have a stake in fueling fires * * *. When I am selling big reforms I have got to be down in the dirt. I really have to be out there and do the hard work of building from the ground up.

Mr. President, it is true the Secretary went to Colorado and a number of other Western States and it is true somewhere or another he has managed to put together a proposal. It is also true he has promised there would be congressional hearings. But he has said he would work with these groups to put the proposal together and in fact he has, now, demonstrated that he will not.

All of us who are interested in the proposal and even some who may not be, will have seen the so-called leaks that were in the papers about the contents of this new rangeland reform proposal. Some of us were willing to accept his word that they were leaks. The Senator from Colorado [Mr. CAMPBELL] wrote a sternly worded letter to the Secretary saying he felt essentially betrayed, that he, the Secretary, had promised Senator CAMPBELL that he would give him a briefing on these things before it was released.

The Secretary's response to the Campbell letter was: "I couldn't possibly have known about this. I have been betrayed by leaks in my office, et cetera, et cetera. I will make it up to you."

One of the weird things is that a draft proposal is known to exist and the chairman of the Senate Energy Committee, Senator JOHNSTON from Louisiana, and myself, have asked the Interior Department if we can see it and we have been told no. We can go down and look at it. Yet, again they say these were leaks and they were not intentional.

I have here a memo from Kevin Sweeney, the Director of Communications. The headline of the memo says, "United States Department of Interior, Office of the Secretary."

The memo, by the way, goes to Mr. Larry Werner with Senator REID; Mr. John Lawrence with Representative MILLER; Mr. Rick Healy with Representative VENTO; Sandy Harris, Ruth Fleisher with Representative SYNAR. The memo says:

> Attached is a draft press release regarding one element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference on Monday, March 7.

Listen to this paragraph.

> I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.
>
> Please check the attached and call me with any comments, criticisms or specific edits.

Mr. President, this memo says that the Office of the Secretary is not telling the truth. This comes right out of his office and these people did not have the draft leaked to them. They were part of drafting it.

If we cannot as representatives of the affected States—and I am talking about a bipartisan group, I am talking about the Senator from Colorado as well—be involved in this thing in an honorable and upright and forthright

way—we do not have to win, but we really need to be told the truth. The Secretary is more likely to get something that will benefit the economies of the West, the people who are inhabitants of the West, the public lands of the West, and those interested in them by putting together an honest-to-God group of people who are willing to work on these problems than to narrow it back down to the same small group of people who created the problem that he confronted last year.

I do not know. I do not know whether I approve or disapprove. We have not seen the proposal. And he says those that have seen it have had it leaked. But this memo says they are drafting it. This is not the broad-based group that the Secretary claims to have his credits from.

Let me say there was his chief of staff, was out in Wyoming, a Mr. Collier. This was on the 8th, Tuesday, in Cheyenne WY. I quote:

> We didn't start off on the right foot because Interior did not listen closely enough to local concerns, Collier said at a meeting. * * *
>
> Interior Assistant Secretary, Bob Armstrong told the group that the new proposal "gets closer to the ground than Washington has been in the past.

My point is this. These are issues that affect the citizens of our States, Republicans and Democrats alike. Whether the Secretary likes it or not, America still is a democracy. The representatives elected from those States represent those people. They are not entitled to win, but they are entitled to be courteously treated and to be part of the discussion. Their views are entitled to be heard. They ought to be heard. And for the Secretary to claim leaks when, in fact, they are not leaks but they are contrivances, connivances of people trying to put together a program that affects the livelihoods, not just of ranchers, not just of cattlemen and wool growers, not just oil producers and timber operators, not just miners and people who have water—but, Mr. President, the counties of my State depend on the ad valorem taxes raised off of the multiple use of those lands, the production of resources. Our schools depend on them. Our county fire departments depend on them. Our airports depend on them. The bridges, the hospitals, the community colleges and the university depend on them. And all kinds of people, Republican and Democrats, live in those counties and abide with each of those events.

These people are entitled to better treatment than they have had.

I ask unanimous consent the March 3 memo I quoted and the article from the Star-Tribune be printed in the RECORD.

I yield the remainder of my time, and ask Senator DOMENICI be permitted to speak.

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

DEPARTMENT OF THE INTERIOR,
Washington, DC, March 3, 1994.

Re possible announcement on standards and guidelines.

To: Larry Werner, w/Sen. Reid; John Lawrence, w/Rep. Miller; Rick Healy, w/Rep. Vento; Sandy Harris, Ruth Fleisher, w/Rep. Synar.

From: Kevin Sweeney, Director of Communications.

Attached is a draft press release regarding one specific element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference this Monday, March 7.

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

Please check the attached and call me with any comments, criticisms or specific edits. I can be reached at 208-6416.

[From the Star Tribune (WY), Mar. 8, 1994]

INTERIOR STAFFER: NEW RANGE PLAN GIVES CONCESSIONS

(By Hugh Jackson)

CHEYENNE.—Interior Secretary Bruce Babbitt hopes his latest grazing reform proposal will placate the concerns of the agriculture industry, Babbitt's chief of staff said Monday.

"I hope you will note the number of places we have made changes, and the direction we have made those changes in," said Tom Collier, chief of staff at the Interior Department.

Babbitt's earlier grazing reform proposal was aggressively opposed by people who hold grazing leases on public lands, and eventually torpedoed in the U.S. Senate.

"We didn't start off on the right foot" because the Interior did not listen closely enough to local concerns, Collier said at a meeting at the Capitol building in Cheyenne.

Collier, Interior Assistant Secretary Bob Armstrong, Gov. Mike Sullivan, and several representatives of the ranching industry and conservation groups who met with Babbitt in Cheyenne Feb. 2 convened again in the Capitol Monday to hear Collier outline Babbitt's revised reform proposal.

Babbitt's latest proposal offers a number of changes from the initial plan, with the idea of offering more local control to leaseholders, Collier said.

The new plan also included a smaller hike in grazing fees and proposes incentives for lessees whereby the increase can be offset if range improvements are made.

RANCHERS NOT CONVINCED

Several ranchers at the meeting with Collier expressed wariness at the new proposal, particularly regarding how an incentive program would be monitored, and who would determine incentive eligibility.

Armstrong told the group that the new proposal "gets closer to the ground than Washington has been in the past."

Environmentalists have criticized the Clinton administration, saying it has caved in to western commodity interests. Interviewed after the meeting, Armstrong dismissed the suggestions that the latest reform proposal was another example of acquiescence to industry.

"You can say it's compromise if you want to. What it is is people getting together and figuring what you ought to do. I don't see that as compromise. I see that as the fact that people have a burden of proof to show us where we're wrong, and if they show us where we're wrong, we'll change," Armstrong said.

"We have a burden of proof to show what we want to do, and to see if this is right. What we're trying to do is figure out whether we have met that burden of proof or not," he added.

Truman Julian, who leases public lands in southwestern Wyoming and is vice-president of the National Public Lands Council, said after Monday's meeting that the Interior Department is using a different approach to range reform by trying to bring in local voices.

"But I guess until I see the entire package, I'm not too sure that anything has changed much," Julian said.

Environmentalists representing the Wyoming Wildlife Federation, the Wyoming Outdoor Council, and the Powder River Basin Resource Council said little during the meeting.

LOCAL CONTROL AND FEE BREAKS

The latest proposal gives state Bureau of Land Management directors, in consultation with the local resource advisory councils, the authority to set state-by-state standards and guidelines governing some land management practices, such as seasonal use restrictions and pesticide use.

The proposal also includes broad, national requirements for healthy ecosystems, riparian maintenance and protection and compliance with both the Clean Water and Endangered Species acts. It remains to be seen what those requirements will mean to leaseholders, Julian said.

The higher grazing fee will hurt the industry, Julian added.

The earlier Babbitt grazing fee structure called for a top rate of $4.28 per animal unit month.

Under the latest proposal, the fee will be phased in over a three-year period, rising from the current $1.92 per AUM to $2.75 in 1995, to $3.50 in 1996 and $3.96 in 1997.

If lessees can take measures to improve the range conditions, they will be eligible for a 30 percent reduction in the fee, under the plan as outlined by Collier Monday.

Although Babbitt's opponents have repeatedly said that a higher grazing fee itself is merely symbolic of the larger changes the Clinton administration wants to impose on lands use in the West, Julian said the fee issue is extremely important, especially to the sheep industry.

"Add two dollars on to that thing, and losing everything else that we're losing, and all the other problems we've got, I don't think I can take it," Julian said.

Steven Horn, the dean of Agriculture at the University of Wyoming, said at the meeting that the UW Agricultural Economics Department recently finished a study which shows that a grazing fee as high as $2.46 would be too high for ranchers to make a profit from grazing livestock on public lands.

Collier questioned the study validity, however. Interior Department data indicates that for 72 percent of Wyoming lessees, the annual increases will amount to less than $1,000 per year, he said.

Armstrong said that an economic analysis for an existing ranching operation in Colorado showed that the entire costs per animal unit month, including all expenses from grazing fees to dog food, amounted to $16.05.

The higher grazing fees proposed by Babbitt would raise that total to $16.88, with the incentive.

"It would seem to me that that increase is pretty easy on a person who applies for that incentive," Armstrong said.

RECOGNIZING BIOLOGY

Sullivan, meanwhile, suggested that the number of sheep included in the animal unit month formula should be increased from its current five to reflect the hard times faced by the industry.

Dale Strickland, president of the Wyoming Wildlife Federation, noted that the animal unit month is supposed to represent how much forage is consumed on the land either by a cow and her calf, or the equivalent—five sheep.

Collier agreed that biology has "got to be the major factor" in establishing the AUM. But Collier said perhaps the livestock numbers should be re-evaluated to determine if five sheep is the appropriate number.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for no longer than 10 minutes as in morning business.

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

GRAZING FEES PROPOSAL

Mr. DOMENICI. Mr. President, I rise to really ask the Secretary of Interior a very simple question: What is going on? Frankly, whether or not the Secretary succeeded in the State of New Mexico in getting together with the so-called both sides of the so-called grazing issue is not really relevant. Maybe that did not work as he wanted it to. But I take him at his word, that he is really trying to work with people affected at the local level. The Secretary and his spokesman have claimed to come up with a policy and a set of rules and guidelines that will take into account the problems those who use the public domain are having with his original proposals and even with the proposals that were defeated in the U.S. Senate.

I thought that is what the Secretary and his people were busy doing. Frankly, I hope that is still what he is doing. But I do not understand how we have stories in the news media of broad dissemination, that are talking about what is in the Secretary's proposals. These news stories are variously categorized from pro-user to antienvironment, to giving the local communities and regions more authority, to being chastised by some as giving away the reform.

When a Senator like the Senator from New Mexico asks what are they talking about, I am told there is nothing to talk about yet. I am told there is no program yet. I am told when we are ready we will let everybody see it, or at least a broad spectrum will see it.

The Senator from New Mexico was even told the other day, "Don't worry about it. All your people will see it in plenty of time." Inferentially, they were not too sure I was going to. That is the way I took it, but they inferred that our people would.

I do not know if the Secretary knows from whence comes the Washington Post article, "Revised Grazing Proposal Makes Concessions to Livestock Interests," and the March 5 article, both of which I want to put in the RECORD, "Four Lawmakers Fault Babbitt's Grazing Plan." By the way, they are the four who opposed what we tried to do in the Senate last fall. In fact, three of them were for more major changes than Senator REID's proposal in the Senate. But they are commenting specifically on a program and rules that allegedly give the grazing permittees more than they deserve.

The Secretary continues to tell us that "the rules are not made, the plan is not completed; we are still doing it; it is sort of our internal problem yet." Frankly, I believe this time the Secretary ought to just take a look at the file in his own office, the Office of the Secretary, and look at a memorandum that is dated March 3 that did not have to be leaked, Mr. President, because it is directed to John Lawrence of Representative MILLER's office from the Secretary's Office.

I have nothing against any of these people. They are all fine Members of Congress, and these nonmembers probably represent the four Members' offices very well. Rick Healy, who is with Representative VENTO; Sandy Harris with Representative SYNAR. This memo is directed to them, and in it, it is suggested that here is a press release regarding part of this plan. There are even blanks in this press release as to whose names they are going to put in saying what about this plan. Then there is a very interesting paragraph. The memo says to these four—three representatives and a Senator:

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

I ask unanimous consent that that memo be printed in the RECORD, with the attachments.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, March 3, 1994.

Re possible announcement on standards and guidelines.

To: Larry Werner, w/ Sen. Reid, John Lawrence, w/ Rep. Miller, Rick Healy, w/ Rep. Vento, Sandy Harris, Ruth Fleisher, w/ Rep. Synar.

From: Kevin Sweeney, Director of Communications.

Attached is a draft press release regarding one specific element of the proposed grazing rule: standards and guidelines. At this point, we hope to issue this release at a press conference this Monday, March 7.

I realize you will meet tomorrow to discuss the proposed rule. If that meeting leads to substantive changes in the standards and guidelines section, the press release will of course change as well.

Please check the attached and call me with any comments, criticisms or specific edits. I can be reached at 208-6416.

GRAZING STANDARDS AND GUIDELINES TO BE REGIONAL, DRAFTING WILL BE DONE IN WESTERN STATES

Interior Secretary Bruce Babbitt today announced a proposal that would require ranchers to meet standards and guidelines, written and implemented at the regional level, when grazing livestock on lands controlled by the Federal Bureau of Land Management (BLM). The announcement represents a significant shift: in August, Babbitt proposed standards on a national scale, rather than the local scale that is now proposed.

The proposal will be included in draft regulations expected to be released in early March. Babbitt has spent much of the past three months in the West, attending scores of meetings on grazing issues.

BLM state directors will coordinate the drafting or standards and guidelines. In doing so, they are to work closely with the Multiple Resource Advisory Councils proposed last week by Babbitt. Before becoming final, standards and guidelines must be approved by the Secretary of the Interior.

"BRINGING GRAZING POLICY HOME"

"The West has never been against specific standards and guidelines to govern conduct on the range," said _____. "What we were against was having the standards imposed by people in Washington who don't understand how things work on the ground. We were against using national standards that don't reflect different conditions in the various Western states."

"Secretary Babbitt heard our concerns and changed his original proposal," said _____. "Now we will have state standards and guidelines promulgated with local input by those who know the range."

"Once again, our focus is on shifting more management decisions to a place closer to the land," said Babbitt, referring to the decision to shift from national standards to regional ones. "This is another step in the process of bringing grazing policy home to the American West."

"Ranchers and others constantly told me that national standards would not bring lasting improvements to the public range," said Babbitt. "They said 'cookie cutter rules' won't work out West, that our best changes at success would come not from national approaches, but from regional ones. Once again, I agree with them."

"Denying this fact denies the culture of the West," said Babbitt. "Any plan developed in Washington, without significant local input, will have trouble succeeding on the ground out West—and that is where it matters."

Babbitt also said regional standards and guidelines acknowledge that there are great differences across the region, saying "the West is not one monolithic region."

RANGELAND CONDITIONS CALL FOR STANDARDS AND GUIDELINES

"Since our original proposal six months ago, I've heard from countless ranchers who agree on the need for standards and guidelines," said Babbitt. "Most realize it won't affect their pocketbooks in any way. And most are relieved that the handful of bad actors on the range would finally be held accountable."

While discussing the need for standards and guidelines, Babbitt noted that assessments of rangeland condition have varied

widely in recent years. He cited an Environmental Protection Agency study which asserted that "extensive field observations in the late 1980's suggest riparian areas throughout much of the West were in the worst condition in history." He also pointed to a recent National Academy of Sciences (NAS) study, which underscored the need for more data on public range conditions. At the same time, the NAS report said standards and guidelines were an urgently needed tool for range management.

"The simple fact is that our rangelands are in great need of improvement, and many ranchers across the West have proven they are up to the task," said Babbitt.

Babbitt singled out the green strips along rivers and streams in the West as areas of special focus, saying "riparian areas are among the most resilient ecosystems on public lands. If given a chance, they can come back to their full, healthy state."

"Elevated standards, in riparian zones and elsewhere, given us a chance at real success," said Babbitt. "They remind us that success need not be defined simply in terms of staving off inevitable decline or in holding back damaging trends. Success, in this endeavor, can be defined in far more positive terms: we can restore the public rangelands to their greatest potential."

"Many ranchers accepted this challenge long ago, and have met it," Babbitt said. "But as we focus the resources of a government agency, it is clear that, in all the areas of public land management, there is no greater chance of true restoration, at as small a cost, as there is with the management of our public rangeland uplands and riparian zones."

"I would have preferred national standards and guidelines because countless reports show the public range is in poor condition," said ——. We'll never change that unless we set tough standards. Still, I think this proposal is a positive step, and is one that can help bring about significant improvement in the health of our public range lands."

NATIONAL REQUIREMENTS

Babbitt outlined four national requirements that regional standards and guidelines must meet.

(1) Grazing practices must enhance or maintain properly functioning ecosystems.

(2) Grazing practices must enhance or maintain properly functioning riparian systems. Babbitt said this "special focus on riparian zones brings attention to those areas which have suffered the greatest damage—but which also have the greatest potential for recovery."

(3) Grazing management practices must be implemented to protect public health and welfare, and must help maintain, restore or enhance water quality. Water quality on allotments must meet or exceed State water quality standards. "All BLM permittees must play by State rules in this area," said Babbitt.

(4) Grazing practices must assist in the maintenance, restoration or enhancement of habitat for threatened or endangered species and must also give consideration to those species which are candidates for listing. Babbitt said this kind of focus "can help us avoid the kind of train wrecks that have helped make other public resource battles so contentious."

The standards represent the most basic legal mandates under the Taylor Grazing Act, the Federal Lands Policy and management Act, the Endangered Species Act and the Clean Water Act.

REGIONAL STANDARDS AND GUIDELINES

State standards must address soil stability and watershed function, the distribution of nutrients and energy, and plant community recovery mechanisms.

In those cases where existing management practices fail to meet the four requirements and the State standards, the BLM land manager would be required to take action prior to the start of the next grazing year. The regional guidelines would provide direction for that action, and must address the following.

Grazing management practices must assist in recovery planning for threatened or endangered species in the area, and should work to prevent listings.

Grazing practices must be designed to protect the public health and welfare, and must restore or enhance water quality so that it meets or exceeds State water quality standards.

Grazing plans should consider such issues as the timing of critical plant growth and regrowth. Consideration must be given to periods of rest for livestock grazing.

Plans must address situations in which continuous season-long grazing would be consistent with achieving properly functioning conditions.

The selection criteria and design standards for the development of springs, seeps and other projects affecting water and associated resources must maintain or enhance the ecological values of those sites.

In those areas where grazing may be authorized on ephemeral rangelands, a criteria for minimum levels of production must be set in advance. Likewise, standards must be set for the minimum level of growth that is to remain at the end of the grazing season.

Criteria must be developed for the protection of reparian-wetland areas. This includes the location, or the need for location or removal, of stock management facilities that may be outside of the riparian area itself. These include such facilities as corrals, holding facilities, wells, pipelines and fences. Consideration must also be given to the modification of livestock management practices, such as salting and supplement feeding.

Plans must have utilization or residual vegetation targets which will maintain, improve or restore both herbaceous and woody species to a healthy and vigorous condition. They must facilitate reproduction and maintenance of different age classes in the desired riparian-wetland and aquatic plant communities. They must also leave sufficient plant litter to provide adequate sediment filtering and dissipation of stream energy for bank protection.

BLM state directors would work closely with the Multiple Resource Advisory councils to draft the standards and guidelines. A state will be the smallest level at which such standards are to be written, but once that task is accomplished, standards and guidelines can be subsumed into regional sets, thus allowing for consideration of ecosystems that cross state borders.

FALLBACK STANDARDS

While these standards and guidelines are being drafted at the State or regional level, a "fallback" set will be drafted at the national level. In those states where the BLM director is unable to produce, within 18 months, standards that meet the Secretary's satisfaction, then the fallback standards and guidelines will be used. BLM State Directors will have the option of revising these fallback standards and guidelines to provide a better fit in their State.

"Our hope is that the fallback standards will not be utilized in any state," said Babbitt. "Nonetheless, they provide an incentive for those involved at the state level to produce reasonable standards that match their region."

RIPARIAN FOCUS

Since discussions of range reform first began, Babbitt has placed special emphasis on riparian zones.

According to a 1990 study by the Environmental Protection Agency, "extensive field observations in the late 1980's suggest riparian areas throughout much of the West were in the worst condition in history." Other studies show that between 70 and 90 percent of the natural riparian ecosystems in the contiguous United States have been lost because of human activity.

Riparian zones play an essential role in supply and purifying water for human consumption throughout the West. They also provide essential habitat for wildlife. For example, 82 percent of breeding birds in Colorado occur in riparian zones, 75 percent of all wildlife species in southeastern Wyoming depend on riparian areas, and 51 percent of all bird species in the southwestern states are completely dependent on riparian areas.

Mr. DOMENICI. Mr. President, I merely ask the Secretary, what is going on? Are we Members of the Congress? Can only a very few Members comment on this rule in private, as is implied in this memo? "After you meet, maybe the rule will be changed," this memo says, "in which event we will change the press release," the memo says. Is that the way the Secretary is going to handle working with the West, working with those who are affected, sending a memo like this? Maybe he does not know it went out.

Nevertheless, we cannot sit around, even those who want to help. The Secretary does not have any reason to believe that what he finally approves of might not be something I may want to help him with. I know from the beginning that I cannot get everything I want for the ranchers and multiple users. But I do not want to be dealt out, and I think this is a way to deal us out. And, Mr. Secretary, I think it is more than just dealing out those in the Senate who apparently are opposed to this program. Maybe that is all right, but how can you deal out the people you say you are dealing with? You are supposed to be dealing with the users and everybody else out there, then you meet with another group and say, here is the suggested way we are going to handle it. Another group of three Members of the House and one Member of the Senate. I do not think it is right. I think the Secretary ought to take a look at this situation and maybe call a few of us together and, as I indicated, just tell us what is up.

Mr. President, I ask unanimous consent to print in the RECORD the two articles which I referred to during the course of my statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1994]

REVISED GRAZING PROPOSAL MAKES CONCESSIONS TO LIVESTOCK INTERESTS

(By Tom Kenworthy)

Interior Secretary Bruce Babbitt, stung by a western political revolt against his plans

to overhaul grazing policies on federal lands, will soon unveil a revised proposal that makes controversial concessions to western livestock interests and their political allies.

Under the new blueprint for managing sheep and cattle gazing on about 264 million acres of public lands, a draft copy of which was obtained by The Washington Post, the federal government would delegate considerable authority over many fundamental range management decisions to state and local advisory groups.

Another disputed aspect of the plan involves the fees charged to land users. The new fee structure would raise monthly grazing fees—the amount ranchers pay per animal—from the current level of $1.92 to $3.96 over three years. Last August, Babbitt has proposed a top rate of $4.28.

But the final increment of the phased-in increase would not go into effect unless the administration has by 1997, designed a new "incentive fee system" intended to reward stockmen "who have improved rangelands and contributed to healthy, functional ecological conditions" by such actions as protecting stream areas and valuable wildlife habitat.

To some critics, that provision is an open invitation to administration opponents in Congress to launch a renewed fight over grazing in the presidential election year of 1996, when the White House would be even more sensitive than it is now to congressional Republicans * * * blocking that incentive plan, it would leave the highest possible grazing fee at $3.50, rather than $3.96.

Babbitt's new proposals, contained in a 200-plus-page set of draft regulations now being circulated on Capitol Hill and elsewhere, were developed following a bitter congressional fight last fall. The Senate blocked legislative enactment of Babbitt's original plan, and Babbitt then promised to implement the overhaul by administrative means.

But during the last fall and winter Babbitt traveled extensively throughout the West to meet with groups and individuals affected by grazing policies, and decided that any new plan would have to involve less command and control from Washington and more decision making by local groups. He was particularly swayed by a series of eight meetings with a group of ranchers and environmentalists convened by Colorado Gov. Roy Romer (D).

The concessions contained in the new plan, however, are already drawing fire from some of the administrations strongest allies, both in the environmental community and among congressional Democrats, who believe that many western rangelands have been degraded by overgrazing and other destructive practices.

Four key Democrats who long been involved in grazing issues—Sen. Harry M. Reid (Nev.) and Reps. George Miller (Calif.), Mike Synar, (Okla.) and Bruce F. Vento (Minn.)—met with Babbitt on Feb. 23 and strongly protested the direction the grazing overhaul was taking.

"It's terrible," said one congressional source of the new Babbitt plan, arguing it would do little to erase western opposition to the overhaul while antagonizing the administration's traditional allies. "This is the Neville Chamberlain approach. They really think they can appease these people into support."

An Interior Department spokeswoman said yesterday that the draft plan could still undergo some revisions before being published. Consultations with congressional Democrats are continuing.

At the heart of the draft proposal are recommendations prepared by * * * would play a key role in developing range management plans and usage standards. Nominated by governors, the members would be appointed by the Interior secretary.

Under the terms of Babbitt's new plan, local councils would have the power to appeal to the Interior secretary if federal range managers do not accept their recommendations. This power, environmentalists and others argue, could lead to intimidation of professional land managers, and bog down the Interior secretary in an endless series of local land management decisions.

Critics also say it is unwise to accept the so-called Colorado model without first trying it in a pilot program to test Babbitt's theory that ranchers, environmentalists and local officials can work collaboratively to resolve their differences.

Other changes from Babbitt's original plan of last summer include the exclusion of national standards and guidelines for range management. In their place are recommendations to aid in development of guidelines and standards at the regional or local level, in consultation with the resource advisory councils. Though there would be some federal standards in place during the 18-month period for the development of local prescriptions, state Bureau of Land Management directors could ask the interior secretary for a waiver.

Environmentalists who have reviewed the draft also say that the new plan could make it harder for people other than ranchers to be given official status to comment on and influence such range management decisions as how many cattle can be put on an individual grazing allotment each year.

[From the Washington Post, Mar. 8, 1994]

FOUR LAWMAKERS FAULT BABBITT'S GRAZING PLAN

(By Tom Kenworthy)

Some of the Clinton administration's key congressional allies on politically sensitive environmental issues say they are beginning to lose faith in the administration's commitment to fundamental change in managing federal natural resources.

The increasing dismay felt by some powerful congressional Democrats is illustrated by a detailed and scathing critique of Interior Secretary Bruce Babbitt's latest proposal for overhauling federal rules governing cattle and sheep grazing on millions of acres of U.S. rangeland.

Saying they are "deeply troubled" by the new administration proposal, four lawmakers—Sen. Harry M. Reid (D-Nev.) and Reps George Miller (D-Calif.), Mike Synar (D-Okla.) and Bruce F. Vento (D-Minn.)—wrote Babbitt over the weekend to express their concerns. The proposal is so flawed and so much of a retreat from Babbitt's original plan of last summer, the letter said, "that we will be unable to support the proposed regulations" unless major changes are made before it is finalized later this month.

In separate interviews, the legislators said they view the new grazing plan as a capitulation by the administration to the livestock industry and western political interests and as a betrayal of a deal they struck with Babbitt last year.

The level of trust has deteriorated so much that the lawmakers have agreed among themselves to try to meet with the secretary and his top staff only when all four of them are present because in the past they have felt misled by mixed signals.

All four members have a long history of involvement with public lands issues and were key Babbitt allies in last year's losing congressional fight over his original grazing plan.

In addition, all are central players in legislative affairs affecting the Interior Department and the environment. Miller is the chairman of the House Natural Resources Committee; Vento is the chairman of that panel's subcommittee on national parks, forests and public lands; Synar is chairman of the Government Operations subcommittee on environment, energy and natural resources; and Reid serves both on the Senate Appropriations subcommittee that oversees Interior and the Environment and Public Works Committee.

"I'm on Interior appropriations, they [Miller, Vento and Synar] control the authorizing over there," said Reid. "I wouldn't want to be in a position where I have to deal with four people who are just pulling darts out of their shoulders, or maybe their backs."

"There's a serious problem here," said Synar of Babbitt's relations with pivotal lawmakers. Grazing policy "is not the only issue he has to deal with these four members about," he said. "It's going to set the tone for any future relationships we have on mining, timber, parks and a host of other issues. There's more at stake here than just grazing."

Following last fall's legislative defeat, Babbitt set out to revise the grazing plan in order to reduce opposition from western Democratic governors and the livestock industry. But in doing so, Babbitt appears to have undermined his base of support among Democratic backers in Congress and may also have lost some momentum on other parts of his agenda.

Miller, for example, has delayed naming House conferees on legislation rewriting a 19th-century mining law until the final grazing plan is published. Miller said he is reluctant to throw the House into a tough political battle with the Senate over the mining law if he thinks the strong House position will be undercut by Clinton administration concessions.

"I have to have very clear signals and a very clear commitment" from the administration before proceeding on mining, said Miller.

At the heart of the lawmakers' growing dismay is a sense that Babbitt has reneged on commitments made last fall to push administratively for tough new grazing rules. They say Babbitt made that pledge after the Senate blocked enactment of his "rangeland reform" proposal unveiled last summer and then stymied a compromise fashioned by all of them and sponsored by Reid.

"We are deeply troubled by several major aspects of the [draft grazing plan] that are radical departures from your previous proposals and from the Reid compromise and that result in a package that will undermine the effectiveness of the range reform initiative," the four lawmakers wrote Babbitt.

Babbitt said yesterday he will visit Capitol Hill this week to discuss the lawmakers' objections. But the Secretary insisted he is wedded to the heart of the proposal, creation of local "resource advisory councils" similar to one operating in Colorado that would be composed of disparate interests and be given broad authority to influence local grazing decisions.

"I strongly believe the Colorado model is conceptually correct," he said. "I'm not going to abandon that . . . absolute certain that it is the only way to open a new chapter in rangeland management.

Babbitt played down suggestions he is losing critical congressional support that he

will need on other issues. "I am fairly philosophical about this," he said. "There is no way I can negotiate something that will please everybody."

All four lawmakers said they understand the political pressures Babbitt is under, and several attributed his inconsistency on grazing to White House orders. "He's getting his political chain jerked," said Vento.

But Miller warned that Babbitt must also pay attention to his allies. "Babbitt's been negotiating with people who never had any intent of accepting any compromise," Miller said. "They have got to take stock of who it is they've been doing business with. The grazing and timber and mining and water barons do not go quietly. They really have no interest in change."

Mr. DOMENICI. I yield the floor.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1480

Mr. LEAHY. Mr. President, I rise in strong opposition to the Cochran amendment. It is not germane in any way to S. 4 nor is the amendment necessary.

There is a compelling public health reason to get these standards in place. There are at least 20,000 physician-diagnosed pesticide poisonings a year. Countless more are undiagnosed. The California Department of Health has estimated as many as 300,000 pesticide injuries occur each year. We have known for over 10 years that current regulations are putting farmworkers and pesticide handlers at risk.

The standards provide very elementary protections. Employers have to let their workers know how to protect against unnecessary, dangerous pesticide exposures. They have to provide soap, water, and towels to wash after contamination, and if necessary, transportation for emergency medical treatment. Every worker does not have to wear a moon suit, contrary to some of the misinformation that has been circulated about these standards.

These simple protections have already been delayed for many years. The Reagan administration determined in 1983 that our current worker protection standards are seriously inadequate. It was not until 1992 that the Bush administration finalized new standards and set the implementation date now in question.

Since 1992, EPA and some States, including Vermont, have worked hard to educate growers and workers and get them ready to comply with the new rules.

Many education and training materials are already available.

Pesticides with new labels are already in the channels of trade. EPA reports that most of the 2,000 pesticide products affected by the new standard already have new labels. A delay in implementation would cause real confusion for farmers.

Some have asked EPA and the President to delay implementation of these standards. The answer was "no."

EPA has been working closely with parties who have complaints about the implementation and has pledged to do everything it can to help them comply.

The Agency has made it clear that enforcement will be flexible. It is going to focus on cooperation and outreach, not assessing fines for technical violations.

There should be careful deliberation before we make any changes to these regulations that have been over 10 years in the making. This is not the time or place for such deliberation.

Mr. KOHL. Mr. President, I commend my colleague from Mississippi, Senator COCHRAN, for raising concerns about the implementation of the EPA farmworker protection standards for pesticides. This is an extremely important program, and its effective implementation is critical to the health of millions of farmworkers across the Nation.

While I am concerned that some of the EPA educational materials that State Departments of Agriculture need to effectively implement these standards have been delayed somewhat, I must oppose the Cochran amendment. I do so because the dangers to human health associated with the delay proposed by this amendment are unacceptable to me.

There are an estimated 20,000 incidences of physician-diagnosed pesticide poisoning a year. EPA estimates that there are as many as 280,000 other pesticide injuries a year that go undiagnosed. The Cochran amendment would delay the worker protection standards by another year and a half. I am not willing to tell the hundreds of thousands of men, women, and children who are likely to be poisoned during that time that we jeopardized their safety for bureaucratic reasons.

Instead, I have asked the Wisconsin Department of Agriculture, Trade, and Consumer Protection, the agency in my State charged with implementing these standards, to send me a list explaining exactly what material they are lacking in order to effectively implement the standards by the April deadline. I have alerted EPA that I will be sending this list to them as soon as I receive it, and that I expect them to supply Wisconsin DATCP with those materials, and other necessary assistance, as soon as humanly possible.

Further, EPA has indicated that they will be very flexible in their enforcement of these provisions, and will continue to work cooperatively with the States to implement this program.

In closing, I would say that if the price of the delay that the Senator proposes were anything less than human health, I might be more willing to consider it. But Mr. President, human health is exactly what's at stake here. I regret the inconvenience, and call on EPA to be as flexible as possible in their enforcement as States and farmers get used to the new standards. However these standards are long overdue, and any further delay could be disastrous.

Mr. BAUCUS. Mr. President, I rise today in opposition to the amendment offered by Senator COCHRAN. As you know, this amendment would serve just one purpose—to delay the implementation of the worker protection standards for agricultural workers as regards agricultural chemicals.

While some may perceive a link between this issue and the concept of competitiveness, such a bond is quite weak. Therefore, the debate over germaneness to S.4 has not been dominant. Therefore, like other speakers, I will concentrate on the merit of the amendment.

Few in agriculture, indeed few in our society, would question the need to ensure the safety of agricultural workers. They provide a critical service in getting the crops raised that become food for our table and clothing for our families. However, as research has indicated and personal examples will emphasize, there are dangers involved. Therefore, the Environmental Protection Agency has brought forth the worker protection standards.

Let there be no mistake about it. These are necessary standards. I know of an example in my State where a young man was literally showered with insecticide by an aerial applicator. Just a few short years later, this man is no longer with us. Robbed of the years of his life. There are countless examples where agricultural workers are injured by agricultural chemicals, through no fault of their own. If these standards prevent the loss of a single life, they will be worthwhile.

However, I believe that balance is in order. Most agricultural employers take a zero-risk policy when it comes to protecting their employees from pesticides; they want to do what's right. Therefore, we must make certain they are not unnecessarily burdened by regulations which are irrelevant.

I will work with the EPA Administrator to ensure that these vital regulations are implemented in a fair and reasonable manner. I am confidant that together, we can avoid the dangers feared by the proponents of this delaying amendment. Therefore, the amendment is unnecessary. So I urge my colleagues to defeat this measure and join me in working with the Administrator to resolve these concerns.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is an amendment from the Senator from Mississippi [Mr. COCHRAN].

Mr. HOLLINGS. Mr. President, it is my hope, if a rollcall vote is agreed to, that we have that rollcall vote—I will ask consent later on—at 3 o'clock. We have given both sides notice, and they continue to work around the clock.

So I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the rollcall vote on the motion to table be at 3 o'clock.

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

AMENDMENT NO. 1481

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Georgia.

Mr. HOLLINGS. Mr. President, I move to table that one, to follow the rollcall vote on the Cochran amendment. So I move to table the amendment of the distinguished Senator from Georgia and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the rollcall vote on the Coverdell amendment occur at the expiration of the rollcall vote on the Cochran amendment.

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

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. 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. BURNS. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 5 or 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

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

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. While my distinguished ranking member is present now, earlier today, since I had been asked several times about this alleged pork bill, I became sensitive to some feel amongst our colleagues that this might be a bill where, as one described to me, Secretary Brown could be using moneys to just distribute around politically, and I wish to give what the actual fact and truth of the matter is.

Let us go first to the amounts of money. With respect to the National Institute of Standards funding, what we have is a laboratory which is the old National Bureau of Standards laboratory, and that goes from $241 million, which it is today, to $316 million. And, of course, there are laboratory standards on safety, quality and otherwise. There is no pork in that to be awarded to any local folks relative to politics.

Under the Advanced Technology Program, that goes from $200 million to $451 million. I happened to fashion that in consultation with our distinguished ranking member to make certain that it would not be pork.

In that context, Madam President, what we have said is, first, rather than the Secretary of Commerce or the Senator or the Congressman picking for political reasons, the initiative in picking winners must come from the industry itself. And the industry itself must have confidence enough in its own particular interest in the project being researched to furnish at least half the funding. We have seen now over a 2-year experience that upward to 70 percent of the money comes from private sources, because they just cannot come in and get a grant.

There is no earmarking of a particular industry, even though the one singular industry brings the request to the department. But we make certain that it is peer reviewed by the National Academy of Engineering to make absolutely sure that in the review of it, it goes for all of industry and it is in the interest of all technology.

I do not believe we could ever have passed this unanimously, as we have, not only the year before last but out of the committee last year, if we had a pork bill because the Senators have all been priding themselves on getting rid of the pork and cutting out the Government and cutting back on expenses and cutting spending and those kinds of things. So the reason we got unanimous and bipartisan support not only within the Senate but within the committee itself was that we had set these safeguards in there. And as the chairman of the subcommittee of State, Justice, Commerce of appropriations we have forestalled any of those projects getting into that particular bill.

That is this Senator's experience on the one side to assure the colleagues just exactly what we have.

Otherwise, yes, there was a request made year before last, Madam President, with respect to the Advanced Technology Program by an industry that I am vitally interested in, and that is the textile industry, which has substantial employment in my State. But on behalf of all the textiles in the country, and apparel and garment workers, an application was made to the Advanced Technology Program that involved the computerization of the flow of orders for particular garments or textiles or cloth. And in that light it was to be a very sophisticated type of computerization whereby there would not be a backup or an oversupply, thereby cutting back on the inventory costs and thereby increasing the productivity.

The Advanced Technology Program officials looked at it with sufficiency but found it did not pass muster. There was not any advanced technology to it as they saw, and there was not any uniqueness to it that would really improve all of industry as they saw it. And while we tried to impress upon them the seriousness of the application, we did not pass muster.

Madam President, what really happened is they went out to Livermore and the energy lab. There at Livermore they fashioned together, with contributions, of course, a $350 million grant. They had last year a high-level meeting down in North Carolina. They announced that they have their research activity, and have it going. You will find they have around $6.8 billion, I think it is, over in the Energy Department. The total for all of this, excluding the laboratories, is only $1.37 billion. But there was the request where right now we only have this year $200 million for the Advanced Technology Program. One industry has come in, and another division of Government, and they have gotten a $350 million project going.

So you can see, when I say of the $70 billion expended in Government for research, we have at present less than 1 percent. If this bill is approved, it will still be less than 2 percent of the research moneys, and well shielded against any kind of political pork activity.

So I think that ought to be emphasized with the distinguished Senator from Missouri present, because I wanted to make absolutely sure when people keep coming up and asking what is this program, why we find all of industry and all of labor, all of the Republicans and all the Democrats, having sponsored and supported the bill, all the competitiveness councils and committees of Congress, all in support of the bill, so that if we are suffering a slowdown with peripheral and nongermane amendments to somehow defeat or otherwise delay this particular measure on the basis that we did not want to start another pork program, I will agree with them.

We do not want to start another pork program. This one is no such thing. It

has a track record. There have been no projects earmarked, or any of those kinds of things.

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

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

Mr. DANFORTH. Madam President, I want to get back to what I consider to be the main issue raised by S. 4, which is the question of the relationship between the Federal Government and the private sector on matters of research and development spending. I want to call the Senate's attention to a hearing that was held in the Finance Committee this morning and to the testimony of Mary Lowe Good, who is the Under Secretary of Commerce for Technology. It was a very forthright description of the position with the administration, and I think that it does a good job of helping to clarify what the underlying philosophical question is that is now before the Senate.

She was testifying on the issue of the GATT agreement and what has been done to the subsidies code in the GATT agreement. But in the process of her testimony, she talked about science and about technology and about the private sector and about the Government. I want to just read a few portions of that testimony.

Under Secretary Good said:

> The longstanding bipartisan support for technology investments recognizes that Government investment in research and development is essential. New technologies and improvements to promote domestic development often fail to attract sufficient private sector investment. The risk is often high, and the globalization of the economy is putting tremendous pressure on industry to reduce costs.
>
> After several years of cutbacks, major U.S. companies spend less than 22 percent of R&D on long-term projects. In comparison, their current counterparts in Japan expend nearly 50 percent of R&D on longstanding investments, according to estimates by the Council on Competitiveness. And the pressure is mounting. The Industrial Research Institute survey of 253 industry R&D managers found that 41 percent said that they would reduce total R&D in 1994 versus 20 percent the plan increases. Three times as many plan to cut long-term research funding as to raise it.

That is the concern that has been addressed by the administration, and it is a justifiable concern about research and development and about American investment in technology. The troublesome issue is not the question of whether or not it is good to have business investing in research; the question is the extent of the partnership, if any, that exists between the Federal Government and the private sector. And in reading Under Secretary Good's testimony, and in listening to it this morning, it is clear that the intention of the administration is to make up for underinvestment by the private sector by simply infusing funds into preferred industries.

The Under Secretary continues:

> The Clinton administration has reinvigorated the public-private partnership as a key means of achieving technology investments. In most cases, projects are cost shared, often 50 percent from industry and 50 percent from Government, and selection is merit based.

So, in other words, Under Secretary Good is talking about a partnership with respect to a specific industry and project. The industry antes up 50 percent and the Government antes up 50 percent on a cost-sharing basis. And that, in her mind, makes up for the shortfall—or helps make up for the shortfall of U.S. investment in research and development.

She says, as Chairman HOLLINGS pointed out a few minutes ago, that the selection is merit based.

If we are going to get into the business of direct Federal grants for research, it is very important that those grants be merit based, that the selection be merit based, and that they be peer reviewed. And it is true that with respect to at least large parts of this bill, there is the provision for peer review, for merit selection of beneficiaries.

However, as we have learned in our own appropriations process, there is often a lot of slippage between the intention of peer review and the actuality of earmarking. We have promised ourselves in committee reports, and I believe in legislative language, that henceforth we are not going to be involved in earmarking of particularly defense dollars; yet, every time a Defense appropriations bill, particularly a Defense appropriations conference report, hits the floor of the Senate, buried in that legislation is a whole host of earmarked funds for specific colleges and universities.

My point is that a provision for peer review and the actuality of peer review are very often two different things. It is a worthy objective, and it is a very good thing to tell ourselves that we are all for peer review. But, Madam President, does any Senator truly believe that we, as politicians, will be able to restrain ourselves from putting our hands on this fund of $2.8 billion that would be made available in this legislation?

Under Secretary Good continued in her testimony saying:

> We have ensured that Government involvement in industrial research, a mainstay of our public-private partnerships, continues without threat. The Government may be involved either directly with funds, or with personnel, or in-kind resources, in critical investigations aimed at the discovery of new knowledge, with the objective that such knowledge may down the road be useful in developing new products, processes or services, or in bringing about a significant improvement to existing products, processes or services. These kinds of partnerships are industry focused, very free, competitive and have the potential to provide benefits across a number of companies and industries.

Madam President, what businesses are in the business of doing is producing products and making money selling those products. To put money into particular businesses is really not like putting money into basic research. It is not like putting money into universities, for example, for basic research. It is putting money into something that eventually is going to earn a profit. If an industry is in the business of doing something other than earning a profit, it is going to have problems with its stockholders down the road. Probably its board of directors is going to have problems with lawsuits down the road.

So it is not simply a matter of increasing the pool of knowledge in the United States when the Government makes grants to particular businesses. Those businesses are going to attempt to produce products, and on the continuum between basic research, on one hand, and development of products, on the other side of the continuum, clearly the private sector is going to be weighted very heavily toward something that is product oriented.

So I believe that what Under Secretary Good did today is to help us clarify the issue that has been brought to the floor of the Senate by S. 4. And I would also point out what I think is interesting language in the committee report because the committee report speaks of an era of strong international competition and then the committee report says: "DOC"—that is the Department of Commerce—"has a leadership role to play in this new era."

One question that Members of the Senate might want to ask is, do we really believe that the Department of Commerce has a leadership role to play in this new era of strong international competition? Do we have that kind of confidence in the Department of Commerce to play this kind of leadership role of guiding the economy of the future, of directing the course of the economy? That is what the spending of money does. It puts the thumb of Government on the scales of economic decisionmaking.

How do we feel about that? Do we believe that the Department of Commerce is that kind of agency? Do we believe that the Department of Commerce really has a leadership role to play in this new era?

I would suggest that the answer to that question is no, that if the Government is going to be involved in research and development—and it is and it should be—it should do so in a much less directive way with respect to the private sector. It should do so by emphasizing especially basic research, rather than the development of prod-

ucts, and it should do so in a way which is neutral with respect to decisionmaking that is made in the private sector.

I have long advocated the research and development tax credit, and I think if we want to spend $2.8 billion of new money to assist in research and development it would be better to do it in the neutral way of making the R&D tax credit permanent than by directing funds to specific and favored industries.

The R&D credit allows the risk to continue to exist in the private sector. It does not put the Government in the business of being a venture capitalist The R&D tax credit says to business you make the decisions as to what the new technologies are. We in Government do not purport to make those decisions, nor will we set up some kind of commission or board to make the decisions for you. You do that in the private sector.

So that is the way I would suggest that we proceed, that we, in effect, set the $2.8 billion aside for the R&D tax credit, and I am going to in a few minutes offer an amendment that would do just that.

Now, clearly, Madam President, an amendment to the Internal Revenue Code is not in order in this bill. You cannot amend the Internal Revenue Code in a Senate bill. But we can make a decision in the Senate with respect to the best way to do research spending by the Government. We can make a decision in the Senate as to a matter of basic policy.

Clearly, we are going to have tax bills that reach the floor of the Senate. They usually do every year or two. The R&D credit has been on the books since 1981. It has never been permanent. It has always existed more or less year to year, hand to mouth, and people in business say that R&D spending is something that is done over long periods of time. So it would be much more helpful to those who are engaged in research and development to have a permanent R&D credit rather than to have 1 or 2 or 3 year increments added on to each other for the research and development tax credit.

Also, there has been a lot of work that has been done by Members of the Senate on improving the R&D tax credit, work that has been done in concert with representatives of industry, telling us how we can improve the R&D tax credit and make it more useful to industry.

So I would suggest that we redirect the debate, that we make up our minds that this $2.8 billion will not be used for this particular program that is developed in S. 4 but that instead it will be set aside for the next tax bill to use for the R&D tax credit.

Therefore, Madam President, I ask unanimous consent that the pending amendments be set aside so that I might send an amendment to the desk.

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

AMENDMENT NO. 1482

(Purpose: To make permanent the research and development tax credit)

Mr. DANFORTH. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 1482.

At the appropriate place, insert the following:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

Mr. HOLLINGS. Now, Madam President, in all candor someone ought to be ashamed to put in an amendment of that kind.

The reason I say that, Madam President, is here we have had a bill totally mischaracterized. I just listened a minute ago about the $2.8 billion.

You cannot pork barrel the National Institute of Standards and Technology. That is a research entity over there. If you want to give them more money, fine business. But that is not the pork barrel for these specific projects. They could have been under the extension programs.

When he talks about the extension programs or centers and, some have called them not just manufacturing centers but the Hollings centers, $70 million for fiscal year 1995 in this bill and $100 million for fiscal year1996.

Immediately we begin to see the context in which the distinguished Senator is treating the matter, whereby I am confident he would not have gone along with the bill here year before last and unanimously out of the committee this time for $2.8 billion pork barrel.

There are all of these other things in here with respect to the laboratory, but the $170 million is described as pork barrel as $2.8 billion. The $170 million is described as $2.8 billion pork barrel. Otherwise, he takes the entire program and says, now wait a minute. It all of a sudden strikes the distinguished Senator as a philosophy of putting the thumb on the scales of industry.

Well, since the Senator and I worked closely together, I am very familiar with his particular position with NASA, as well as my own. The distinguished Senator has always supported the NASA program. And from the NASA program has come the spinoff to the aircraft industry where we did indeed put a thumb on the scales of the aircraft industry. Not generally an advanced technology program for all of technology, but he has joined in that thumb on the scales and never worried about industrial policy at that particular time, specifically in support of the KASSEBAUM amendment. That was for the aircraft industry. That was a specific tort provision and thereby a thumb on the scales of the aircraft industry.

Here, just in the last 2 days, he now comes up with an amendment to just take all of the funds, just take all of the funds. That is playing games now, to just say take all of these moneys and put it into the R&D over in the Finance Committee.

We had research and development bills out of the Finance Committee, and we voted on those and we are prepared to vote. But I never heard of a bill that has support on both sides and then to come here with these monkeyshines and just take the bill and forget about the provisions and take all of the moneys and put it over in the Finance Committee, particularly in light of the track record of the distinguished Senator from Missouri.

I am looking at S. 419, a bill before the Congress today. This bill was introduced last year on February 24, 1993, by Mr. DANFORTH, for himself, Mr. ROCKEFELLER, Mr. GORTON, Mr. LIEBERMAN, Mr. BAUCUS, Mr. BOND, Mr. DODD, Mrs. MURRAY, and Mr. RIEGLE. This particular bill is to provide for the enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research.

Now you know how deeply they feel about the philosophy of industrial policy.

With respect to the philosophy, this bill's principal author says, what I want is to put my thumb on the scales of aircraft research, put my thumb on the scales of aircraft technology. I would cite also Federal assistance to the semiconductor industry consortium, known as Sematech, which has been successful in improving the competitiveness of the U.S. semiconductor industry—that is a thumb on the scales of the semiconductor industry.

Come on. That is begging the question.

The Senator was a leader in this 7 years back in the institution of Sematech and cites it again with pride in this particular bill here for the aircraft industry. We know about the philosophy behind these initiatives. You might apply Mr. Darman's famous duck test. If it walks like a duck, squawks, like a duck, flys like a duck, then it's a duck. Likewise, if the Senator's efforts on behalf of the aircraft industry and Sematech walk, squawk and fly like industrial policy, then they are industrial policy.

And since we have just cited the duck test, lets also allow that what's sauce for the goose is sauce for the gander. If industrial policy is good for semiconductors, if it is good for aircraft,

why not also for general research on merit-based, industry selected technologies?

Now, it is just playing games to come forward here, having approved a bill that has been through him as ranking member on the committee on two occasions, unanimous support, Republican and Democrat, and then out of the blue just take all of the money from the bill and put it over to the Finance Committee and hope they direct it after the House, because under the Constitution, you cannot put in a finance-raising measure, tax measure with respect to R&D, but hopefully they will put in the R&D and thereupon the committee would come out and take these moneys and allocate from there.

Now, that is the treatment we are getting on this particular measure.

Now, I am not sure exactly what is going on. We will try to find out.

But anybody with common sense can see that they are not talking about the bill. They are trying to recreate in their minds, because they cannot talk about the provisions in the bill, they are trying to set up a diversion by talking about an alleged philosophy of industrial policy. "Well, wait a minute. We have a new philosophy here of industrial policy and a thumb on the scales of industry." Meanwhile, they are putting their paws all over Sematech in the semiconductor industry, putting their paws all over the aircraft industry. But now, as we contemplate putting a thumb on the scale for advanced technology, wait a minute, we have to discuss philosophy.

I yield to the distinguished Senator.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, if I may respond.

Madam President, first, let us talk about the aerospace industry.

It is often said, as it was just asserted by Chairman HOLLINGS, that we are busily subsidizing the aerospace industry because we have NASA and because we have a defense budget, and that is said to be a great boon to the aerospace industry.

Well, today at our hearing, we had as a witness, a vice president from Boeing. And because this statement has been made so frequently about how the aerospace industry has been subsidized, I put the question to the vice president from Boeing: Is it correct; is the defense budget, in effect, a subsidy for the commercial aerospace industry? Is NASA a subsidy? And the witness said flatly that the answer to that was no.

He was pressed on that answer, and he said that he could not think of any use that the defense spending or NASA has given to the commercial aerospace industry.

The argument that the aerospace industry has been a beneficiary of the largess of the Federal Government is the argument that has been made by the Europeans in defense of Airbus, and it is a bum rap. It is simply not the case.

Our aerospace industry is not, in fact, on the same footing as Airbus is with the Europeans. The Europeans have conducted an aggressive policy of subsidizing research, development, and production of aerospace.

Now, an agreement was made a couple of years ago between the United States and the European Community with respect to aircraft manufacturing. In that agreement, it was agreed that certain development subsidies would be green-lighted; henceforth, that certain subsidies for development of aircraft would be permissible.

I did not agree with that agreement. I thought that was a bad agreement. I thought that it was the forerunner of the subsidies agreement that has been reached in these GATT negotiations, and it was. I objected to the green-lighting of certain subsidies in aerospace.

As a result of that, I offered two pieces of legislation, introduced two bills. I saw them as being in the alternative. One was to mandate the commencement of a countervailing duty case against Airbus. The second was, if we were not going to do that, then to go to a Sematech type of operation, which we called Aerotech, on the theory that we could not sit by and allow a major industry of the United States to be victimized by unfair trade practices.

I will be the first to say that, if there are unfair trade practices, the United States of America must act. We cannot be chumps. We cannot do nothing. We are going to have to do something.

I would prefer to use the trade laws. I would prefer to use the subsidies code. I would prefer to file a countervailing duty case against Airbus. I have been advocating that for years. I think that is a totally ridiculous subsidy.

But if the position of the United States is to do nothing or little or green light subsidies, if we are now into the world of subsidies, obviously the United States has to be toe to toe with whatever countries in the world are subsidizing their own industries.

If we proceed with this GATT agreement and the result is wide open subsidies for research and development, I will be right there. Well, I will have left the Senate by that time, but I will be at least morally supportive of the position taken by Chairman HOLLINGS. I will say if it is a world of subsidies, and the United States is falling behind, we have to keep up. We have done that with agriculture and we are going to have to do it with other sectors as well. I hope we do not come to that.

I do think it is a basic question of philosophy. I do think it is a basic question of policy. Once you get into the business of competing subsidies, I do not see how you are ever out of the woods. Once you are in the business of competing subsidies, I think there is going to be more and more and more demand for more subsidies.

I would rather see us not get into the game. I would rather see us do, by tax credit, what Chairman HOLLINGS says we should do by direct governmental intervention in specific industries. I would rather be much less directive than S. 4 would have us be. I would rather have us say to the private sector: You make the decisions on research and development. You make the decisions. We are not going to make those decisions for you. And, if you do, then there is a tax credit for R&D.

That is a much different situation than is the case with S. 4.

The PRESIDING OFFICER. The Senator from Arkansas.

THE NATIONAL COMPETITIVENESS ACT: JOBS, PARTNERSHIPS, AND DEFENSE CONVERSION FOR AMERICA

Mr. PRYOR. Madam President, I am going to speak only a very few moments. I do not want to speak about any specific industry such as the aircraft industry. I want to talk about this legislation as a whole because this legislation, I think, is one of the more important pieces of legislation that the Senate has considered in the last 2 or 3 years relating to the preservation and the creation of jobs.

Madam President, I am pleased to announce my strong support for S. 4, the National Competitiveness Act. First and foremost, this bill is about preserving and creating jobs. By helping to strengthen the U.S. industrial base, S. 4 will enable American companies to meet and defeat foreign competition, ensuring more jobs, higher wages, and a better standard of living for all Americans.

Moreover, S. 4 represents a new approach to economic growth and job creation that says something very important about this administration. It is an approach which features Government as a partner of industry instead of an adversary. Scarce Federal dollars will be leveraged through investment in the technology priorities and needs that industry identifies, rather than technologies that Government bureaucrats like.

My colleagues will continue to make these points about what S. 4 will do for jobs and industry partnerships. I want to talk about the importance of S. 4 for another reason, namely the critical contribution that it will make to our Nation's defense conversion strategy.

In 1992, the Senate majority leader, Senator GEORGE MITCHELL of Maine, whom we will regrettably be losing at the end of this year, appointed me the chairman of the Senate Democratic defense reinvestment task force. This was not a job that I originally wanted, nor one that I expected to have a great deal

of success with. I can say with pride, though, that the task force has produced substantial results, simply because we worked together as a team.

All of us are familiar with the terrible toll that defense conversion is taking on our country. As the defense budget falls, jobs are disappearing and sales are evaporating. Factory gates are closing on defense dependent firms all around America, and the heroes of the shop floor who helped win the cold war are getting little more than the cold shoulder. Our economy and our workers are hurting, Madam President.

The only long-term solution to this downturn is to stimulate economic growth. Defense dependent companies cannot simply move into a new civilian market overnight and begin serving its customers. Plenty of competition already exists in these markets. Likewise, laid off defense workers who receive retraining cannot take civilian jobs immediately, because these jobs are all currently filled.

Economic growth is the answer, Madam President, and as I have learned, technology is the key driver of growth in our modern industrial economy. Investment in the development of new technologies will lead to new products, new industries, and new jobs. We must also ensure that the latest production technologies which contribute to efficiency and productivity, are deployed to as many of our manufacturers as possible. These are the twin pillars of economic growth in modern industrial economies, and the twin pillars of this bill, technology development, and technology deployment.

S. 4 strengthens and expands the technology development and technology deployment programs in the National Institute of Standards and Technology, or NIST, at the Department of Commerce.

Let me add a personal note. The distinguished Senator from South Carolina, who is managing this legislation at this time, was one of the original creators of NIST in the Department of Commerce. He had the vision, as far back as 1988, of placing this particular program in parts of early bilateral trade agreements. I think it demonstrates the wisdom of the Senator from South Carolina, and his forethought.

Grants from the Advanced Technology Program at NIST can help civilian firms develop new technologies which will contribute to their growth, and it can create diversification opportunities for a defense dependent firm. The manufacturing technology centers and manufacturing outreach centers funded by NIST can help a civilian firm become more productive, and it can help a company in the defense business find new markets and acquire the technology necessary to compete in those markets as defense contracts dry up.

The Democratic defense reinvestment task force recognized the value of the NIST programs, and that's why we recommended increased funding for them in 1992. The Republicans had a defense conversion task force in 1992 also, appointed by the Senate minority leader, Senator DOLE, and chaired by former Senator Rudman of New Hampshire. This Republican task force also noted the importance of the NIST programs and recommended more support for them as well.

Madam President, as a matter of fact I would like to, at this point, ask unanimous consent that these two pages from the report by the Senate Republican task force on adjusting the defense base dated June 25, 1992, be printed in the RECORD.

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

REPORT OF THE SENATE REPUBLICAN TASK FORCE ON ADJUSTING THE DEFENSE BASE—JUNE 25, 1992

The information of the Senate Republican Task Force on Adjusting the Defense Base was announced on April 16, 1992, by Senate Republican Leader Robert Dole. Senator Warren Rudman was named as Chairman of the Task Force. Other members appointed to the Task Force were Senator Hank Brown, Senator William Cohen, Senator John Danforth, Senator Pete Domenici, Senator Orrin Hatch, Senator Nancy Kassebaum, Senator Trent Lott, Senator Richard Lugar, Senator John McCain, Senator John Seymour, Senator Ted Stevens, and Senator John Warner.

The Task Force was charged with the responsibility of helping to develop responsible policies to deal with the build down and restructuring of America's defense system in the wake of our nation's Cold War victory and the collapse of the Soviet Union. It focussed on policies to facilitate a productive shifting of our human and technological resources while maintaining a viable defense base.

Fulfilling this mandate and developing responsible and cost-effective policies for adjusting the defense base cuts across the jurisdiction of a number of Senate committees. Accordingly, the Task Force membership includes Senators from the Armed Services, Appropriations, Budget, Commerce, Finance, Foreign Relations, Governmental Affairs, and Labor and Human Resources Committees.

3. R&E tax credit/educational assistance tax deduction

The R&E tax credit provides a tax credit to businesses for their research and experimental expenditures. This tax credit has been critical to maintaining the worldwide lead of American industry in advanced technologies.

The Employer-provided Educational Assistance tax exclusion permits individuals to exclude from their taxable income employer-provided educational assistance for upgrading their skills and training. This deduction could be of particular utility to employees of a defense contractor which needs to retrain its workers as part of an effort to diversify or expand into commercial markets.

Both the tax credit and the exclusion have received repeated temporary extensions to prevent them from expiring. The latest extension of six months expires on June 30, 1992. The Task Force recommends that both of these provisions be made a permanent part of the tax code or, at the very least, be extended for a period of five years to encompass the period of the defense build-down. A permanent or lengthy extension is desirable since it would bring some stability to this area of the tax code and facilitate long-range planning by businesses.

4. NIST programs

The Task Force endorses two programs of the National Institute of Standards and Technology (NIST) as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program (MTC) and the Advanced Technology Program (ATP).

During FY 1992, $15 million is available for the MTCs, and the President has requested $17.8 million for FY 1993. MTCs are designed to enhance American manufacturing competitiveness by improving the level of technology used by small and medium sized companies. They serve as regional centers of information for these firms and also assist in workforce training to allow for the adoption of advanced manufacturing technology.

The ATP is funded at a level of $49.9 million in FY 1992, and the President requested $67.9 million for FY 1993. This program provides grants to industry for the development of pre-competitive generic technologies. Current projects include research and development in such areas as data storage, X-ray lithography, lasers, superconductivity, machine tool control, and flat panel display manufacturing.

Mr. PRYOR. Madam President, not only have the Democratic and Republican task forces supported the NIST programs, the entire Congress has responded to these recommendations over the last 2 years by providing approximately $500 million annually for our flagship defense conversion program, the technology reinvestment project or TRP. NIST is one of the main participants in the TRP, and the program has already provided over $300 million to fund manufacturing extension projects.

In fact, an announcement was made just 2 weeks ago that a NIST-style manufacturing extension project would be funded by the TRP in my home State of Arkansas. This particular extension award went to Winrock International, Henderson State University, and several other proposers in the State, to bring advanced technologies and practices to small wood product manufacturers and metal fabrication firms through networks that have been formed in the two industries. The Arkansas Science and Technology Authority, the Arkansas Industrial Development Commission, the University of Arkansas system, and others in Arkansas are also working hard to develop a State Technology Extension Network which is very important to the economic prospects of Arkansas, and which I strongly support.

As you can see, the programs authorized under this bill will help individual firms and industries convert from defense to civilian production, but this bill is also about defense conversion in a larger war, namely conversion of our Federal research and development

budget. In 1988, when the United States was investing approximately 66 percent of its R&D budget in defense R&D, Japan and Germany were spending only 4.8 and 12.5 percent of their R&D budgets, respectively, for this purpose.

The Clinton administration has pledged to devote an equal percentage of R&D to both civilian and defense purposes. By strengthening and expanding our key civilian, commercial R&D agency, the National Institute of Standards and Technology at the Department of Commerce, this bill lays the groundwork for such a budget conversion.

The cold war is over, Madam President, and the international economic war is red hot. The Department of Defense cannot serve as our Nation's leading economic development agency, but the Commerce Department can, and it is poised to lead the charge for civilian industries. Today we must be investing more in making our workers and our firms more competitive so that we can prevail in the battle for markets and profits and win the war for higher wages and higher living standards for all Americans. S. 4 is just the ammunition we need for this fight. I urge my colleagues to support it.

Mr. HOLLINGS. I thank the distinguished Senator from Arkansas, particularly for his leadership in the defense conversion committee.

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate will now vote on the motion to table——

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask unanimous consent to withdraw my amendment.

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

So the amendment (No. 1481) was withdrawn.

Mr. COVERDELL. Madam President, I am going to send an amendment to the desk that is a sense-of-the-Senate on the same subject that the Senator from Arkansas and I have been working on this morning, and on which we have reached agreement.

The nature of the amendment is to ask the Postal Service to discontinue the auditing practice I spoke of this morning until there is a response from the General Accounting Office which would be taken under consideration by the Congress.

Mr. HOLLINGS. Madam President, I appreciate that. Let us go with this one vote.

The PRESIDING OFFICER. The Senator can submit that amendment at the appropriate time.

VOTE ON AMENDMENT NO. 1480

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, the Senate will vote on agreeing to the motion to table the Cochran amendment No. 1480.

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

The bill clerk called the roll.

The result was announced—yeas 35, nays 65, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—35

Baucus	Jeffords	Moynihan
Biden	Kennedy	Murray
Boxer	Kerry	Pell
Bradley	Kohl	Reid
Bryan	Lautenberg	Riegle
Dodd	Leahy	Robb
Feingold	Levin	Rockefeller
Feinstein	Lieberman	Sarbanes
Glenn	Metzenbaum	Simon
Graham	Mikulski	Wellstone
Harkin	Mitchell	Wofford
Hollings	Moseley-Braun	

NAYS—65

Akaka	Dole	Lugar
Bennett	Domenici	Mack
Bingaman	Dorgan	Mathews
Bond	Durenberger	McCain
Boren	Exon	McConnell
Breaux	Faircloth	Murkowski
Brown	Ford	Nickles
Bumpers	Gorton	Nunn
Burns	Gramm	Packwood
Byrd	Grassley	Pressler
Campbell	Gregg	Pryor
Chafee	Hatch	Roth
Coats	Hatfield	Sasser
Cochran	Heflin	Shelby
Cohen	Helms	Simpson
Conrad	Hutchison	Smith
Coverdell	Inouye	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thurmond
Danforth	Kempthorne	Wallop
Daschle	Kerrey	Warner
DeConcini	Lott	

So the motion to lay on the table the amendment (No. 1480) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Mississippi. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Madam President, I rise to indicate my opposition to this amendment.

Without losing my right to the floor, I am prepared to yield to Senator COVERDELL, who has an amendment that I understand has been agreed upon. I have no objection if he wants to proceed at this time.

Mr. COCHRAN. Madam President, reserving the right to object, what is the pending business before the Senate?

The PRESIDING OFFICER. The amendment by the Senator from Mississippi is the pending question.

Mr. COCHRAN. Madam President, would the regular order be a vote on the amendment if there was no debate on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I ask for the regular order, Madam President.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. Madam President, I will proceed. I say to my colleague that, apparently, the Senator from Mississippi has an objection to us proceeding and letting him go ahead.

Mr. COCHRAN. If the distinguished Senator will yield for a response, I have no objection to the Senator from Georgia proceeding to say whatever he wanted to say, or offer whatever he wanted to offer.

The point is that the Senate has just spoken on an amendment, by approving it, by a vote of 65 to 35, against a motion to table. It is this Senator's recollection that usually when the Senate acts on an amendment in that way, the usual procedure is then to adopt the amendment, the Senate having already expressed its will on the amendment. That is the purpose of my suggestion for the regular order.

Mr. METZENBAUM. Madam President, it is my understanding that there was little, if any, debate in connection with that amendment. When I left the floor to go downtown for a meeting that a number of us went to with the President, it was my understanding that the matter had been worked out on a compromise basis. When I returned, I found we were in the vote and that the agreement had not been worked out.

The Senator from Ohio has some very strong feelings about this, as do many other Americans. The Senator from Ohio expects to speak to the subject and may be prepared to offer a second-degree amendment, although I have not as yet decided. I was then informed that the Senator from Georgia wished to offer an amendment that had been agreed upon. If the Senator from Mississippi has an objection to that, then I will proceed.

Mr. COCHRAN. If the Senator will yield further, I have no objection to the Senator from Georgia proceeding. If the Senator from Ohio intends to debate the Cochran amendment further, or offer an amendment to it, I certainly do not object to using his rights to do that. So if the Senator from Ohio wants to yield to the Senator from Georgia, I will not object to that.

Mr. METZENBAUM. As a courtesy to the Senator from Georgia, I will yield to him at this moment, reserving the right to be recognized immediately at the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I ask unanimous consent to set the amendment by the Senator from Mississippi aside and to set the amendment by the Senator from Missouri aside.

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

AMENDMENT NO. 1483

(Purpose: To express the sense of the Congress that the U.S. Postal Service should cease and desist from conducting audits of private businesses using private express for urgent letters, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. PRYOR, and Mr. MURKOWSKI, proposes an amendment numbered 1483.

On page 216, add after line 12 the following new 2 title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

It is the sense of the Congress that the United States Postal Service, in the administration of chapter 6 of title 39, United States Code, shall suspend its audits by the Postal Inspection Service of private business or individuals who use private express for the private carriage of any letter which such business or individual determines is urgent, until the Congress receives and considers a report by the General Accounting Office regarding the potential financial impact on the Postal Service of permanently suspending enforcement of chapter 6, of title 39, United States Code.

Mr. COVERDELL. Madam President, earlier this morning, I submitted an amendment to this legislation that would have had the effect of prohibiting the U.S. Postal Department from exercising fines and, in my judgment, intimidation to private businesses in our country. I have withdrawn that amendment by unanimous consent and have joined with Senators PRYOR of Arkansas, and MURKOWSKI of Alaska in the framing of the amendment that is now before the Senate, which is a sense of the Senate.

The amendment calls upon the Postal Department to cease and desist from these same audits until such time as there has been a response—requested by the Senator from Arkansas—from the General Accounting Office, and that the Congress has had an opportunity to review and consult about those findings.

I thank the Senator from Arkansas for his assistance in this matter. I feel that American business has been suffering an egregious harm by this process, but I understand that there is much for us to find and consult about on the matter, and I think this is progress.

I believe the Senator from Arkansas would like to make a comment, and I will yield to the Senator from Arkansas.

Mr. PRYOR. Madam President, first, I want to say how much I deeply appreciate the Senator from Georgia deciding now to submit to the Senate a sense-of-the-Senate resolution on this issue. The Senator from Georgia has also been invited to appear before the Senate Committee on Governmental Affairs on the morning of March 24 to make his position known to the Governmental Affairs Committee, which oversees the U.S. Postal Service, as to the impact of his proposal to deal with this issue.

Also, the Senator from Arkansas, as Senator COVERDELL has stated, requested as of 2 days ago the General Accounting Office to do a complete study on the impact of the proposal offered by the Senator from Georgia on the U.S. Postal Service and all of the ramifications of this particular concern as expressed by the Senator from Georgia.

So, therefore, Madam President, I understand from the managers that we may not actually even have to have a rollcall vote on this sense-of-the-Senate resolution, and I would like to ask unanimous consent that I be added as a cosponsor of the amendment.

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

Mr. PRYOR. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I ask for the immediate consideration of the amendment, and I wonder if the Senator from South Carolina would let us know of his concern or lack thereof on the amendment.

Mr. HOLLINGS. I thank the distinguished Senator.

I talked with our colleague, the Senator from Arkansas, and the Senator from Georgia, and now that the compromise is worked out we are glad to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 1483) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1480

Mr. METZENBAUM. Madam President, I think that the Senate has just voted against tabling the pending amendment without many Members of this body knowing what that amendment was about.

I am frank to say that I had left here thinking and having some understanding that there had been a compromise worked out on the time limits with respect to the implementation of the amendment.

When I came back I found that that was not the case. I also found that it was not possible at that point to speak because we were moving right into the vote.

I do not blame anybody. I do not hold anybody responsible. But the fact is I think this is an abominable amendment. I think this amendment plays into the hands of the large corporate farm owners of this country and indicates a total indifference to the safety and health of the farm workers of this country.

This amendment would actually delay implementation of the EPA's worker protection standard for a year-and-a-half while those farm workers who have no lobby, who have no one speaking for them, would continue to be exposed to the various chemicals that are used on farms throughout this country.

The EPA has been working on this subject for the last 10 years. Now they finally have been able to bring it. Instead of going forward with it, the Farm Bureau mounts a major lobbying effort against it, and we, the Senate, refuse to table the amendment as proposed by the chairman of the committee handling this bill, the Senator from South Carolina.

Let us see what we are talking about. The farm workers of our country are our most vulnerable workers. They have no spokesperson. Nobody really cares about them. Nobody gives a damn about them. They live in poverty, and they have no opportunity, very little, at any rate, to improve their wages or their working conditions.

They desperately need protection from toxic pesticides. That is all the EPA is talking about, providing them with some protection from harmful, hurtful toxic pesticides.

By some estimates, as many as 300,000 workers a year are crippled by exposure to pesticides. But nobody cares. Most of these workers never even get to see a doctor. They are the forgotten workers of this country.

The EPA's worker protection standard, which nobody claims is off the wall, nobody claims it goes too far, would provide critical safety and health protection to farm workers. By a 65-to-35 vote we moved to defeat Senator HOLLINGS' motion to table.

EPA's worker protection standards will provide training, provide for personal protective equipment, ensure that growers will not force workers back into the fields after a spraying of toxic pesticides until it was safe to do so.

Who can argue with that? Why is it so terrible to say we ought not to be sending workers back into the fields after spraying of toxic pesticides until such time as it is safe to do so?

It provides for emergency assistance measures when workers are exposed. Without these protections farm workers will continue to be exposed to toxic pesticides.

What kind of Senators are we? Where is our humanity? Where is our compassion? Is our compassion only with what the Farm Bureau wants and what they do with their political action committee? Or does our compassion have something to do with the safety of the people of this country, the farm workers of this country?

EPA estimates that 80 percent of exposure-related injuries can be prevented. They did not come up with this conclusion last week, last month, or last year. The standard was developed over the past 10 years with EPA acting in close coordination with the Department of Agriculture, the States, and the agriculture community.

But this amendment would delay the critical protections for another year-and-a-half. Why? What is it about it that requires that it be delayed for a year-and-a-half? What kind of people are we that we say no, we do not want the farm worker to be protected for at least another year-and-a-half? I will guarantee you before that year-and-a-half expires they will be back here asking for an additional extension.

A year-and-a-half is not just one growing season. It is two growing seasons.

Make no mistake about it. A delay of a year-and-a-half means only one thing. Thousands and thousands of farm workers will be unnecessarily crippled by exposure to toxic pesticides. That is an intolerable injustice.

I know the Members of this body, and I know that they are compassionate, concerned, and worried about the health of the people of this country.

If we are concerned about the health of the people of the country, then we have to be concerned about the health of the farm workers of this country.

Farm workers have waited 10 years for these protections. They should not have to wait any longer. The administration opposes any further delay in these long-awaited protections. Ten years is enough.

I said before that there are powerful lobbyists pushing to get this amendment through, but I should note that a broad coalition of organizations, most of which do not have any PAC's or anything of the kind, supports the worker protection standard and opposes the Cochran amendment to delay implementation of this standard. Let me tell you some of those groups. The Environmental Justice Working Group, the Farmworker Association of Florida, the Farm Labor Organizing Committee of Ohio, the Farmworker Support Committee of New Jersey, the Friends of the Earth, the General Teamster, Warehousemen, and Helpers Union, Greenpeace, the Lawyers' Committee for Civil Rights Under Law, the National Coalition Against the Misuse of Pesticides, the National Council of Churches, the National Wildlife Federation, the National Resources Defense Council, Physicians for Social Responsibility, Public Citizen, the Religious Action Center for Reformed Judaism, Sierra Club Legal Defense Fund, the United States Catholic Conference, the Wilderness Society, and the AFL-CIO.

In sum, I believe that those organizations that are prepared to stand up for workers rights in this country, for a safe environment, for the protection of the farm workers of this country, beg with you, they implore you, they entreat with you, do not pass this amendment.

I think when it was voted on before many Members of this body did not truly understand the implications of it. My guess is if I know the Senate those who voted one way will continue to vote the same way. I think the Members of this body ought to have an opportunity to vote up or down on the amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I will be very brief.

I just rise to support the Senator from Ohio and to thank him for his words.

When the Senator talked about the reason for this Environmental Protection Agency initiative, he pointed out that the standard is expected to provide at least an 80-percent reduction in the up to 20,000 physician-diagnosed pesticide poisonings each year.

I say to Senator METZENBAUM, when we talk about pesticide poisoning, we are talking about men, and women, and children. I have visited with some of those farmworkers, and I have seen what the statistics mean in personal terms.

While I respect all of my colleagues, I hope each and every Senator knows what their vote means in personal terms. It has been said that justice delayed is justice denied. That is exactly what we are talking about here.

The standard is the result of a lengthy process and a carefully worked out agreement. As it is put into effect, if there are some serious problems for farmers and agriculture, we can monitor that and work it out.

I come from an agricultural State. The farmworkers are involved in helping us get food to our table. Their work is important. They should be valued.

I really fear that what has happened here on the floor of the Senate is precisely what the Senator from Ohio has identified, which is to say that there are those who do have economic clout, who do have big organizations, who do have the lobbyists.

Madam President, could I have order?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. WELLSTONE. Could I just wait, Madam President?

The PRESIDING OFFICER. If the Senator from Minnesota will suspend, we will get order for him.

Mr. WELLSTONE. I would appreciate it.

The PRESIDING OFFICER. The Senator has asked for order so that he can make his remarks.

The Senator from Minnesota.

Mr. WELLSTONE. I thank you, Madam President.

When all of us speak on the floor, we do it because we believe what we are saying is important. All of us believe in the arguments that we make.

The Senator from Ohio has said something important, which is that we ought to remember what this vote means in human terms. We ought to remember what toxic chemicals can do to men, women, and children. We ought to remember the purpose of this carefully worked out agreement. We ought to understand all of this when we talk about environmental justice, because that is what this vote was about, except it was about environmental injustice.

I ask my colleagues to take a second look at this. It should not only be those folks with big bucks and the lobbyists that march on Washington every day who have a voice. It is sad but true—no righteousness is intended—that farmworkers are often put into parentheses. They are put in brackets. They are forgotten.

I would have thought by now in the United States of America the Senate could have allowed the EPA to move forward with a standard which provides some protection for men, women, and children—the same protection, by the way, every Senator would want for her or his children.

So I hope that Senators will reconsider this vote. I thank my colleague from Ohio for what he has done.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, before we vote on the amendment up or down, I would like to put in the RECORD a list of questions that were sent to all State commissioners of agriculture by the U.S. Association of Departments of Agriculture and the response that was received from the State of Ohio, submitted by the Ohio Department of Agriculture.

I ask unanimous consent that the questionnaire and the answers from the State of Ohio be printed at this point in the RECORD.

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

ISSUES OF NATIONAL IMPORTANCE TO STATES IN THE IMPLEMENTATION OF THE FEDERAL WORKER PROTECTION STANDARDS

Question 1:

The standard prohibits hand labor cultural activities during a restricted entry interval (REI). Any other activity, such as irrigation, that may result in contact with treated surfaces is limited to 1 hour per employee during any 24 hour period. The REI will be from 12 hours to 3 days depending on the toxicity of the pesticide ingredient and average rainfall. Entry during the first 4 hours is limited to applicators and crop advisors wearing all personal protective equipment (PPE).

How will compliance with these limits, especially the irrigation restrictions, impact your farming operation?

Answer. The impact of restricted entry intervals (REI) on crop production is most likely to have the greatest impact on greenhouse growers in Ohio. Especially for irrigation of crops, frequent entry into pesticide treatment areas can be required on sunny days or during warmer months. Less impact will be felt by large growers with automatic watering systems, however, small growers with diverse crops in the same production house can expect difficulty with compliance.

While EPA has proposed to allow some leeway for cut flower growers; roses, carnations etc, this exception would not apply to bedding plant producers who are very numerous in Ohio. Ohio Department of Agriculture (ODA) could take advantage of authority allowed by the WPS to seek exception to limits on hand labor during a REI. Any exception is likely to draw legal challenges from organized labor as is threatened against the exception currently proposed by EPA.

Question 2:

New pesticide product labeling and the standard will require field posting of all applicators of a dermal toxicity category one active ingredient and all applications made in a greenhouse regardless of the toxicity category of active ingredient.

What do you see as the impact of these requirements on your farming operation? How would you estimate the time and money resources required to comply? Do you operate a greenhouse or open field enterprise?

Answer. Field and greenhouse posting will be two separate issues. In Ohio, many fruit and vegetable growers have done field specific posting as required by Ohio law. Greenhouses face many logistic issues with posting especially when diverse crops are grown in the single structure and pesticide applications may be directed to small areas within a larger structure. Required posting for treatment done to a single bench can restrict work in a much larger area of a greenhouse. Especially for those greenhouses that allow retail trade and customer access to production areas, there will occur circumstances when customers may enter areas inaccessible to workers.

Question 3:

The standard requires, in addition to field posting, oral warnings for all dermal toxicity category one active ingredients and all greenhouse fumigants. While the signs must be placed at the edge of the field the oral warnings must include both your employees and those of any contractor, such as a custom applicator or labor contractor, who may walk within ¼ mile of any of your fields that are under an REI.

How do you envision identifying those required to be warned and transmit the warnings to them of their direct employer? Give examples of how you would attempt to comply with this requirement in your farming operation.

Answer. Oral warnings to workers and handlers will be difficult to enforce from the ODA perspective. Past experience with this issue has been that we find a farmer versus a laborer who tell us two different stories. Taking any enforcement action under these circumstances can be very difficult. Additionally, the need for farmers to orally warn outside contractors; vegetable buyers, crop scouts, custom applicators etc. places a significant burden on the grower to know who is on the farm and where these outside persons may be at any time.

Question 4:

The standard requires that written information about each application, including the area treated, the date and time of application, the restricted entry interval, and the product name, registration number and identity of the active ingredient, be posted at a central place where it is accessible to employees. In most cases it must be posted before the beginning of the application.

What significant problems, if any, do you see in your farming operation coordinating the exchange of this information between crop advisors, custom applicators and yourself so that it can be posted by the time required? On average, how many applications are made on your farm during a year? How many separate (non-connected) parcels do you farm? How many applications are canceled at the last minute due to weather conditions or equipment problems?

Answer. Central posting of pesticide application information is a good idea for small growers with small numbers of workers. For larger operations which can spread over large areas, their workers may seldom if ever, report to a central location. In many cases, individual fields may be separate from the central packing facility or administrative site. At the satellite fields most growers do not maintain facilities for information exchange as required by the rule.

Also, for large farm operations where integrated pest management is well established, the farmer may perform hundreds of individual pesticide applications. For example, a different pesticide rate or timing for small blocks of crop or different apple varieties in an orchard. By posting all of these individual pesticide applications, workers can be overwhelmed by the amount of information.

Question 5:

The new standard requires you and your family to comply with labeling requirements for personal protective equipment (PPE) and labeling prohibitions pertaining to REIs.

What situations would require you to enter your field shortly after an application (during a restricted entry interval)? How will the requirements for PPE and the time and activity limitations impact these needs? Will this create any problem situations for you?

Answer. Enforcement of provisions requiring the farmer or immediate family members to wear all protective clothing listed on the pesticide label is comparable to mandatory seat belt laws. Under conditions of heat and high humidity many individuals are going to choose limited pesticide exposure over the use of protective clothing that limits their mobility and may result in heat stress. Merely having required protective equipment in each vehicle on the farm can be a major cost and logistical issue, because the farmer cannot anticipate which vehicle he will be operating when field entry is required.

Question 6:

The standards provides that the farmers is equally responsible for compliance and violations that might be made by another person acting for you in either an employment of contractual relationship, such as a custom applicator.

Do you sometimes use a contractor because you feel they can do a better and safer job? Is the passing of some liability to them a consideration in your decision? If you are equally liable for violations, how would this affect your decision to use a contractor, such as a custom applicator?

Answer. I view this issue as similar for both the custom applicator and the farmer using custom application services. The WPS communication requirements place a significant burden on both parties to communicate before, during and after pesticide applications. The most up to date communication technology, cellular telephone, offers the best opportunity to meet these communication requirements.

Question 7:

The new standard defines crop advisors as pesticide handlers, like mixers/loaders, and applicators. Advisor employees, such as dealers of farm management firms, must meet the same requirements as custom applicators, including PPE, change area, decontamination facilities, emergency eye flushing, monitoring every 2 hours, handler training, and site specific information.

Do you use a crop advisor? What impacts do you see this having on the work of the crop advisor, the advisor's employer, and your farming operation?

Answer. The response to this question is similar to question six. The demands for communication between the farmer and any commercial crop services provider will create many opportunities for failure to exchange required information.

Question 8:

The new standard requires training every 5 years of both pesticide handlers and early entry fieldworkers before they begin work. Other fieldworkers must be trained before they begin their 6th day of work (until October 1995, then before the 16th day). You have equal responsibility with the custom applicator or labor contractor to ensure these employees are trained. The trainer must be a certified applicator or meet other state designated qualifications.

How would you go about ensuring these employees (both your own and contractors') are trained? Would you attempt to train yourself or hire a training firm? If hiring, would you be likely to give any preference to applicants who could demonstrate that they were already trained?

Answer. In our discussion with growers and OSU Extension staff, the point is to keep this process as simple as possible. We recommend state standards for trainers be no more restrictive than those found in the WPS. Considering the limited complexity of training requirements for workers and handlers, it is the belief of those with whom we have discussed this issue, that ODA and OSU Extension identify training materials which are approved for use by agricultural employers.

Train the trainer programs can be incorporated into existing pesticide applicator training programs. Agricultural employers could then utilize training and; video tapes,

posters, and other materials available from OSU Extension to provide the required training.

Training verification can be documented by signature acknowledgment by the employee. The use of training verification or identification cards is not recommended.

Mr. COCHRAN. Madam President, let me just say that one of the issues touched on in this questionnaire had to do with whether or not the nursery industry would be covered by this new regulation. According to the response of the Ohio Department of Agriculture, we are not talking about huge landowner operations necessarily when we are talking about these regulations. They apply in many more situations, small nurseries.

Here is one example. I am reading from answer No. 1. "While EPA has proposed to allow some leeway for cutflower growers—roses, carnations, et cetera—this exception would not apply to bedding plant producers who are very numerous in Ohio. Ohio Department of Agriculture could take advantage of authority allowed by the WPS"—that is the Worker Protection Standard—"to seek exception to limits on hand labor during a REI." That is a Restricted Entry Interval, a technical phrase that they are trying to understand as they sort through the regulations. "Any exception is likely to draw legal challenges from organized labor as it threatened against the exception currently proposed by EPA."

Now, I point that out, Madam President, simply to illustrate the fact that there is still a tremendous amount of uncertainty about the impact of these regulations—who might be fined or have sanctions imposed against them, who may be trying in good faith to comply with the regulations.

It is the State departments of agriculture who are going to have the burden of enforcing adherence to the regulations. That is the whole point.

This is offered because the departments of agriculture have been continually trying to get a postponement of the enforcement date, the date when citations will be issued, so that they can have their workers trained, they can have staff people who understand what they are doing out there enforcing the regulations, rather than just guessing in their conversations with farmers and farm workers.

So the whole point of this is not to change the law. The whole point of this is not to change the regulation, but to ensure that there is a period of time within which the enforcers at the State level, agricultural producers, farm worker groups, and all, can be certain what is and is not against the rules and how do you go about protecting farm workers under these regulations. That is the purpose of the amendment.

I hope the Senate will reaffirm their decision on the amendment and vote "aye" when the roll is called.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, we are back now to where we were at about 10:30 this morning. The distinguished Senator from Mississippi was submitting his amendment. I noted at that time that pesticides and agriculture was not the subject of the bill and was not germane.

I heard, thereupon, that the distinguished Senator from Mississippi was working his staff with the chairman of the Agriculture Committee, Senator LEAHY. Senator LEAHY was busily engaged in the markup of the rewrite of the Department of Agriculture's reorganization, a very important matter.

But, by noontime, Senator LEAHY was on the floor and addressed the subject matter. I understood and I was confident they had worked out a compromise, when the distinguished Senator from Ohio came to the floor and, in reviewing the bill, had some questions and asked that 20 minutes be allowed so that his staff could really go down each item and advise him further. I said, "Fine."

And then, 1 hour and 20 minutes after the 20 minutes given, I said I was ready to move, in frustration really, to try to get a vote to try to move something on this bill, that I would be moving to table. I was prepared to move to table the amendment by 2:30, but, at the request of the distinguished majority leader, he said let us put it at 3 o'clock.

So we then had at least an hour when we got the rollcall ordered and notice given to all Senators. So we knew we had a rollcall on the motion to table. If Senators were not informed, I do not know how to give them more time to be informed.

I happen to agree with the Senator from Ohio. It does not belong on this bill. It needs to be debated otherwise and fully considered and fully heard. Things of that kind are totally extraneous from anything we have in this 140-page measure.

But there is the action of the Senate. We have to have action. We have to start moving on some of these amendments, because you can see the position that we are in once this is disposed of and we go back to the Danforth amendment.

Here we have an amendment that states very simply:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

Well, quite to the point, we do not need an amendment for the Finance Committee. They can consider this amendment, any amendment, or no amendments. And even after considering it, we know, after passing tax laws, it has to arrive in the House of Representatives.

Working 3 years at least on the bill, having passed it, as was noted by the Senator from Arkansas, back in 1988, having it included in an authorization 2 years ago by President Bush, all with the support of the distinguished Senator from Missouri who is the ranking member on my committee, having been sent 2 years ago unanimously over to the House side and agreed upon in conference, then, with the House and Senate all signing off, including the distinguished Senator from Missouri, then we could not get it up in the closing days so we come back and unanimously pass it out of the Committee of Commerce with the support of the Senator from Missouri—and now he comes and talks about philosophy. Maybe just take all the money.

We have had programs—we have the Bureau of Standards, which is now the National Institute of Standards. That is the major portion of the money. So you would not want to just abolish the Bureau of Standards and consider, over in the Finance Committee, an R&D tax credit with those moneys, which is not necessary for the consideration of the Finance Committee in the first place. It is absolutely ludicrous what they are doing here.

I am trying to fathom just what they have in mind, because we had such strong support. I will be able to address my comments further on the Danforth amendment. But I wanted to note for the RECORD we have been more than deliberate, more than considerate. It has been the Members who just will not come to the floor, will not debate it, will not bring their amendments, and are using every delaying tactic. And then they are going to come around—and I can see them beating on my shoulder tomorrow night: Why do we have to stay here until Friday?

We are going to stay here until Friday. The majority leader announced that last night. Heavy on Friday, and I hope maybe we can get votes on Monday. If there is any way to work it out, this Senator is ready to work it out and keep working this bill, because we know we have a solid bill. The third day on this bill, after unanimously passing it twice, now comes with not an amendment to the bill. But now we are back to pesticides. And when we get through with the pesticides, the next amendment is going to be the R&D tax credit for the Finance Committee. That is all out of whole cloth. But I do appreciate the indulgence of the Senate.

So we can just understand what we are trying to do, if there is an amendment to the bill, name the page and section, and fine; let us amend it or at least consider it. But let us not come with R&D tax credits, not within the purview of our Commerce Committee; pesticides, not within the purview of

the Commerce Committee, or this particular measure; not with GATT Treaties; not with postal affairs and all these other things that are coming along.

I do not know where they get the idea just because they have a good bill that has been reconciled with everyone now they want to, like Samson, come and tear the walls down and ruin it all; just get nothing. And then talk about gridlock.

But I am glad to see the Senator from Oklahoma here because they told me he was coming to the floor at 2 o'clock yesterday.

Is there further debate on the bill? Are we ready to vote again?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have been around here a long time. I understand when you lose a vote, tabling 65 to 35, it is pretty hard to defeat it the second time around. You may even lose some of those. But I just feel so strongly, so deeply about this whole question of farm workers.

I do not know farm workers. I am a city boy. I do not know much about farms. I know more about what is happening in the communities of Cleveland, Columbus, Youngstown—some of the other cities of Ohio. I have a relationship with the farm workers of Ohio, some of the farmers of Ohio. I would not be here if I did not have a good relationship with them. After my original remarks, I just got a call from the Ohio Farmers Union saying: We are totally supportive of what your position is on this.

I say to all of you, you all go out and campaign, talk about your concern for the American people, indicate you are here because you want to make America a better place in which to live. I would say, of the 100 Members of this body, myself excluded—they are all sterling men and women. Overwhelmingly churchgoing people, some temple-going people—whatever the religious preference. But in the main, God-fearing people concerned about their fellow human beings on Sunday, or on Saturday, as the case may be.

But this is only Wednesday. And this is the day when push comes to shove, when we really ought to be concerned about our fellow human beings—not what we say in our prayers, but what we do here on the floor of the Senate.

Nobody is talking about imposing some big tax or something. That is not involved in this amendment at all. Nobody is talking about any special provisions that are going to make farmers of this country have an undue burden.

My good friend from Mississippi, a very well-respected Member of this body, says all we are trying to do is get some delay. I confess when I left the Senate before, around the noon hour, I was under the impression there had been some compromise worked out and there was going to be some delay. But not 18 months. I think it was to be 9 months, as I understand it.

I came back and said, "What happened?"

They said, "We are not quite sure, but I guess the Senator from Mississippi and his colleagues rejected that."

Mr. COCHRAN. Mr. President, will the Senator yield on that point just for a response?

Mr. METZENBAUM. Sure. Sure.

Mr. COCHRAN. I think there may be some misinformation about that matter. The understanding was that there would be a moratorium agreed to by the Senate that would last until January 1, 1995, and the Senate would contemporaneously pass a freestanding bill in addition to approving the amendment that would be placed on this bill that would have the same provisions.

This Senator was advised that the Senator from Ohio—and maybe others, but specifically the Senator from Ohio—objected to the passage of the freestanding bill. That was my understanding why the agreement was not reached.

Mr. METZENBAUM. Mr. President, I would like to respond to my colleague. Until you just said that, I never heard it. So, the whole question of a freestanding bill—I was involved yesterday on some issues having to do with a freestanding bill, but not on this subject at all. It was a totally unrelated subject with the Senator from Kansas [Mrs. KASSEBAUM]. There we did agree upon a freestanding bill, to which she was very agreeable. We were agreeable, too. We came to agreement. Whether or not somehow there was a miscommunication, I do not know.

Let me ask the Senator from Mississippi a very elementary question at this moment. Will the Senator from Mississippi agree to reduce the 18-month period to 9 months?

Mr. COCHRAN. Mr. President, I will be happy to respond to the distinguished Senator, if he will yield. We had tentatively reached an agreement to do that so the date would be January 1995, if there could be the passage by the Senate of a freestanding bill that would contain the same provisions. That was the proposal that was made by this Senator for one way to resolve the issue.

We had been led to believe that had the support of Senators on your side, including the Senate Agriculture Committee and others, but that the Senator from Ohio objected to it.

Mr. METZENBAUM. Mr. President, as I have already indicated, I did not object to it because I did not know about it until my colleague just mentioned it. Would the Senator from Mississippi be willing to accept the compromise, 9 months in this bill, and do it right now and pass it and get it behind us? Because a freestanding bill involves the leadership of the Senate, it involves other committees of jurisdiction.

But if we could agree upon a 9-month delay, would that be acceptable to the Senator; either he could offer it or I could offer it, and then agree to the amendment?

Mr. COCHRAN. If the Senator will yield further, Mr. President, I will respond by saying what we want is a delay that sticks and that we know we are going to have, not just one that is attached as an amendment to this bill that may not be accepted by the House.

It may be changed in conference and modified even further. What we need is relief from the April 15 deadline that is almost upon us, a little more than a month away. So we need action, and we need to be assured that this will be something that will delay the enforcement of the regulations.

Mr. METZENBAUM. Neither you nor I have control of all the procedures, both in the Senate and the House. We do have some impact upon this piece of legislation at the moment. As I understand it, your desire is to delay it until, is it January 1, 1995, or is it 9 months?

Mr. COCHRAN. The date in the amendment is October 23, 1995. That was the original provision of the amendment. Just for the Senator's information, we were using the Kassebaum amendment as a model for trying to craft a compromise that could be a fair resolution of the issue.

Mr. METZENBAUM. Mr. President, I am a little confused now when you mention the Kassebaum amendment because the Kassebaum amendment, as you well know, has to do with airplane manufacturers' liability, a totally unrelated subject.

Are you now suggesting that this matter be joined with that issue in a bill? I am not quite clear because I am trying to figure out whether or not we can resolve this issue now. As I understand this bill that is pending, it provides for an 18-month delay in implementation; is that correct?

Mr. COCHRAN. The Senator is correct, Mr. President, if the Senator will yield.

Mr. METZENBAUM. Would you be willing to agree now in this bill—I do not know about a separate bill because that gets beyond my rank—but the question is, would you be willing to agree to a 9-month extension and adopt this amendment?

Mr. COCHRAN. Mr. President, if we were starting over again, and the Senate had not voted by such an overwhelming margin against the motion to table this amendment, I would be willing to discuss what we could do on this bill. But without some assurance that the action we take in agreeing to

a compromise on the amendment that, in effect, has been approved by the Senate, which includes a freestanding bill that the Senate will pass, I am unable to make that kind of concession right now.

Mr. METZENBAUM. Mr. President, will the Senator from Mississippi give some indication as to why he thinks that a freestanding bill is going to be that much easier to pass both in the Senate and the House because a freestanding bill, as you know, coming to the floor of the Senate is subject to amendment and open to any kind of amendment, whether it is striker replacement or some measure somebody else might have in mind.

We are now talking about this particular bill and whether or not we cannot wrap this up momentarily, in short order, and let the Senator from South Carolina proceed to the conference committee. My guess is, if that were the result that came about, that we agreed upon a 9-month figure and put it to bed, I do feel strongly it has a much better chance of remaining after the conference committee meets, because I think the Senate would have indicated—I am simply indicating we adopt that by voice vote.

Mr. COCHRAN. Mr. President, if the Senator will yield, I would ask the Senator to consider whether we could agree to a freestanding bill with a 9-month delay of enforcement of the regulations under the following conditions. There would be no amendments to the bill and no motion to table or change the bill in any other way. This amendment would be taken up and passed by the Senate, and it then could proceed to be adopted on a voice vote to this bill, as it has been presented to the Senate. In my view, that would be one way to resolve the issue.

But otherwise, we see no need to change this amendment, which has already been, in effect, approved by the Senate. It does not seem to this Senator that we are in any position now to have to make any concessions to the Senator from Ohio to get the Senate to approve this amendment and on which the yeas and nays have been ordered.

Mr. METZENBAUM. If I may respond to my friend from Mississippi, I do not believe it has been approved. I think the Senate concluded not to table it. I also believe that many Members of the Senate are not aware of the damage and the hurt that this could do to literally thousands of farmworkers in this country.

I think the Senator from Mississippi is also aware of the fact that this amendment is open to a second-degree amendment of any kind whatsoever with no limitations, and the Senator from Ohio makes no bones about it that he is considering offering such an amendment because it is a great vehicle to use.

So I do not think the ball game is really over, even though the Senate refused to table the amendment.

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. HOLLINGS. 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. HOLLINGS. I understand that the Senator from Ohio momentarily will be back in the Chamber. They are negotiating.

Going right to the point, Mr. President, with respect to the Danforth amendment, the distinguished Senator from Missouri has come with this folderol, as best it could be described, about the alleged new philosophy underlying this bill. And he says, by the way, they had a hearing this morning and that he asked the president of Boeing about the matter of subsidies that would be obtained from the Department of Defense. And, of course, the Boeing president, as he allowed, said no, there were not any subsidies for aircraft, commercial aircraft manufacture from the Department of Defense.

Let me first state that the president of Boeing was testifying before the Finance Committee this morning in support, in support, of the so-called subsidy provision of GATT. That should not be misled. And then emphasize that the Senator from Missouri did not have to ask any questions about what the president of Boeing thought or felt about it because he, the Senator from Missouri, knows of the Department of Defense and its subsidy of commercial aircraft manufacturing.

In fact, on his bill, S. 14, of which he is the principal author, as to aeronautical technologies research, development, and commercialization, he cites on page 4 the Department of Defense and says:

> Such government/industry consortium should focus its efforts on research, development and commercialization of new aeronautical technologies and related manufacturing technologies as well as the transfer and conversion of aeronautical technologies developed for national security purposes to commercial applications for large civil aircraft.

I notice the majority leader has come to the floor. I want to yield at this particular point, but I emphasize that there is no new philosophy. I am hearing from colleagues from the other side of the aisle that maybe we can tighten this a little bit. It does not need tightening. The distinguished Senator from Missouri has been talking about $2.8 billion. But the truth of the matter is there is only $70 million in extension centers for 1995, $100 million for 1996, and over a 2-year period $170 million. That is a mere pittance. If they want to tighten it more, it is not $2.8 billion when he says in his amendment to take the moneys under the bill and do not even appropriate them. He abolishes the old Bureau of Standards at $400 million. In there is the old Bureau of Standards and the other departments of commerce, not the grant programs.

So this is a well-conceived, comprehensive approach to the matter of competitiveness and technology. But it is totally not representative of some kind of plum or pork bill and slush fund of $2.8 billion. Then to come now and beg the question. After all, in defense there is no spinoff to the private aircraft industry.

We have in here, and I will quote it further. McDonnell-Douglas just won an award that they bid on from the Department of Defense for the commercialization of technology in the private aircraft industry.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I wish to address a matter not related to the legislation.

THE SO-CALLED WHITEWATER MATTER

Mr. MITCHELL. Mr. President, earlier today the distinguished Republican leader made another in a series of speeches on the Senate floor regarding the so-called "Whitewater matter," and I feel constrained to respond.

Mr. President and Members of the Senate, President Clinton has acted to address questions which have arisen about the so-called Whitewater matter. He has taken the necessary steps to assure that there will not be even the appearance of interference in the investigation by anyone in the Whitewater matter.

I was pleased to learn of the President's decision to name Lloyd Cutler as the new White House counsel. Mr. Cutler has brought experience in Government and in the law. He is a man of unquestioned integrity. He will serve the President and the Nation well.

The investigation is a serious matter. It is being conducted by a serious man, a special counsel. Robert Fiske is a man of unquestioned ability as a prosecutor. Mr. Fiske is a lifelong Republican. He was named as special counsel pursuant to a request led by Republican Members of Congress for the appointment of the special counsel. His appointment was applauded by virtually all in this body. The junior Senator from New York, for example, stated: "Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people."

Mr. President and Members of the Senate, there is only one way that Mr. Fiske will not be able to unearth the

truth for the American people. And that is if Congress now conducts a separate inquiry which will undermine Mr. Fiske's investigation and make it impossible for him to unearth the very truth which our Republican colleagues have said he will in fact unearth.

We need to allow Mr. Fiske to do his job. When Republican Senators called for the appointment of the special counsel, they said, if a special counsel is appointed, there will be no second-guessing. And, yet, within minutes after Mr. Fiske was appointed as special counsel, the second-guessing began, and it continues to this day with requests for immediate hearings in Congress even in the face of Mr. Fiske's stated opposition to such hearings. In a letter he clearly and eloquently set forth the complications which would follow were those hearings to be held. And yet despite his warning, our Republican colleagues continue to demand that there be congressional hearings, risking fatal damage to the investigation which has begun by the special counsel.

This demand for immediate hearings is clear evidence that the purpose is purely political. This is partisan politics at its worst, the sole purpose being to embarrass the President and to score political points.

Why is that so? President Clinton is moving forward on an important domestic agenda on health care, welfare reform, crime, and campaign finance reform. As a result, our Republican colleagues have been left with no real issues. They now seize upon Whitewater in a blatantly partisan effort to embarrass and weaken the President. I do not think the American people have been fooled, and we cannot allow their partisan effort to cause us to take actions which would undermine the investigation by the special counsel.

Early this week Mr. Fiske wrote the chairman and ranking member of the Senate Banking Committee requesting that, and I quote Mr. Fiske:

> * * *committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving fairness, thoroughness, and confidentiality of the grand jury process.

Mr. Fiske went on to say, and again I quote:

> We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough, and impartial investigation. Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a congressional committee would impose a severe risk to the integrity of our investigation.

Mr. President, Congress has an important oversight responsibility. It must be met, and it will be met. But it should be met at a time and under conditions which will not undermine and defeat the special counsel's investigation.

In January of this year, Judge Lawrence Walsh, the independent counsel in the Iran-Contra investigation, stated, and I now quote Judge Walsh:

> I think the views of some of those in the congressional committees that there was a possibility of concurrent activity that the Congress could investigate on television and that the criminal prosecution could also go on was just proved to be wrong, and I think the lesson is very clear, as we spelled out in the report. Congress has control. It's a political decision as to which is more important, but it can't have both. If it wants to proceed with a joint committee or a special committee or have—to compel testimony by granting immunity, it has to realize that the odds are very strong that it's going to kill any resulting criminal prosecution.

In his final report to the court on the Iran-Contra investigation, Judge Walsh wrote, and again I quote:

> Congress should be aware of the fact that future immunity grants, at least in such highly publicized cases, will likely rule out criminal prosecution.

The report continues:

> Congressional action that precludes, or makes it impossible to sustain, a prosecution has more serious consequences than simply one less conviction. There is a significant inequity when more peripheral players are convicted while central figures in a criminal enterprise escape punishment. And perhaps more fundamentally, the failure to punish governmental lawbreakers feeds the perception that public officials are not wholly accountable for their actions.

Mr. President, a serious investigation conducted by a serious man, with full and independent authority, is now underway. We should let that investigation continue and let the chips fall where they may. If there has been any wrongdoing, I am convinced Mr. Fiske will determine that, and there will follow appropriate prosecution and punishment, as there should be. If there has been no wrongdoing, I am confident he will say that in his report to the court.

We should not now be taking any steps which make his task impossible or anymore difficult. We must get on with the issues that the American people care deeply about. We cannot allow the political tactics and the political agenda of some in the minority to obstruct the President's agenda for America: Health care reform, job creation, crime control, welfare reform and, most importantly, continued economic growth.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I appreciate the comments made by the distinguished majority leader. I do not wish to engage in controversy with him over this matter, but I would like to have printed in the RECORD comments by the New York Times in their lead editorial this morning.

The New York Times is not known as being substantially supportive of Republican efforts in the past, and they have seen fit to comment on this issue in ways that I think are instructive and are appropriate at this point.

I will submit the entire editorial and ask that it be printed in the RECORD, but if I might, first, I would like to read a few paragraphs from it that I think are appropriate here.

The Times says:

> A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are pressing for congressional hearings and the independent counsel, Robert Fiske, who is pursuing a criminal investigation.

That is the subject the majority leader just outlined for us on the floor.

The Times goes on to make the majority leader's case in the first sentence.

It says:

> Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon.

Then the Times makes a case that I think we must pay attention to:

> But Congress has a clear right to ask questions about Government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The concluding paragraphs of the editorial summarized the issue very well, from my point of view.

It says:

> Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, congressional Watergate hearings brought out the existence of crucial White House Tapes.
>
> There should be room for give here by both sides. Mr. Leach and D'Amato should grant Mr. Fiske a headstart, probably measured in weeks.

May I repeat that: The New York Times is suggesting that we give Mr. Fiske a headstart in his investigation, but that it should be measured in weeks.

Then the Times goes on to conclude:

> But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

That is the end of the editorial.

I ask unanimous consent the editorial be printed in the RECORD at this point.

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

HOW TO INVESTIGATE WHITEWATER

> A potentially destructive battle over how best to investigate the Whitewater affair has erupted between Republicans who are press-

ing for Congressional hearings and the independent counsel, Robert Fiske, who is pursuing a criminal investigation.

Mr. Fiske fears that a rogue Congress could foul up his work—which it could if it plunges ahead with abandon. But Congress has a clear right to ask questions about government regulation of the savings and loan mess in Arkansas and, even more urgently, about whether the recently disclosed White House meetings with bank regulators represented an attempt to obstruct justice.

The challenge now is for both sides to figure out a way for Congress to conduct legitimate inquires without impeding a thorough and fair criminal investigation.

The White House and many Democrats complain that Republicans are merely out to embarrass the President and Mrs. Clinton. That is surely true of some—but the public has a right to know whether the White House is abusing its power.

Mr. Fiske concedes that Republicans like Representative Jim Leach are correct to insist on Congress's oversight responsibility. Even so, he fears that any hearings "would pose a severe risk" to his inquiry. That exaggerates the danger, so long as Congress refrains from granting key witnesses immunity—a problem that ultimately doomed Iran-contra prosecutions. The Republicans have already said they would not offer immunity.

Mr. Fiske is on stronger ground when he argues that Congressional hearings could lead to "tailored" testimony from witnesses who might adjust their stories after gaining access to documents or testimony before Congress. That risk, however, can be minimized if Congress agrees to delay its hearings and give Mr. Fiske time to interview the major players, especially those in the White House and the Treasury Department. In any case, the risk is not sufficient to justify asking Congress to abandon its oversight role until the end of an investigation of uncertain length.

Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar Congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case. Indeed, Mr. Leach notes, it was questioning by Senator Alfonse D'Amato of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them. So, too, Congressional Watergate hearings brought out the existence of crucial White House tapes.

There should be room for give here by both sides. Mr. Leach and Mr. D'Amato should grant Mr. Fiske a head start, probably measured in weeks. But Mr. Fiske cannot reasonably expect Congress to put off its hearings indefinitely, especially when the history of such hearings does not support his worst fears.

Mr. BENNETT. Mr. President, I suggest that this is an appropriate counterpoint to the presentation made by the majority leader.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent to set aside the pending Cochran amendment and also the pending Danforth amendment.

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

AMENDMENT NO. 1485

(Purpose: To provide the Congress and executive branch agencies with timely statements of the potential regulatory impacts, including economic and employment impacts, of Federal legislation and regulations upon the private sector and State and local governments)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BURNS, Mr. HELMS, Mr. BENNETT, Mr. DANFORTH, Mr. DOMENICI, Mr. GRASSLEY, and Mr. BOREN, proposes an amendment numbered 1485.

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

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

The amendment is as follows:

At the end of the subtitle, add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local government as much as $850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities.

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the "Director") shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee (except the Committee on Appropriations) of the House or Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such individuals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for noncompliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determination of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the agency or department shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act.

Mr. NICKLES. Mr. President, the amendment I sent to the desk today is on behalf of myself and Senator REID, Senator MCCAIN, Senator MURKOWSKI, Senator BURNS, Senator HELMS, Senator BENNETT, Senator DANFORTH, Senator DOMENICI, Senator GRASSLEY, and Senator BOREN.

Mr. President, this amendment is germane and is about competitiveness. I think when we talk about competitiveness, we must not miss the point and the fact that the Government can do a great deal of harm through overzealous regulation. One way to alleviate this problem is to give policymakers the tools necessary to evaluate the proposed policy on its economic and regulatory impact.

That is why, today, Senator REID and myself are offering the Economic Employment Act as an amendment to Senate bill 4, the National Competitiveness Act.

The economic and employment impact statement was reintroduced at the beginning of Congress as a freestanding legislation and was offered as an amendment to the EPA Cabinet bill last year, and it received 48 votes. We have all been here before, and we know the escalating cost of regulation is a serious problem. The administration has acknowledged that it is a problem. The national performance review estimated private sector compliance costs to be at least $430 billion per year—9 percent of our gross domestic product.

The premier paper on the cost of Federal regulation, entitled the "Cost of Regulation," was prepared for the GSA Regulatory Information Service Center by Thomas Hopkins in August 1992. This analysis estimated that the Federal regulation cost to the private sector and State and local governments was $581 billion, or $5,934 per household, in 1993.

It should be noted that the $5,934 per household is in addition to $11,881 in taxes paid per household, for a total Federal burden of $17,816 per household.

Other economists estimate the private sector and State and local compliance burden to be as high as $860 billion per year. It is time for Congress and the regulators to have better information on the cost of new legislation and regulation, and to be accountable to individuals, consumers, businesses, and State and local governments for those costs.

Modifications to the amendment offered last spring have been made to address some of the concerns that were raised during the debate.

This modified economic and employment impact act would require that bills and joint resolutions reported out of committee, except for the Appropriations Committees, considered by Congress be accompanied by an economic and employment impact statement.

The statements will contain the positive and negative effect on individuals, consumers, businesses, and State and local governments.

Further, it would require that regulatory actions issued by the executive branch agencies also be accompanied by such a statement.

This amendment addresses the concerns raised last year, including the duplication of Congressional Budget Office efforts, the requirement for two analyses, and holding up conference reports.

In addition, we have addressed the concerns about change in the Senate rules by not making any changes to the standing rules of the Senate. This is in contrast, I might tell my colleague from South Carolina, to the legislation we had last year that did have changes to the rules of the Senate which raised a great deal of concern by Senator BYRD and others. We made no changes to the rules of the Senate.

This amendment addresses duplication concerns by shifting the responsibility by providing the estimate from the Government Accounting Office to the Congressional Budget Office, who currently provides similar impact statements on legislation affecting State and local governments as required by section 403 of the Budget Act.

The purpose of this amendment is to give the responsibility of providing the regulatory impact statement to an organization within the legislative branch which has the technical expertise to provide better and more consistent estimates than we have had in the past. Currently, each committee is asked under the rules to provide such estimates. Unfortunately, meaningful impact statements are rarely provided.

This amendment complements the purpose of this bill, which is to promote industrial competitiveness and economic growth in the United States. U.S. businesses' greatest hindrance to growth right now is excessive regulation. The intent of this amendment is to establish a procedure to ensure better and more efficient regulation.

The process this legislation establishes does not pass judgment on a bill or regulation as good or bad but simply provides complete information as Congress and the regulators consider legislation and regulations.

Mr. President, in my opinion, this amendment is good government. Information on cost and benefits of regulation means better and more efficient regulation.

Again, Mr. President, we had similar legislation introduced by Senator REID and me last year. Some complaints were made because we were amending the Senate rules. We do not amend the Senate rules. Last year people made

complaints and said: Wait a minute. You are using GAO instead of CBO. This year we are using CBO.

So we have tried to make it simple. We have tried to make it plain. We do not amend the rules. Yet we do say before we consider really significant legislation that could have detrimental impact on the economy, that could have detrimental impact on individuals, that could have detrimental impact on businesses, we should know the costs. We should know how many people's jobs are at risk.

Although there are private estimates we should have CBO which right now CBO does. The Congressional Budget Office does this for any legislation that would impact on State and local governments. We expand that to include individuals and businesses.

Mr. President, I ask unanimous consent to add Senator COATS as a cosponsor as well.

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

Mr. NICKLES. I yield the floor.

Mr. HOLLINGS. Let me ask a question.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I just resist further bureaucracy. The Senator says the CBO already does this with respect to States and he can see the result with respect to State and local governments. They are marching on Washington on account of unfunded liabilities. I hope that that will not happen now with the Senator's amendment.

Mr. NICKLES. If the Senator will allow me to yield, the present law under the Budget Act, Section 403 says that economic impact statement should be compiled or made before legislation that affects State and local governments.

I would readily concur with my colleague that has not necessarily prevented us from passing legislation that has adverse impact on State and local governments.

Anyway, we do have in present law under the Budget Act what they should do. This would expand that information service to at least be provided for legislation that would have some impact on individuals and on businesses as well.

Mr. HOLLINGS. Mr. President, as you can see in a flash, this again does not relate to the underlying S. 4 bill with respect to technology.

Now we have pending with set-asides a Danforth amendment relative to Finance Committee tax credits, a Cochran amendment relative to pesticides, and now we have the Nickles amendment on economic impact statements.

The story is told that of the Puerto Rican terrorists who came here some years back. They came in the railroad station and walked straight to the Capitol. The Senate was closest, so they went first to the Senate Chamber. They sat in the gallery, looked down and saw very little activity, and what activity there was was hard to understand. They thereupon went over to the more lively Chamber, the House of Representatives, and shot the place up.

I hope the Americans watching right now do not have a similar reaction here because we have very little activity. What is going on here is totally out of the whole cloth, whether you're talking about an amendment to reduce pesticides regulation, an amendment relative to GATT treaty, or, in a minute, an amendment with respect to Whitewater. And, now, an amendment with respect to bureaucracy and the CBO reports. Next there will be an amendment to take this whole thing to the Finance Committee and ask them why they have not unconstitutionally passed a tax bill which under the Constitution, of course, should originate in the House of Representatives.

Having said that, let me yield to my distinguished colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

THE WHITEWATER INVESTIGATION

Mr. PRYOR. Mr. President, I am very grateful to the Senator from South Carolina yielding to me, and with the indulgence of my friend from Oklahoma I will not address his amendment but I will respond, if I might, to a previous statement on the floor.

I must admit, Mr. President, I did not have the opportunity, because I was running over to the Capitol, to listen to the entirety of the statement. I do think, though, that the statement that I refer to which was given by my very good friend from Utah, the distinguished junior Senator from that State, Senator BENNETT, was talking about the New York Times or made reference to the New York Times editorial of this morning which was entitled "How To Investigate Whitewater."

Mr. President, this editorial has been the subject of some discussion today, not only on the floor of this body, but I think the distinguished minority leader inserted the entirety of this editorial into the CONGRESSIONAL RECORD this morning.

But I would like, if I might, to discuss one or two of the paragraphs that may not have been highlighted as they should have. I would like to quote, Mr. President, as I do at this moment:

> Like most prosecutors, Mr. Fiske seeks complete control of the case. But he ignores the fact that similar congressional hearings in the past have produced significant new information that has ended up helping prosecutors to make their case.

Indeed, Mr. LEACH—or Congressman LEACH—notes, and I quote:

> It was questioning by Senator ALFONSE D'AMATO of New York at a recent hearing that led to the disclosure of the White House meetings and prompted Mr. Fiske to expand his investigation to include them.

Mr. President, that particular paragraph, I think, is presuming a great deal of knowledge.

One, we have no knowledge that Mr. Fiske had no indication that such a meeting had taken place. It was not necessarily involved in the Senate Banking Committee testimony where Mr. Fiske first heard of this so-called meeting in the White House. Mr. Fiske could have known of this meeting weeks ago because the White House has been very, very certain that any and all relevant information are going directly to Mr. Fiske. The President reiterated, restated his resolve, Mr. President, to have the White House, the entirety of the White House staff absolutely hold back nothing, indicating that every bit of information the White House had in its possession was given and going to be given to the special counsel, Mr. Fiske.

Mr. President, also I am not knowledgeable of whether or not the March 7, 1994, letter, addressed to Senator RIEGLE and Senator D'AMATO, as the chairman and ranking member of the Senate Banking Committee has been placed in the RECORD. Momentarily, I will ask that its full contents be placed in the RECORD so that our colleagues might take advantage of reading that particular letter.

Mr. President, this is not a normal letter. This is a letter of extraordinary importance. It is a letter once again dated March 7, just 2 days ago, in which it states in making reference to the possibility of a congressional hearing, and I quote from Mr. Fiske to Mr. RIEGLE and Mr. D'AMATO:

> Inquiry into the underlying events surrounding MGS&L, Whitewater and CMS by a Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosures of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation.

Another paragraph or two down, Mr. President, at the conclusion of the letter from Mr. Fiske, the independent counsel:

> For these reasons, we request that your committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Mr. President, I ask unanimous consent that the entirety of Mr. Fiske's

letter to Senator RIEGLE and Senator D'AMATO be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INDEPENDENT COUNSEL,
Little Rock, AR, March 7, 1994.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

Hon. ALFONSE M. D'AMATO,
Ranking Minority Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATORS RIEGLE AND D'AMATO: I am writing this letter to express my strong concern about the impact of any hearings that your Committee might hold into the underlaying events concerning Madison Guaranty Savings and Loan ("MGS&L"), Whitewater and Capital Management Services ("CMS") on the investigation that this Office is conducting into these matters.

As you know, I was appointed to the position of Independent Counsel pursuant to CFR 603.1 on January 31, 1994. Since that date we have obtained an order from Chief Judge Stephen M. Reasoner in the Eastern District of Arkansas authorizing the empaneling of a grand jury which will be devoted exclusively to the Whitewater/MGS&L/CMS investigation. In the meantime, we have been using the regular grand jury for this District. We have a team of eight experienced attorneys, six of whom were current or former prosecutors when they joined the staff. We are working in Little Rock with a team of more than twenty FBI agents and financial analysts who are working full time on this matter. We are doing everything possible to conduct and conclude as expeditiously as possible a complete, thorough and impartial investigation.

Inquiry into the underlaying events surrounding MGS&L, Whitewater and CMS by a Congressional Committee would pose a severe risk to the integrity of our investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the Committee certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize our investigation in several respects, including the dangers of Congressional immunity, the premature disclosures of the contents of documents or of witnesses' testimony to other witnesses on the same subject (creating the risk of tailored testimony) and of premature public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the Committee would be covering essentially the same ground as the grand jury.

While we recognize the Committee's oversight responsibilities pursuant to Section 501 of PL 101-73 (FIREAA), we have similar concerns with a Congressional investigation into the recently-disclosed meetings between White House and Treasury Department officials—particularly because we believe these hearings will inevitably lead to the disclosure of the contents or RTC referrals and other information relating to the underlying grand jury investigation.

For these reasons, we request that your Committee not conduct any hearings in the areas covered by the grand jury's ongoing investigation, both in order to avoid compromising that investigation and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

I will be glad to meet with you personally to explain our position further if you feel that would be helpful.

Respectfully yours,
ROBERT B. FISKE, Jr.,
Independent Counsel.

Mr. PRYOR. Mr. President, also this morning in the Arkansas Democrat-Gazette, which is our statewide newspaper, Mr. President, among the clips that were sent up today was a disturbing clip that came to our office this morning, because it listed—and I think I will just go ahead and read it. It is short. It says: "GOP drops names in 'invitation' to testify."

House Republicans said Tuesday they want 40 people to testify this month before Congress in connection with the Whitewater Development Corp. controversy.

Questions about Whitewater and Madison Guaranty Savings & Loan Association are expected to be raised by Republicans during a House Banking Committee hearing March 24.

Officially, the meeting will be an oversight hearing focusing on the Resolution Trust Corp. But Whitewater-related questions are expected to dominate the hearing.

Rep. Jim Leach, R-Iowa, has asked House Democrats to formally invite the 40 people to the hearing. Even if Democrats agree with Leach's request, the witnesses might have to appear before the committee only on a voluntary basis, congressional aides said.

Well, here we go, Mr. President. And then they start listing all of the 40 individuals that they want to come to Washington, DC, to appear before the House Banking Committee, which, once again, is a committee to look at the year's activities of the Resolution Trust Corporation—40 people that they want to have attorneys, airplanes, travel, hotels, lawyers, whatever, to come and bask before the TV lights and the press of the world.

Maybe some of these people think they are not involved in Whitewater. Here is one. I do not know how he would be involved. Shelfield Nelson. He has been a Republican candidate for Governor in our State. I do not know what Mr. Nelson has to do with Whitewater necessarily.

He can afford it. He is a multimillionaire, Mr. President. Mr. Nelson can afford all the high-priced lawyers that he wants.

There are other people on this list. I am not going to name all the people.

But, Mr. President, there are a lot of people on this list that cannot afford some of the law firms that are going to get $300 and $400 and $500 an hour to represent these people before the House Banking Committee or whatever committee that we are going to be talking about over the next several weeks and perhaps months.

I might add that Mr. Fiske has a 1-year lease on his apartment in Little Rock, AR. He has signed on the line for a 1-year lease, so he is planning to stay there awhile. He is down there, has a big battery of lawyers, all kinds of staff. They are going to investigate thoroughly the entirety of the Whitewater issue.

He has also signed a lease, or someone has, allegedly, on the office space—I have mentioned this on the floor before—a 3-year lease for this particular office space.

Now that, frankly, sends chills up my spine, because I cannot imagine this inquiry taking 3 years. If it takes 3 years, and if all of the people here who are on this list, these 40 people—and I am sure they are going to add probably 40 more and then 40 more after that and 40 more after that—if all of these individuals have to hire lawyers and retain these lawyers for a year or 2 years or 3 years, the only people—the only people—who are going to be profiting from the Whitewater episode are going to be the lawyers. They are going to be the ones who profit from the Whitewater fiasco, whatever you might call it.

Mr. President, I am going to stand today on the floor of the U.S. Senate and I am going to say that someday I might stand at this particular desk and say, "Mr. President"—or "Madam President," depending on who is sitting there—"I think that we should have a congressional inquiry." I might say that. This Senator from Arkansas might come to the floor and say that.

But, Mr. President, at this time, I think the better part of wisdom and judgment is to abide by the advice of Mr. Robert Fiske, the special independent counsel, to not hold congressional hearings and to allow the special independent counsel to proceed at his own pace, undeterred, without all the confusion of a simultaneous congressional hearing that is going to turn into a Barnum & Bailey Circus.

That is what it is about. It is about politics; it is about politics as we know it.

Mr. President, in my opinion, this Congress would be doing a great disservice if we, at the same moment—at the same moment the special counsel is doing his investigation—try to appoint a special committee or even use one of the existing committees to investigate the Whitewater issue.

I have respect for the special counsel, and my colleagues on the other side of the aisle ought to have respect for this man, because he has not been what we call a Democrat. He has been a Republican most of his life. He has given campaign contributions to our colleagues on the other side of the aisle. And that is fine. But I think that that just goes to show to the degree of how independent this particular special counsel is going to be.

And I quote my friend from New York, Senator D'AMATO. When Mr. Fiske was named—I have done this before; this is the second time—Senator D'AMATO stated:

Bob Fiske is uniquely qualified for this position. He is a man of uncompromising integrity. He will unearth the truth for the American people.

He went on to say that he is "* * * one is one of the most honorable and most skilled lawyers anywhere."

So Mr. Fiske comes and pleads with the chairman and the ranking member of the committee not to go forward with hearings while he is doing his investigation, and yet there are those today who say we should not heed his advice. I say we should heed his advice.

We are going to make a terrible mistake right now. If we think the public clamor and the public demand to hold a congressional hearing is so strong that we have to give into that public clamor, Mr. President, I think that we are doing a great disservice to our country, to our President, and to the process that we have revered here for so long.

Mr. President, I thank the Chair for recognizing me. I thank my friend from South Carolina for allowing me to speak at this time.

I yield the floor.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise not to respond to Senator PRYOR. Obviously some others will do that, perhaps in due course.

I just wanted to say a few words about the amendment that Senator NICKLES has pending before the Senate. Frankly, I say to my friend Senator HOLLINGS, who is the chief sponsor of this bill, I believe in good faith he speaks of this bill as one that he wants to add to our competitiveness and make us more responsive and capable of being more productive so we can compete in this new world market that everybody speaks of. Frankly, I believe the subject matter of the Nickles amendment belongs on this bill.

I do not know, maybe it could not have been put there because of jurisdictional issues. As the distinguished Senator, Senator HOLLINGS, produced this bill, it might have been difficult to report out of his committee a measure that perhaps belongs partially before the Governmental Affairs Committee or some other. But this country desperately needs to recognize that whether we believe it or not, when we pass laws and regulate our businesses we have a premise that is a secret premise. Whether we believe it or not, it is true. It sort of says: Anything worth doing is worth overdoing. That is where we are when it comes to the regulatory malaise in this country.

We do not even have an idea of what the regulations say or how they are interpreted from some simple little law that we pass talking about safety. By the time it gets to our people, and in particular small business, it is so convoluted and so complex that one of the major reasons that American business, in particular our smaller businesses, are anxious and angry at their Government is because they think these regulations and rules are impractical, for the most part.

Frankly, they do not say that just because they do not want to do them. They say it because they know many of them cost far more than any reasonable person would say they are worth. As I understand the essence of the amendment, at certain intervals when we are ready to put a regulation in place, ready to pass a bill that has an impact in a regulatory manner on the businesses of this country—it does not say you cannot do it, it says: Do a bona fide evaluation of the economic impact of that regulation so somebody can say, is it worth it?

Frankly, I am in the process in my own State of asking a group of business people to regularly talk about regulations as they affect their own brothers and sisters in corporations, that are in business. We call it an Advocacy Group for small business, but its primary function is to talk to each other about inordinate, ridiculous—maybe I should even say sometimes stupid—regulations that have a huge impact. And the businessperson or business entity is saying, to what end? What are they trying to do?

I was hopeful, Senator NICKLES, I would be able to bring a big list of this advocacy group's findings. But they have just started working. It was just one little story in the newspaper and they are all getting called up, these advocates, these five or six. People want to go see them to tell them about something the Government is insisting upon that they think borders upon the absurd.

So I think at some point in time we ought to do something like this. I say for one, having been at this for awhile, I wish we did not have to. I wish there was another way for us to play a more important role in sorting out regulations and interpretations of our laws by regulators and rules imposed by regulators, informally and formally. I wish there is a better way.

Mr. HOLLINGS. Does my colleague think this amendment will clean up this regulatory abuse?

Mr. DOMENICI. It will help some. It will help some.

Mr. HOLLINGS. How? That is what I am wondering about.

Do we have an economic impact statement by CBO on the department of Government, whatever it is, under this bill? For this particular?

How much is it going to cost the Government to give an environmental impact or economic or employment impact statement for every bit of Government activity? I remind my colleague and myself—here we have a problem of unfunded entitlements. We have toyed with that ad nauseam. Now what we have here is health care. So the solution of unfunded entitlements is one grand, magnificent, unfunded entitlement.

Mr. DOMENICI. No doubt.

Mr. HOLLINGS. Here we have too many regulations. I agree with that. Everybody knows it; regulations upon regulations and reports upon reports. We used to meet with the school boards at the appropriations level way back, and the school folks saying look at all these reports that we have to put in and other things. Now I am seeing Government saying, before we move we have to have an economic and employment impact statement?

I remember the largest building in the world, Building No. 1 down in Atlanta, GA, where they built all the aircraft during World War II. It covers 75 acres, which is 3.4 million square feet. It is, under one roof, 78 football fields. They were grinding out, at the end of the war, five B-29's a day.

We found out they broke ground for that building on February 1, 1942, and dedicated it and it was in operation March 1, 1943, in 13 months. They got a little lieutenant colonel in the Corps of Engineers and said go ahead and build the building, and he did. We cannot find him. But we know today it would take anywhere between 5 and 10 years to build the building with all the impact statements and reports and findings and hearings and bureaucracy. That is why I am particularly sensitive to an initiative of this kind. I know the intent is good. I know the Senator from Oklahoma is sincere. He has moved with it. From what I am understanding on this side, there is no one in the Governmental Affairs Committee—their committee, not ours—who wishes to be heard. Perhaps maybe we will accept it. I do not know. Whatever he wishes.

Mr. DOMENICI. Mr. President, I believe I have the floor. I am going to finish one thought and then I will yield. I will not take much time, if Senator NICKLES wants to move or vote—whatever he desires.

We tried a lot of things. Senator HOLLINGS will remember at one point we put in a law that the Supreme Court threw out that said before you initiate a full-blown regulation it has to come up and sit here in each House for 90 days and they have the right to veto it. Remember we had a veto regulation? I wish I remembered the case. It is a historic case. The U.S. Supreme Court said no dice; you cannot do that; separation of powers.

In a sense I am not sure that was the greatest. But we are trying to do something to get rid of this huge, huge abundance that builds up without us

knowing about it. My own observation as a Senator, after a number of years here, is that we ought to do something about it in an orderly way by making sure we actually oversight what our laws are doing and what regulations are doing in a more frequent manner in the committees of jurisdiction. We would be amazed at what we would find. Right now we will not do it because we do not want to spend the time and we do not think it is very politically forthcoming to have a hearing on regulations. But we would find so many things, if we had enough time to do that, that would become political issues and that would inure to our benefit. You cannot imagine.

That is why from my standpoint I believe the time has come to have more oversight in the Congress. That is why in the reform of the Congress the one major proposal I offered was to not have to appropriate every year, to not have to budget every year, not to pass any authorization for 1 year. Do them all multiyear so at least you are finished with this process that is redundant now that permits us to say we do not have enough time to do oversight, we do not have enough time to have hearings.

Having said that, the next best thing around is to adopt the Nickles amendment and make sure we do some impact statements on these regulations that have real, real anticompetitive components for American business.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator DOMENICI, for his statement. I hope my colleagues listened to many of the points that were so well stated by the Senator from New Mexico, because I will tell my friend from South Carolina that, if you go in and talk to your bankers and if they have any one big problem, it is usually not just taxes, it is usually not interest rates—although it may be sometimes—but it is probably Government regulations.

If you go in and talk to a business person and if they find out some of the legislation that is running through Congress, they say, "Wait a minute, what are you guys doing?" There is legislation—I mentioned to my friend from South Carolina—dealing with rewriting OSHA that, according to one article I read in, I think, the Washington Times, the cost of that will be $62 billion per year on the private sector. I do not know. I am not privy to that report and how accurate it is. But I am sure that the legislation that is being discussed, the OSHA reform legislation, has some very well-meaning points. But if it is going to cost the private sector that much, I would like to know about it before we vote on it. I think it would help us. That is the purpose of our amendment.

I might mention, Mr. President, that there is a large group of organizations and associations that support the Economic and Employment Impact Act that Senator REID and I have been working on now for 2 years.

I ask unanimous consent that this list be printed in the RECORD.

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

SUPPORTERS OF THE ECONOMIC AND EMPLOYMENT IMPACT ACT

American Bankers Association.
American Farm Bureau Federation.
American Forest Council.
American Forest Resource Alliance.
American Furniture Manufacturers Association.
American Vocational Association.
Associated Builders and Contractors.
Citizens for A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Independent Bankers Association of America.
Independent Petroleum Association of America.
International Association of Drilling Contractors.
National-American Wholesale Grocers' Association.
National Association of Homebuilders
National Association of Manufacturers.
National Association of Regional Councils.
National Association of Wholesaler-Distributors.
National Cattlemen's Association.
National Conference of State Legislatures.
National Federation of Independent Business.
National Forest Products Association.
National League of Cities.
National Ocean Industries Association.
National Rural Water Association.
National Restaurant Association.
National Taxpayers Union.
Petroluem Marketers Association.
U.S. Chamber of Commerce.

Mr. NICKLES. Mr. President, that list includes the American Farm Bureau; American Forest Resource Alliance; American Furniture Manufacturers Association; American Vocational Association; Citizens for a Sound Economy; Independent Bankers Association; National Association of Home Builders; National Association of Manufacturers; National Cattlemen's Association; National League of Cities; National Rural Water Association; National Restaurant Association.

I have some letters from many of these organizations, but when you think about it, we have legislation that is pending, like the National Rural Water Association, like the Safe Drinking Water Act, which again have very noble and good goals, but how much will it cost?

Right now we monitor about 80 substances, and by the year 2000, we are going to monitor 200 substances. How much will that cost? I think this amendment will help that. That is what I am trying to do.

I appreciate my colleague's willingness to accept the amendment. That is fine with me. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 1485.

The amendment (No. 1485) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1480

Mr. HOLLINGS. Mr. President, what is the pending business now? Is it the Cochran amendment?

The PRESIDING OFFICER. The question recurs on the Cochran amendment No. 1480.

Mr. HOLLINGS. The distinguished Senator COCHRAN is here. Maybe he can inform us, or should we put in a quorum call now?

Mr. COCHRAN. Mr. President, if the Senator will yield, I am prepared to go forward with the vote, although the distinguished Senator from Ohio, Mr. METZENBAUM, indicated an interest in discussing the amendment further or possibly offering an amendment to the Cochran amendment.

Mr. HOLLINGS. I will seek his attendance here.

I suggest the absence of a quorum.

Mr. NICKLES. Will the Senator withhold? I wish to thank my friend and colleague from Mississippi for allowing me to set aside his amendment. I also wish to thank the Senator from Missouri for allowing me to set aside his amendment so we could adopt this amendment.

I appreciate their cooperation, as well as the cooperation of my friend and colleague from South Carolina.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. 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. DANFORTH. Mr. President, we have heard repeatedly from the distinguished chairman that the Senate has done all these things before; this is old news; where has everybody been? We have been asleep at the switch. This is nothing new; just a continuation of past programs; the same old thing.

I would respectfully call the attention of the Senate to the fact that it is not the same old thing; that this is a new venture into Government spending for the purpose of industrial policy, a quantum leap forward into something entirely new.

He said that the Senate has passed similar legislation. Well, in June 1992, the Senate passed something called S.

1330, the Manufacturing Strategy Act. That authorized $280 million over 3 years. This bill authorizes $2.8 billion over 2 years. There is a significant difference, I would submit, between $280 million spread over 3 years and $2.8 billion spread over 2 years.

Then let us look at some of the specific thrusts forward in spending that are represented in this authorization bill. This bill would authorize $11 million for the Office of the Under Secretary of Commerce for Technology for 1995, and $14 million for 1996; 11 and 14. What did we appropriate for 1994? $6 million; not 11 or 14, but 6. This creates a pilot program for SBA. This is the venture capital initiative. It is a new initiative. It is not something old, it is not something we have approved in the past, voted for in the past. It is something entirely new and different.

The SBA pilot program, the Venture Capital Program, zero dollars in 1994; $50 million for 1995; $50 million for 1996: $100 million in new funds authorized for something new and different, the venture capital fund, to be administered by SBA and Commerce.

Additional activities: Zero, of course, 1994; $14 million, 1995; $19 million, 1996.

National Institute of Standards and Technology, NIST funding: Appropriation for 1994, $520 million. Authorization in this bill, $991 million; for 1996, $1.150 billion. That is roughly doubling the amount of funding for the National Institute of Standards and Technology.

The so-called ATP program: Appropriated for this year, $199 million; authorized for 1995, not $19 million but $475 million, which is, of course, a way station on the way to 1996 in which $575 million would be authorized.

Mr. President, to go from $199 million to $575 million is not more of the same. This is not stuff we voted on before. This is a new development, new initiatives in spending.

The Hollings Centers: $30 million appropriated for 1994; $70 million authorized for 1995; $100 million authorized for 1996—more than a threefold increase for the Hollings Centers.

The NIST Laboratory to Improve Quality: $3 million appropriated for 1994; $10 million authorized for 1995; $10 million for 1996. NIST Facilities: $62 million this year; $110 million authorized for 1995; $112 million for 1996. Wind Energy: Zero this year; $6 million 1995; $3 million 1996. The National Technology Information Service: Zero 1994; $20 million 1995; $120 million 1996. Or the subtotal for the Department of Commerce, $526 million has been appropriated this year. That will go to $1.086 billion, more than doubling in 1995, and up to $1.253 billion in 1996 for the Department of Commerce alone.

Now, how about the entire bill? For 1994, $526 million has been appropriated for these various categories, and that is going from $526 million this year, to $1.370 billion in 1995, and in 1996, we would authorize $1.478 billion.

Now, Mr. President, the Senator from Missouri would submit to the Senate it is simply not correct to suggest that this is just more of the same. This is a basic change in policy, a major increase in the function of the Federal Government with respect to pumping our money into the business sector of the country with respect to research and development, a change from $526 million of appropriations to $1.478 billion in a period of 2 years. It boggles the mind.

This is not more of the same. This is not matter that has been gleefully approved by Members of the Senate year after year. This is something new and different. This is what is accurately pointed out in the committee report where it is the position of the committee that "the Department of Commerce has a leadership role to play in this new era." It is a new era, and the Department of Commerce is to lead the way by this dramatic increase in spending.

Now, I have not chosen to fight this battle primarily on budget grounds. I assume that we do want to help science and technology in this country. Others might want to fight it on the budget ground. I am addressing it on industrial policy grounds. I think if we are going to spend this money, we should not be spending it in this fashion. We should not be creating industrial policy.

But to say that a dramatic shift from $526 million to $1.478 billion is more of the same is just totally wrong. We have never authorized anything like this before.

As I pointed out, the last time the Senate had an authorization bill that was similar to this was 1992, S. 1330, $280 million over 3 years.

So I would suggest this really is a policy switch. This is a major question before us. This is a major change. This is industrial policy, new vistas for the Federal Government, new things for the Federal Government to do.

We have the wisdom somehow in Washington. We know what is good for the country. Just spend the money, dish it out. Find those sectors that are promising. Find those specific businesses that are promising. Put the money in them. If that is not industrial policy, what is industrial policy? That is clearly what industrial policy is. That is what it does.

Government, the all-wise, all-powerful, all-expensive Federal Government has the funds available, borrowed from our children, to put into whatever we in our wisdom see fit to put it into.

Well, I have an amendment which I have offered, and the amendment is very simple. The amendment says if we are going to spend $2.8 billion, let us use it to extend the R&D tax credit, make it permanent, improve it. Take the advice of the business community that says give us a tax credit and then let us make the decisions. Do not have the decisions manipulated from Washington.

That is what my amendment would do. Maybe some Senators would rather say we do not want to spend the money at all. Well, if they feel that way, they can vote for my amendment and then vote against the bill, if that is what they want to do. But what I am saying is if we decide to spend this much money, $1.37 billion in 1995, $1.478 billion in 1996, a grand total of $2.8 billion over 2 years, let us do it in a way that is less manipulative of the private sector. Why do we have to horn in on everything? Why do we presume here in Washington that we have the knowledge, that we always have to create funds? The private sector just cannot get along without us; venture capital money being spent by Uncle Sam. Venture capital means venture. Venture capital means somebody is there who is taking a risk. We do not take risks. We are spending other people's money. There is no risk in Washington, putting money into some promising program. We just put it in. We are not taking a risk, and because we do not take a risk we tend to put money in and never take it out. If things do not go well, we put in more. Why, the sky is the limit around this place.

Venture capitalists say: Well, we are going to make a decision, and if it does not work out, we are going to pull the plug on that decision. We in Washington say we make decisions, and then when the squeaky wheel squeaks a little louder, we will make the decision all over again even more so.

That is the problem with this program. That is the problem with the idea that Uncle Sam knows best. Uncle Sam does not know best. Let us let the country work. Let us let the system work. And the way to do that, if you want to spend money on research and development, is to let the private sector keep the money it spends on research and development because the tax credit will be made available to the private sector.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, it is really difficult to respond civilly to those comments in the light of the Senate Republican Task Force "Report on Adjusting the Defense Base," dated June 25, 1992.

I ask unanimous consent that the section of that report, titled "Retaining our Industrial Base," be printed in its entirety in the RECORD.

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

EXCERPT FROM "REPORT ON ADJUSTING THE DEFENSE BASE"

B. RETAINING OUR INDUSTRIAL BASE

Retaining and improving the competitiveness of the American industrial and manu-

facturing base must be a critical goal of both public and private policy over the next few years. While many American companies have improved their productivity and competitiveness, in recent years, and while the export of American goods has increased, the importance of manufacturing industries in the economy has continued to decline.

The full range of policies that the U.S. government can adopt to strengthen our manufacturing base is beyond the scope of this Task Force's jurisdiction, and the recommendations listed below are not intended to be all-inclusive. Instead, the Task Force has confined itself to particular domestic policy proposals that will help our industrial base and at the same time be of some assistance to the individuals and companies that have been producing defense products.

1. Small Business Innovation and Research

Small businesses have been the leader in job creation and technology development in this country for many years. To facilitate the role of small businesses in this area, Congress in 1982 enacted legislation requiring that 1.25 percent of the research budgets of the largest federal research agencies be awarded in grants to businesses with fewer than 500 employees. Research projects are initially awarded a Phase I grant of up to $50,000. A project is eligible for a Phase II grant of up to $500,000 following a review of its potential. The SBIR program will end in 1992 if not extended by Congress.

This legislation has proven to be a tremendous success. As of 1990, almost one in four SBIR participants reported successful commercialization of projects six years after receiving Phase II funding. Seventy percent of the participants were businesses with fewer than 30 employees at the time of their Phase I award.

The Task Force recommends reauthorizing the SBIR program and increasing the set-aside from 1.25 percent to 2.5 percent. In addition, consideration should be given to increasing the maximum amount of the Phase I and II awards.

2. Aerospace Programs

The Task Force believes that the important programs of the National Aeronautics and Space Administration (NASA) need to be adequately funded. Four programs, for which President Bush has recommended significantly increases within the non-defense discretionery spending caps, deserve particular mention.

Space Station Freedom stands as one of the most promising examples of a federal program that cultivates dual-use technologies. The Space Station already offers the valuable opportunity for us to discover how and why human beings can live in space over long periods of time. It also has the potential to uncover unknown atmospheric impacts on weather patterns and soil quality, give doctors and technicians new insights into how medicine might cope with deadly diseases, and provide access to lighter and stronger components for manufacturing activity.

NASA's Aeronautics Research and Technology programs provide support for key technologies such as aerodynamics, high speed propulsion materials, and high performance computing. The President recommended a $73 million (13 percent) increase in this program for FY 1993.

The President also recommended a $24 million (16 percent) increase for NASA's Commercial Programs, including increased funding of the 16 Centers for the Commercial Development of Space. Finally, a $18 million (7 percent) increase was proposed for NASA's space technology programs, including increases for communications technology and Earth-to-orbit transportation.

3. R&E Tax Credit/Educational Assistance Tax Deduction

The R&E tax credit provides a tax credit to businesses for their research and experimentation expenditures. This tax credit has been critical to maintaining the worldwide lead of American industry in advanced technologies.

The Employer-provided Educational Assistance tax exclusion permits individuals to exclude from their taxable income employer-provided educational assistance for upgrading their skills and training. This deduction could be of particular utility to employees of a defense contractor which needs to retrain its workers as part of an effort to diversify or expand into commercial markets.

Both the tax credit and the exclusion have received repeated temporary extensions to prevent them from expiring. The latest extension of six months expires on June 30, 1992. The Task Force recommends that both of these provisions be made a permanent part of the tax code or, at the very least, be extended for a period of five years to encompass the period of the defense build-down. A permanent or lengthy extension is desirable since it would bring some stability to this area of the tax code and facilitate long-range planning by businesses.

4. NIST Programs

The Task Force endorses two programs of the National Institute of Standards and Technology (NIST) as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program (MTC) and the Advanced Technology Program (ATP).

During FY 1992, $15 million is available for the MTCs, and the President has requested $17.8 million for FY 1993. MTCs are designed to enhance American manufacturing competitiveness by improving the level of technology used by small and medium sized companies. They serve as regional centers of information for these firms and also assist in workforce training to allow for the adoption of advanced manufacturing technology.

The ATP is funded at a level of $49.9 million in FY 1992, and the President requested $67.9 million for FY 1993. This program provides grants to industry for the development of pre-competitive generic technologies. Current projects include research and development in such areas as data storage, X-ray lithography, lasers, superconductivity, machine tool control, and flat panel display manufacturing.

5. Manufacturing Technology Programs

The Task Force supports increased funding for the manufacturing technology (MANTECH) programs in DOD. History has shown that MANTECH programs often return the value of the initial investment many times over through lowered production costs or improved equipment performance. As the new acquisition strategy places greater emphasis on research and development at the expense of production, defense firms can be expected to invest less in technologies to improve their manufacturing process. Over time, this lack of investment could provide a significant barrier to the application of new technologies in weapons programs. Therefore, substantial increases in DOD investment in MANTECH will be necessary over the next five years. Additional funds should be provided above the $138 million requested by DOD for FY 1993. The Task Force believes that, for such an investment to be effective, MANTECH funds should be expended on projects that are selected competitively on the basis of merit.

6. Manufacturing Extension Programs

In section 824 of the FY 1992 Defense Authorization Act, Congress provided authority to the Secretary of Defense to support regional, state, local, and other efforts aimed at providing manufacturing technology services to small businesses. $50 million was authorized, but no funds were appropriated. The Task Force also notes that there are ongoing efforts to create such programs in other federal agencies; for example, $1.3 million was appropriated to the Department of Commerce in FY 1992 for state technology extension programs. The Task Force recommends that any DOD role in this area should be limited to the support role envisioned by section 824 to reduce duplication among programs conducted by state and local governments and federal agencies.

7. Advanced Manufacturing Technology Transfer

The Task Force recommends use of the existing network of DOD maintenance depots (including shipyards) as sites to develop, test, evaluate, validate, and certify advanced manufacturing technologies for direct application to current manufacturing functions at the facility. Existing MANTECH procedures should be used in the identification, selection, and procurement of such technologies, to include emphasis on their dual-use features. The maintenance depots could seek to bring the technologies to the stage where they can be applied to existing manufacturing problems, creating an incentive for private sector investment in relatively risk-free, high-productivity equipment. The depots should observe MANTECH practices in encouraging industrial participation in the transfer of such technology from the laboratory to the factory floor.

8. Manufacturing Education

One of the key limitations to building a competitive manufacturing base has been the lack of education programs emphasizing manufacturing and production process engineering. To date, a few models have been developed by universities working with local manufacturing firms to structure integrated multi-disciplinary programs involving a significant work-experience component.

In order to foster a greater number of such programs, the FY 1992 Defense Authorization Act authorized $25 million to fully fund DOD participation in ten existing or new university programs for manufacturing engineering education. A condition for an award is that at least 50 percent of funding be provided by non-federal participants in the program and that the program have the prospect of being fully funded by non-federal sources within three years. The Task Force supports a continuation of this program as an effective means of significantly increasing the number of well-trained, fully-qualified engineers, managers, and teachers entering and supporting the manufacturing workforce. The benefits will accrue to the defense as well as the commercial industrial base.

9. Environmental Research and Education

The Task Force is aware that a major obstacle in the process of site environmental clean-up is that there are not enough trained professionals in the environmental sciences. The Task Force therefore recommends that legislation be enacted that will establish programs at universities in the United States in the environmental sciences for

men and women with prior training in hazardous waste management and radioactive materials through the Departments of Energy and Defense to create a cadre of environmental scientists, technicians, and engineers. This will not only provide additional, needed professionals in this area, but will help provide productive employment for those individuals now working on the U.S. nuclear weapons programs.

Mr. HOLLINGS. Mr. President, it says here:

The formation of the Senate Republican Task Force on Adjusting the Defense Base was announced on April 15, 1992, by Senate Republican Leader Robert Dole.

Senator Warren Rudman was named as Chairman of the task force. Other Members appointed to the task force were Senator Hank Brown, Senator William Cohen, Senator John Danforth, Senator Pete Domenici, Senator Orrin Hatch, Senator Nancy Kassebaum, Senator Trent Lott, Senator Richard Lugar, Senator John McCain, Senator John Seymour, Senator Ted Stevens, and Senator John Warner.

And amongst other portions of this particular report, it has, on page 24, subsection 4, NIST Programs, and I read:

The task force endorses two programs of the National Institute of Standards and Technology as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program and the Advanced Technology Program.

Mr. President, these are the programs which are the focal point of S. 4. Specifically, we have sort of married up with the rich uncle. They got $40 billion for Defense; this is a modest $1.4 billion. Yet, like Chicken Little, they are hollering that the sky is falling. This is sheer nonsense.

The Department of Defense has $40 billion of the $70 billion, and we have had conversion studies here by both Republicans and Democrats. The distinguished Senator joined in this particular report and said: Get it out of Defense and put it in civilian. Here we are doing it. Here is where we take over one-half of the cost of administering these ongoing programs.

TRP, Arkansas deployment projects; Arkansas Rural Enterprises; Marlton, AZ, TRP employment projects; Maricopa County Community College District; California links in Hawthorne, CA, to extend extensions; Field Agents Institute specific market identify; TRP deployment projects; California Manufacturing Technology Center; IRTA in Santa Monica—on and on; Colorado, the links at Fort Collins to provide national interactive telecasts on competitive manufacturing technologies and techniques; the Mid-America Manufacturing Technology Center at Fort Collins; the National Technology University at Fort Collins; and in Connecticut, the Manufacturing Outreach Center.

Delaware; we have some in Georgia; the TRP deployment projects; Illinois; Iowa, the Manufacturing Outreach Center; the Manufacturing Center there in Kentucky; the TRP deployment projects, Maryland, Massachusetts—going right on down the list: Michigan; we come to Minnesota; Missouri; Kansas City, MO, to provide product development and hard manufacturing assistance to small manufacturers in Missouri, Kansas, and Colorado via an electronically linked network of private industry, university, and Federal laboratory technology providers.

It is absurd to speak of S. 4 as some new departure, some new philosophy. Come on; come on now.

TRP in Missouri, deployment project; Dematech; Intercorp; Missouri Enterprise Business Assistance Center; Rolla, MO; Mamtech; Southern Missouri regional office; one in Rolla, MO—on down the list—Nebraska; New Mexico; New York; Oklahoma; Oregon; Pennsylvania; South Carolina is one, the TRP deployment project of Columbia; Tennessee; Texas; Virginia; Washington; West Virginia; Wisconsin.

These are the defense, already instituted programs of the manufacturing extension partnership, the very partnership that was called for by the distinguished Senator back in June 1992. Come on.

We all have been hearing that. We marry a rich cousin; try to get a little tidbit of Defense's $40 billion. You get $1.4 billion by 1996. You have the figures that were so dramatically enunciated here right this minute. It is $726 million. So 2 years out, you have doubled it, taking over these partnerships to the tune of $1.478 billion. We hope to get seven new manufacturing centers.

This is what has been done by the majority here. That is exactly what has happened. If you carry it forward, the amendment of the Senator from Missouri, where he says just cancel out the money. Here it is.

Have you ever heard of an amendment like this? I have been here for several years now. I never heard of this one. Here's what it says:

Notwithstanding any other provision in the act, the amounts authorized to be appropriated by this act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

We do not need an amendment on this bill for the Committee on Finance to consider a research and development tax credit. They can consider the $1.6 billion that they had at one time to take our bill. It only has $170 million over 2 years; $70 million if we have it. That will not get any kind of tax credit going. But it is totally unnecessary and totally unconstitutional.

The distinguished Senator, as a member of the Finance Committee, knows it. I do not know what the game is here. They get up and say, "Well, this is all new; we have a new philosophy," yet he called for it years ago, he voted for it unanimously years ago, he voted for it last year. And then he came to me and said now, at the beginning of the year, "I don't like what happened in December with respect to subsidies on aircraft."

Well, we know what he thinks about subsidies on aircraft because he says right on with it. He has his argument, but he has his bill, S. 419.

Mr. President, this is to provide for enhanced cooperation between the Federal Government and the U.S. commercial aircraft industry and aeronautical technical research, development, and commercialization, and for other purposes.

It says in here including the Department of Defense. Earlier the Senator said, "Well, I was at a meeting this morning, and we had the president of Boeing. And I asked the president of Boeing, 'Did the Department of Defense have anything to do with technology and civilian aircraft?' And he said, 'No.'"

Well, come on. You can keep on saying no. That is absolutely false. He put in a bill that gets it going. Going further, under paragraph 13 on page 4, such Government-industry consortium is what he is trying to form, like Sematech. For the clarification of the Members, he says in section 11, Federal assistance, financial assistance to the semiconductor industry consortium, known as Sematech has been successful in improving the competitiveness of the U.S. semiconductor industry.

I tried to help the textile industry, and he voted against it. He got into the Finance Committee, and I worked with him on semiconductors, because I thought we ought to do that. There is no new philosophy to it. We know the Senator believes in the philosophy for semiconductors.

Reading further, trying to follow the model that the Senator believes in, a philosophy for aircraft, such a Government-industry consortium should focus its efforts on research, development, and commercialization of new aeronautical technologies and related manufacturing technologies as well as the transfer, Mr. President, and conversion of aeronautical technologies developed for national security purposes—transferred to commercial applications for large civil aircraft. He calls it a new one when he writes it in his own bill as of February 24 of last year. That is over a year ago. But now all of a sudden it is a new philosophy. Sooey pig, come for the money, and all that nonsense. Come on.

It goes right on down here. The U.S. commercial aircraft industry, developing an aeronautical technology consortium. He goes further about this Department of Defense that he talks about, and they never used the technology. On page 8, section 4, it says: "The President shall establish an aeronautical technology program which

shall"—paragraph 3—"promote to the maximum extent practicable the transfer and conversion to commercial applications of aeronautical technologies developed"—past tense—"for national security purposes." And on and on throughout the bill.

He talks about the $70 million that we recommend. We go from this year at $40 million. We got $40 million. That is 1994. This is where we are. But here in his own backyard, the Advanced Systems Hardware Flash Program was just awarded to McDonnell Douglas in a bid. McDonnell Douglas Aerospace proposes $42.9 million fly-by-night Advanced Systems Hardware Flash Program over 24 months to develop vital components critical to making fly-by-night and power-by-wire technologies viable for commercial and military aircraft.

Now, McDonnell Douglas, the Missouri employer, the largest out there, believes in publicly supported technology development programs, as do 2,800 other applicants on this particular score over there at the Department of Defense.

So here we have a program going that he does not want to double. We have $40 million for all of these particular programs this year on extension, yet here is one little contract under that $40 billion over there in DOD in his backyard for $42.9 million. But now we are on the floor, and he dares to characterize S. 4 as a runaway program and a new venture and new philosophy. It is hard to treat this thing seriously, because we worked with the Senator for 3 years on the thing, and he has been recommending it. There it is recommended in the Republican task force conversion. Everybody knows what we are trying to do. We are trying to get more centers.

It has been announced by the administration that they are hoping to get 100 centers by the end of the century. Japan already has 170 of these centers. We are behind the curve playing catch-up ball. He acts like it is an extravagance when we take over in the management partnership of these defense programs. And then he comes around and talks about a new philosophy. This is new, he says, because we have some more money. I hope we will increase it. This is a pittance. You can compare this to the size of agriculture programs, and the distinguished Chair is familiar with that. They have an Agricultural Export Promotion Program of some $900 million. Sunkist Lemon got a $17.9 million program just to promote the sale of lemons. I tried my best to sustain the Tourism Program in America at $17 million, and the country of Jamaica spends more on tourism promotion than that. Jamaica spends more than we do. But when we compare it to agricultural research, to NASA research, compare it to DOD research, and when we compare to NIH, National Institutes of Health, biomedical research, we come back here and it just helps more business.

Heavens above, he says this is a new philosophy. But he recommended it himself, he himself voted for it.

He says he does not like the GATT treaty. I do not debate the GATT treaty here.

Heavens above, come, come now, let us move on with this program and not just take an amendment when the debate is ready, or completed. I am ready to move, obviously, and quickly to table the Danforth amendment, which is the pending question, because we have set aside the Cochran amendment, a matter to be worked out, as I understand it, from the Senator from Mississippi and the Senator from Ohio. If they can work that out, fine business.

But right now, these maneuvers threaten to just kill the bill. If there is further debate, fine business, but I am prepared to move to table. I do not want to be presumptuous here.

Mr. DANFORTH. Mr. President, just a few brief points. I just do not think that it is correct to say that this is just more of the same and that we voted on all this before, when the 1994 appropriations of $526 million are ballooned into an authorization for $1.370 billion in 1995 and $1.478 billion in 1996.

There is nothing that any Senator has ever done that compels the Senator to feel that he or she must go along with this major advance in these programs. The so-called ATP program, taking it from $199 million to $575 million in a 2-year period of time is not just what we have always been for. Nobody that I know of has ever written a report or been on a commission or anything else that has said, well, let us take the Office of Under Secretary of Commerce and increase that by 133 percent over a 2-year period of time; or create an SBA pilot program venture capital scheme and go from nothing to $50 million a year. We have not been voting for that or approving that. That is new. It is different. It is a change in policies.

Now with respect to Aerotech—I am repeating myself, but again to try to explain the idea. I think it was a mistake for our Government, then the Bush administration, to agree with the European Community to green light or accept certain development subsidies for aircraft. I believe that what has happened with Airbus is outlandish. Airbus should not even be in business. It has never made any money. It is kept alive by subsidies and because it has been kept alive by subsidies, Airbus now has a third of the commercial aircraft manufacturing business in the world.

So my view is that we should press countervailing duty cases under the trade laws against the Airbus subsidies, not permit them to continue to do this. That is my recommendation.

The Bush administration agreed to green light certain subsidies. My response to that was to introduce two bills. My chairman has seen fit to introduce only one of the two into the RECORD, but they were alternative proposals. One proposal, the one that I happened to prefer, was to proceed with the countervailing duty case against Airbus. The second was, if we were not going to do that, we were not going to have a countervailing duty case against Airbus, then if you are not going to enforce the subsidies code, you better join them or you are going to lose your whole industry.

That was the purpose of Aerotech. It was not that the Senator from Missouri had some great delight in launching into new ventures of industrial policy. It was that we have already agreed with an industrial policy performed by the Europeans, and we signed off on it in an agreement; and, if we are going to do that, we better join them or we are going to see the ruin of a major industry in the United States.

I feel the same, as a matter of fact, about Sematech. If other countries are using unfair trade in order to gain advantage over the United States, we have to act. But to respond to what I consider to be unfair trade practices is one thing. To launch out into a new subsidy program is quite another.

Am I concerned by the GATT agreement that has been negotiated? Yes, I am. The reason I am concerned is that I am concerned that Airbus is going to be replicated all over the world in industry after industry. What we have negotiated in the GATT agreement is accepting certain subsidies for research and development.

In research and development, especially significant is the development subsidy. The vice president of Boeing, who testified today, said there is no way that we could green light up to 50 percent of development subsidies in the aircraft industry without having a trade-distorting effect. We are inviting trade-distorting effects all over the world.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. DANFORTH. If we are going to do that, then I would say, Madam President, we do not have any option. Then the Senator from South Carolina is absolutely correct. If the trade laws are not going to amount to anything, if they are not going to be enforced, if countervailing duties are not going to be useful anymore, if the rest of the world is going to pick off industry after industry by subsidy and we have tied our hands and said that we can no longer proceed with countervailing duty cases because these subsidies have been green lighted, if that is the state of affairs, then either we are going to lose out one industry after another or we were going to get into the subsidy game big time. That is the problem with this trade agreement.

It may turn out to be the $2.8 billion is a pittance. It may turn out that to keep up with the Joneses, we are going to have to do much more than this. But let us not be the leaders in this enterprise. Let us not be the world leaders in subsidies.

What was said by a memorandum of the Department of Commerce in connection with the trade negotiations is that, if we start green lighting development subsidies, the United States has committed itself to be a leader in subsidies and our Government pressed that change in the subsidies code in the GATT agreement. And if that stands, if the GATT agreement truly says that henceforth 75 percent of research and 50 percent of development subsidies by Government are permissible and that other countries cannot countervail against them and cannot defend themselves against them, then the only way we will be able to defend ourselves is to get into the subsidy business ourselves.

But we are taking the lead here. It was our Government that made the point in Geneva that we should green light subsidies, and it is our Congress that is now proceeding with S. 4 to provide the subsidies in order to get the job done. It is one thing to respond to unfair trade practices and to do the best you can to save your soul. It is quite another thing for the Government of the United States to be the leader in subsidies, to say it in our memoranda that, if we agree to green lighting, we have committed ourselves to be the leader in subsidies and then at the same time to proceed with S. 4, which is a major step forward in Government subsidies for research and development.

I think it is bad policy. I think it is bad policy. I am making a policy argument. I am not making an argument rooting through past statements that Senators have made, personal arguments about what someone did or voted for way back then. I am saying that as a matter of policy this is new and it is consistent with the position we took in the trade talks and it is consistent, absolutely consistent, with the Department of Commerce memorandum, and it is part and parcel of a new relationship between the Federal Government and industry. And it is going to happen worldwide.

I do not want us to do it blindly. I do not want us to do it with everybody saying, oh, well, you know, we have just done it incrementally, we have just done it step by step. We thought, well, S. 4 seemed reasonable. I mean, everybody is for science. That is reasonable. And trade agreements, everybody likes trade agreements. That seems reasonable. And then we wake up some morning and someone said, why did not anybody warn us that subsidies are coming out of our ears? I am here to warn us.

That is what I am trying to do. That is the point of this enterprise.

If we decide that we are going to get into the subsidies business in this big way, let us at least do it as a deliberative act. This is a deliberative body. Let us make it a deliberative act.

Yes, we have debated it. Yes, we decided to do it. Yes, we really want to green light subsidies on an international basis. Yes, we really want research and development spending by Government and industry to be the new order in international trade. Yes, we really want to create venture capital funds for the Government to spend on selected industries that somebody in Government picks out. Yes, we really want to expand the Hollings centers from $30 million to $100 million over 2 years, and on and on and on. Let us do that deliberately, not some passive, "Well, nobody ever talked about it," or "Nobody ever told us."

I just have one final point to make.

The point is continually made, "Why, Japan does it. Japan does it. We have got to keep up with Japan."

Japan subsidizes, yes, and the Europeans subsidize. We are not Japan and we are not Europe. We are just not yet Japan.

This is a different place. We believe that Government and business are not the same. We believe that Government and business are not all wrapped up in each other. We believe that there is a little tension between Government and business. And some of us believe that the economy would be better if Government did not get so entangled in business. Now, we are saying, "Why, Government should get more entangled." Why? Because Japan does it. We are not Japan.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, since the distinguished Senator from West Virginia wants to speak, I ask unanimous consent that we temporarily set aside the Cochran amendment so the Danforth amendment would be the subject.

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

The Senator from West Virginia.

AMENDMENT NO. 1482

Mr. ROCKEFELLER. I thank the Presiding Officer.

It is my general conclusion, having listened to this debate for the last several days, that the Senator from Missouri, in fact, does not like S. 4 and wants to defeat it and is going to more or less talk it to death point by point, section by section.

I note with interest that in 1967, there was a Federal loan guarantee and favorable antitrust review process which encouraged and arranged the marriage between McDonnell Douglas and Douglas Aircraft companies, which then became McDonnell Douglas, and which is a result of action that appeared to be favorable to a very large company in Missouri.

The Senator has talked about GATT. GATT, of course, has absolutely nothing to do with S. 4. We also debated GATT, he and I, this morning in the Finance Committee. That was either a useful debate or it was not, but it has nothing to do with S. 4.

The Senator says that we want to copy Japan. I do not want to copy Japan. We are not like Japan.

What I believe we need to do is a better job than we are doing in creating high-wage, good jobs for the American people, which is what S. 4 is all about. And this is precisely why President Clinton has placed such high priority on the passage of this bill.

It is also my general conclusion that the Senator from Missouri, who is a very dear and close friend of mine, that he really is not open to any sort of arguments on this subject; that his mind is pretty much made up; that no matter how much we debate and talk, it will not make any difference—the debate from that side of the aisle reminds me of pushing the CD into the player and off it takes.

But I think and hope that there are other Senators and their staffs who are listening to this debate. I think this is one of the supremely important debates of this year, rivaling health care, which, for me, is a significant statement. I hope they will listen to this argument, on why S. 4 is important, why this bill is important, why everyone in this body ought to vote for this bill.

We can take its various sections and go at it however we want.

The United States, Madam President, has a very large investment problem. It is not a Japanese problem. It is not a French problem. It is not a Tunisian problem. It is a United States problem, and it has cost us dearly.

As a nation, we have systematically underinvested in areas that contribute to economic growth, job creation, and the standard of living of the people in my State of West Virginia and the rest of America. We systematically underinvest in maintaining our physical infrastructure, in educating our children, in training our workers, and in commercializing our technological discoveries.

S. 4, which is the bill before us—not GATT, but S. 4—is the centerpiece of the President's program on technology and on job creation. It focuses on specific elements of this problem we have had in not investing in our own country.

And that problem is called doing too little in keeping up with the Joneses or anybody else, but, most importantly, in failing to provide enough work for our own people; and doing too little to keep up with critical technologies.

The Department of Defense and the Department of Commerce have agreed on the idea that there are approxi-

mately 25 critical technologies, which nobody disputes. If we do not have them, we will not get into the 21st century competing with the rest of the world. And we are talking about laser optics, we are talking about ceramics, we are talking about semiconductors, and all kinds of other essential technologies. The point is there is no disagreement, under the Bush administration or under the Clinton administration, about what are our critical technologies. We have to have them. This bill is, in part, aimed at making sure we do as we approach the 21st century.

So we are doing too little to keep up in critical technologies. And there is nobody I think who will disagree that we are doing too little to keep up in commercializing the dividends of our very, very fine basic research programs. Through these programs, incredible ideals are born, but too often they are not turned into applied research, applied technology, and then become products that put our people to work. The most obvious example of this is what we allowed to happen with VCR's.

And all of these things contribute to the fact that our people, therefore, are not finding the work that they want and should have.

Madam President, technology matters. That is why S. 4 matters, because technology matters. It matters a lot.

Economic study after economic study has shown a strong relationship between technology progress and economic growth and between investment and productivity.

In the 20 years following World War II, the U.S. economy grew at an average annual rate of a little less than 4 percent. According to the 1994 economic report of the President, over 40 percent of economic growth over this period was due to advancement in technology. We discussed that a little bit this morning in the Finance Committee.

In the last 20 years, Madam President, U.S. economic growth has dropped to an annual rate of about 2.3 percent. Wage growth, productivity gains over this period have been anemic compared to previous experience with the gains made by other countries.

The principal reason for this disappointing performance was not the lack of will, not the lack of worker motivation or instinct. It was the result of a dramatic decline in technology progress on the part of our country for which we are responsible.

Now, why is it that we have failed to benefit fully from technology discoveries made in the United States? This is what S. 4, the bill before us, is about.

America is the world leader in discovering new technologies but, as the Presiding Officer knows perfectly well, we have done a very dreadful job in commercializing and adopting these technologies so that they go out to the marketplace providing jobs for our people and exports to other countries.

The main reason for this dismal performance is that we underinvest in technology commercialization, product to market —basic research to applied research, applied research to product, product to market. That is called jobs.

And we underinvest in technology commercialization because intensifying competition has reduced the ability of U.S. firms to capture the full returns from their R&D investments. This is a fact of recent modern industrial life. Technology is expensive to discover but increasingly cheap to disseminate in a competitive global economy.

U.S. industry is slashing, and has been slashing, research and development investment, even though economic and social returns on that investment remain high. This is what S. 4 is about.

Let me cite some examples of this market failure, Madam President, if I might. Economist Edwin Mansfield at the University of Pennsylvania estimates that the U.S. industry has cut research and development by 15 percent since 1986.

This next one fascinates me and scares me. A recent survey by the Industrial Research Institute shows that the number of U.S. firms that plan to cut research and development spending in 1994 is three times greater than those firms that plan to increase research and development spending in their companies in this year of 1994.

IBM has cut its R&D funding from $6 billion to about $5 billion over the last 3 years and has reduced its work force by 125,000 employees, as we all know, since 1987.

Digital Equipment Corp. has announced its plans to reduce research and development spending in 1994 by 25 percent. Digital Equipment Corp., a huge company, I might note.

AT&T Bell Labs, once regarded as the best industrial research lab in the world, has not increased R&D funding in the past 3 years and has reduced its focus on long-term R&D in response to competition. In other words, it is like the emergency room at the hospital. The most important thing, it seems, is the first thing to get cut when you are under pressure. So you cut R&D because you cannot prove that you absolutely have to have it in order to develop new products. It is all very simple to me. If you do not do R&D, you are going to cease to invent things. If you cease to invent things at some time you are going to cease to make things, and when you cease to make things people do not have jobs.

Industry observers believe the Baby Bell's research and development consortium, which is called Bell Corps, may not exist—may not exist in 5 to 10 years, as competition in telecommunication markets increases.

Recent studies by a number of respected groups including the National Academy of Sciences, Office of Technology Assessment, Council on Competitiveness, document the technology investment problem in the United States and urge proactive steps by the Government to deal with this problem.

Madam President, I will never forget—and I do not have it with me so I cannot hold it up but I will have it printed in the RECORD later—a 1992 issue of Fortune magazine, which I think, was entitled "Wither America?" It asked the question essentially of "Where are we going?" It surveyed corporate America about what we have to do in our country to get our act together, because we were clearly falling behind economically back then.

It polled about 100 chief executives. It covered Bill Gates, Felix Rohatyn, the heads of huge companies, and the heads of small companies. It was clearly a representative group of industrialists. And it included President Bush.

Person after person after person made the same point—although it was not uniform because some people, perhaps like the Senator from Missouri, hate Government so much that they do not want anything to do with it even though it could help them. There are those people. We recognize that and accept that. But person after person in this issue of Fortune magazine, which is not exactly the Village Voice, were saying, "We need direction. We want to know where the Government wants to go. We do not want the Government to tell us how to run our businesses. But we need a sense that the Government recognizes we are struggling and that if it is appropriate, they would be there to help us." It was just one after another after another after another, and then they would say very strongly, "But we do not want them running our businesses." But it was a cry for help.

Then you flip back to the first page and there was President Bush. He said, basically, I see my job as President as getting out of the way altogether; business knows what to do and the further I stay away from all of this the better it is for everybody.

One can debate what was happening in 1992. But I think the American people came to the conclusion the American economy was not working, they got tired of foreign policy, they started caring about economic policy. Foreign policy becomes economic policy under President Clinton and S. 4 becomes very important. So I now come to the need for action.

There is a consensus that the United States has a technological investment problem. I hope I have made that clear. And that Government policies and programs should promote, where appropriate, technology investment. National economic performance and job creation will benefit from increasing the level and rate of technology com-

mercialization. The debate on S. 4 centers on what specific policies and programs will promote technology in the most effective, prudent and efficient way.

The opponents, of course, to S. 4, argue for tax incentives. "Put it all in the tax credits." I remember that, I would say to my distinguished senior colleague from the State of South Carolina. I think we had that in 1981, where the rule was:

> Let us have personal tax cuts, let us have corporate tax cuts. What will happen is the corporation will take all that money and put it into new plant and equipment, which will create jobs. And then let us give tax cuts to the American people, particularly rich ones—believe me I know—and what will happen is people will take that money and they will put it in savings accounts so there will be more capital available for industry to expand.

Of course it did not work out that way. We started on a consumer binge the likes of which we had never seen before. Corporations took their tax breaks and took all that money and started buying up other companies and we got into the mergers and acquisition mania and the spiral of the 1980's, downward economically. That was very obvious to the American people and the people of my own State who did a lot of suffering.

So the opponents for S. 4 are for tax incentives, spending cuts, regulatory reform, and they say that is the way we boost the competitiveness of American business. We tried this approach during the previous three administrations. And it got us into trouble big time. We deferred investment. We accelerated consumption. We took on huge debt. We went into recession. Why should we go back to that failed agenda?

President Clinton's economic program is working. The economy is showing improvement. Why should we change the course? Why not accelerate the course?

My friend from Missouri made quite an interesting statement which happened to be entirely false. I refer to when he was talking about the venture capital part of this bill which I have worked on for the last 1½ years with LARRY PRESSLER and CONRAD BURNS, who are very supportive of this proposal. And the Senator said—I wrote his words down when he said it—that "the Government will make the decisions with this venture capital money." Wrong.

Yes, the Government will put in $50 million and private corporations will put in $50 million or put in whatever they want to invest. But it will be the private sector and the private sector alone that will make all the venture capital decisions. The Government will not make any of those decisions. That is clearly written in the bill. And to mislead our Members who are listening upstairs, or their staff members, in such a way is wrong; false; and unhelpful.

The President considers technology the engine of economic growth. So do I. That does not make either he or I particularly brilliant. It just happens to be true. It is true. His technology program which S. 4 embodies—that is what we are here for—calls for Government to work with industry where appropriate to develop and commercialize the technologies of the future, technologies that will contribute to economic growth. The simple point is job creation and higher standards of living for all Americans.

The role of Government in this program is as a partner with industry where appropriate, as those executives called for in Fortune magazine—or a majority of them did. The idea is to promote commercialization of tomorrow's technologies that industry by itself cannot or will not be able to develop. The need is shown by the trends I just cited about the private sector pulling back on research and development.

The President's economic policy is to compete, not retreat. S. 4 is a vital part of that policy, and that is why S. 4 and this debate are so enormously important to our people and our future.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Madam President, I thank my chairman of the Technology Subcommittee who has guided this measure through over the past 3 years and is totally familiar with it. The distinguished Senator has been working on the health programs and several other things. He has been spread somewhat. I understand that. I understand his outstanding work on the Finance Committee. We are really lucky to have his leadership with us on the Committee of Commerce.

I have been able, since the distinguished Senator from Missouri came, to go to the record, and the reason we go to the record is the best way to prove that it is not new; that we have taken the distinguished Senator's own recommendation. He now says this is a new philosophy. How can it be new when his task force, after quite a study over months and months, reported in June 1992, almost 2 years ago, that:

> The task force endorses two programs of the National Institute of Standards and Technology, NIST, as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufacturing Technology Program and the Advance Technology Program.

So he recommended it almost 2 years ago, and then he comes to the money. "Ballooned" is the word. The only thing that has ballooned is his mistakes, and he will have to agree because I am going to give him his figures. It is in the report, right here, and the report was almost a year ago, June 1993. On page 20, you will see for the year 1995, the Senator supported an appropriation there for these amounts in the bill of $1.513 billion in 1 year.

That $1.513 billion was reduced. I knew it. The OMB had cut me back because we had to get with the modification that OMB approved. When we sent it back to OMB, they actually cut it. They said we are cutting back on all programs.

So while the distinguished Senator supported $1.513 billion, that is actually $143 million above what we have now for 1995 in this particular bill. If we voted it right in the next 10 minutes, it would be $143 million below the 1995 level and $35 million below 1996.

We never recommended for either of those years. The bill we had at that time was for 1994–95. So the relative figure, the one that we can compare is the one he supported for the one year, 1995, for the ensuing fiscal year, that is $1.513 billion. How do you balloon that when you come now and put in the modification for 1995 at $1.370 billion, or specifically when you have reduced it a couple hundred million?

Let us go to the ones he was talking about, the Hollings centers or extension centers. He approved then under that 1.5, he approved $220 million. A moment ago he said, "Seventy plus 100, it's ballooned to 170," when the Senator himself—that is 2 years, 70 for 1995, 100 for 1996. He himself voted for 1995 $220 million. Ballooning. There is a retraction. There is a reduction. There is no ballooning. We put this plan on a diet, and we cut it back. I do not like it. To tell you the truth, I wish we could have gotten the amounts we approved unanimously in the Committee of Commerce June a year ago, all Republicans and all Democrats.

And there that is, 1.5, but he is out here on the floor. When you talk about his own idea and philosophy, you show what his philosophy was. When he talks about the figures, he says "ballooned," and we got less than what he voted for, substantially less.

For 1995, this next year, we have in this bill $1.370 billion, which is a $143 million cut from what the Senator supported back in June when the bill was reported. There is the bill; there is the committee report. Those are the facts.

Now we are really getting jockeyed around here, as the saying goes, because we have an amendment and the amendment calls for an unconstitutional initiative. Being an expert member of the Committee on Finance, he knows that you cannot introduce a research and development tax credit in the Finance Committee. You have to wait on the House.

But it is totally unnecessary. We do not need an amendment on this bill for the Finance Committee to consider one. They can consider one, they can consider the amounts in this bill, the amounts in everybody's bill, the amounts in no bill. It is their total discretion.

That is a rather facetious amendment at best, and I am prepared, if we want to set a time—I discussed moving to table—if I do move, we might set a specific time, let us say at 7:10, so there would be notification. Excuse me, if one of the Senators wants to talk, we will make it a later time. I yield the floor at this time.

Mr. DANFORTH. If the chairman would like to set a time for a vote, that would certainly be very satisfactory to this Senator.

Mr. HOLLINGS. What is the disposition of the distinguished Senator from Pennsylvania? He is on the floor, and I do not want to cut him off if he wants to talk on the bill.

Mr. SPECTER. I thank my colleague from South Carolina. I would seek recognition for a few minutes, perhaps up to 10 minutes to speak on the amendment.

Mr. HOLLINGS. Very good. Would it be all right then we can agree to a time to vote at 7:10?

Mr. SPECTER. Madam President, that is agreeable to me.

Mr. HOLLINGS. Excuse me, we will yield to the Senator to have the floor in his own right.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I support the amendment made by the Senator from Missouri. It is an unusual amendment in that it seeks to stop appropriations and then calls for the Committee on Finance to consider using equivalent amounts of money to make permanent the research and development tax credit.

The essence of what the Senator from Missouri seeks to accomplish is to have the private sector make the determination as to what research and development there will be as opposed to having the Government make that determination. The Senator from Missouri seeks to have the private sector make that decision by holding out the inducement of a tax credit.

The Senator from Missouri has been a very distinguished advocate of the market as opposed to a governmental direction of the economy. I think that is a sound principle.

I note from the provisions of the report that there would be established under title XII a program to foster the development of advanced manufacturing technologies, and title III establishes a program for the support of large-scale research and development consortium.

The other provisions of the bill, without going into them in detail at the present time, provide for a governmental determination as to where this research and development would be directed, and the Senator from Missouri seeks to have it done in the private sector, which I think is a preferable approach.

The face of the amendment is curious, to say the least, in that it says, "Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated but, rather, the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit."

This amendment does not negate the authorization of the bill but says only that the amounts authorized to be appropriated shall not be appropriated. There is nothing in this bill which contains an appropriation. That is to be done at a separate time by the Appropriations Committee. And the procedure is that wherever there is an authorization it is still a matter of discretion for the Appropriations Committee to make the appropriation or not as the Appropriations Committee sees fit, and then be acted on by the full Senate.

So I think that technically there could still be an appropriation. But the sense of this amendment really says that we ought not to appropriate, but that money ought to be handled by the Finance Committee with a permanent tax credit for research and development. I think that is the preferable way to go. It may be that this amendment realistically viewed as a sense-of-the-Senate resolution, that the preferable way is to have the tax credit and not have the thrust of this bill which is governmental determination of where the research and development should be undertaken.

Knowing the politics of the Senate and having seen amendments like this come and be voted upon, the probabilities are very high that when the Senator from South Carolina makes a tabling motion, that tabling motion is going to be adopted, pretty much on a party line vote. So that the likelihood is that this authorization is going to stand, and then we will see what happens through the appropriations process.

But I had discussed this amendment with the Senator from Missouri, and I did want to come to the floor for a few minutes, lend my support on the principal basis that it is preferable to have the private sector make the determination as the Senator from Missouri suggests through the tax credit from research and development.

I might take a moment or two now, Madam President, to commend the Senator from Missouri not only on this amendment, but for his general approach in the Senate on emphasizing the private sector and opposing subsidies and, more broadly, to state that Senator DANFORTH has had a truly distinguished career in the Senate. There is not a more able Senator than Senator DANFORTH, in my opinion.

I did not come here to praise Caesar, but I think it not an inappropriate time to make that comment. There will be ample opportunities later to talk about Senator DANFORTH and other of our colleagues who will be departing at the close of this session.

When Senator DANFORTH talked to me about this yesterday, I asked him when the filing date was in Missouri, because there is still time for Senator DANFORTH to change his mind and stand for reelection this November. I have said this to Senator DANFORTH before privately. There is no reason to just speak to him privately or to compliment him behind his back. This body will sorely miss JACK DANFORTH for many, many reasons. He has been an extraordinarily thoughtful, constructive and productive Senator on many, many lines, on the Commerce Committee, where prior to the service of the distinguished Senator from South Carolina as chairman, Senator DANFORTH was chairman, and has worked on the Finance Committee.

There is only one matter that I can recollect where his judgment was not impeccable. That is when he opposed an amendment that I offered to have a private right of action to stop subsidies and dumping.

My State, Pennsylvania, was hit very hard more than a decade ago by subsidized and dumped goods coming into the United States. And when I came to the Senate, one of the first initiatives I had introduced was an amendment providing that injured parties could go into Federal court to seek injunctions or damages to stop goods coming into this country which are subsidized or dumped. At that time, England was subsidizing steel $250 a ton. No matter how efficient the steel companies in western Pennsylvania were, they could not compete with the subsidy of $250 a ton from England.

Then Japan subsidized steel, and coal was subsidized and glass products, textiles and goods were dumped in the United States, which means for a few people who may be watching on C-SPAN2, they are sold in the United States for lower cost than they are sold in their home market, which is unfair trade practice.

Free trade means the cost of production plus a reasonable profit, and the principles of free trade preclude dumping, which is selling in the United States, illustratively, cheaper than in the home market where the goods are manufactured. And free trade means no subsidies; cost of production plus a reasonable profit.

Aside from Senator DANFORTH's opposition to that amendment—well, I may have disagreed with him on some other amendments from time to time, but he has made an outstanding contribution to this body, and I wished to take just a minute or two to say that in commenting on what I think is philosophically correct.

I do not know whether Senator DANFORTH expects to be successful on this particular matter at this particular

time, but I think the odds are against him. But I think it will articulate a principle, and I expect Senator DANFORTH to get a very substantial vote, maybe largely along party lines, but it will be meritorious nonetheless. But I do believe that his approach on letting the market decide is the proper approach, and the essence of this amendment would achieve that worthwhile objective.

I thank the Chair and yield the floor.

Mr. BAUCUS. Mr. President, I rise today in opposition to the amendment offered by my colleague from Missouri, Senator DANFORTH. As coauthor, with Senator DANFORTH, of S. 666, the Research and Development Enhancement Act of 1993, I am committed to the enactment of a permanent R&D tax credit with appropriate structural changes to address today's business environment.

However, I also strongly support the provisions of S. 4. Both the National Competitiveness Act and a permanent R&D tax credit are necessary pieces of legislation. S. 4 is particularly important to small companies. It will enable them to find the most advanced and commercially viable technologies. Technologies the perfection of which was probably bolstered by the availability of the R&D credit.

The permanent extension of the R&D credit, accompanied by technical changes in its application should be debated by the Finance Committee in consideration of a tax bill over which it has jurisdiction. It would be a disservice to the manufacturing industry in this country to prevent S. 4 from moving forward under the promise of someday enacting legislation involving the R&D tax credit.

The National Competitiveness Act extends some of our most successful Federal research and development efforts. It builds on the Advanced Technology Program, to work with companies developing the most promising new technologies and assist with basic research. It will help to build the information superhighway And it will do this without adding a cent to the deficit.

I will continue to work with my colleague from Missouri to see to it that that R&D credit becomes a permanent fixture in the Internal Revenue Code. However, it does not make sense to rob Peter to pay Paul. It is for that reason that I urge my colleagues to defeat the amendment by Senator DANFORTH should it be voted on, and to move quickly to pass S. 4.

Mr. HOLLINGS. Madam President, it appears now that if we make that motion on tabling, we can set a time, and it has been cleared on both sides, for 7:20. Thereupon, the distinguished Senator from Mississippi has worked out his particular amendment, to be recognized, and then the distinguished Senator from West Virginia wanted to be heard.

So, Madam President, I move to table the Danforth amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I ask unanimous consent that the vote be set at 7:20 on the tabling motion.

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

PESTICIDE SAFETY TRAINING AND LABELING REQUIREMENTS

Mr. COCHRAN. Madam President, I ask unanimous consent that it be in order for me to send a bill to the desk; that it be immediately considered; that it be read a third time and passed; and that the motion to reconsider be laid upon the table.

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

The clerk will report.

The legislative clerk read as follows:.

A bill (S. 1913) to extend certain compliance dates for pesticide safety training and labeling requirements.

Mr. LEAHY. Madam President, we have, in the end, decided to accept a bill which was offered as an amendment this morning. I do not think it will accomplish what some proponents hope it will do. I have consulted with the EPA, which advises me of the following.

First, paragraph (b)(1)(A) concerning enforcement of labeling requirements of 40 CFR part 156 states, in essence, that the requirements for registrants to amend their labels to add the worker protection requirements is not enforceable until January 1, 1995, except in certain unspecified States. However, many registrants have already submitted label revisions to EPA and are already using the amended label on their products. So, this requirement should have little, if any, effect. The requirement in paragraph (b)(1)(A) would have no effect on enforcement of the label itself and the requirements that appear on the label. It is not clear what it would mean for a State not to enforce the "labeling requirements" of part 156.

Second, subparagraph (1)(B) of paragraph (b) concerning equivalency is vague. First, it is not clear as to which States it applies to. The result could be confusion as to which requirements apply in which States. Second, it is not clear what it means for a State program to be "considered to meet the requirements of the worker protection standard."

I ask unanimous consent that the bill be printed in the RECORD

There being no objection, the bill (S. 1913) was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 1913

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

SECTION. 1. COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—

(1) IN GENERAL.—The compliance date for provisions of the worker protection standard set forth in part 170.5(c) of subchapter E of chapter I of title 40, Code of Federal Regulations, due to become effective on April 15, 1994, shall be January 1, 1995.

(2) PESTICIDE SAFETY TRAINING.—Not later than September 23, 1994, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—

(A) develop and distribute pesticide safety training materials that convey, at a minimum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on January 1, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, due to become effective on April 21, 1994, may be enforced only—

(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and

(ii) for the purpose of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on January 1, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASERS.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is January 1,1995.

(c) EXISTING AUTHORITY.—Notwithstanding the foregoing provisions, the existing authority of the Environmental Protection Agency to enforce existing label requirements shall not be affected.

NATIONAL COMPETITIVENESS ACT

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Madam President, I ask unanimous consent to withdraw amendment No. 1480 to the pending bill.

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

Mr. COCHRAN. Madam President, I thank the distinguished managers of the bill and specifically the distinguished Senators who cosponsored the amendment that dealt with the pesticide safety training and labeling requirements that was debated earlier

and was the subject of a vote on a motion to table earlier today.

The resolution of this issue is the passage of this bill which extends these compliance dates that were the subject of the debate, to January 1995. We appreciate very much the cooperation of all Senators and especially those who supported this initiative.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, obviously, I support my chairman from South Carolina and strongly oppose the Danforth amendment. I really feel very strongly about this, and I think the vote we are about to make is extremely important because it will be a vote on what I think is clearly a fundamental question on the future of America. I think the answer should lie in the fact that we need to both work to make the industrial R&D tax credit permanent, and do what is proposed in S. 4.

As for this amendment—and I want my colleagues to hear this —I think it should be entitled "let us give up amendment," or more to the point, "let us go backward amendment."

This amendment makes a very blunt recommendation. This amendment calls for shutting down Government's most effective, targeted, forward-looking programs that together have a very basic goal which, both sides of the aisle should share in common: that is to revitalize our Nation's technology base, to create jobs, and to do what is necessary to ensure the United States is the foremost manufacturing nation in the world. It is not a wildly bad thought.

The senior Senator from Missouri offered this amendment to turn the lights out on these programs. The Senator from South Carolina and I are very strongly against that. He then goes on to ask the Finance Committee to "consider using the equivalent amount to make permanent the research and development tax credit." In response, the Finance Committee has been working very hard to do exactly that. I serve on the Finance Committee with the Senator from Missouri, and we both have been working very hard to make the R&D tax credit permanent. But in fact, President Clinton proposed just exactly that in his historic deficit reduction package, and economic plan that he submitted last year.

But as the Senator from Missouri might recall, the President did not get any help from the other side of the aisle. I am going to be fascinated by the number, and to see the number of Senators on the other side of the aisle who now hope to support the Senator from Missouri in terms of calling for the billions of dollars—at least $1.6 billion a year—to make the research and development tax credit permanent. Because they sure did not give us much help last year when they had an opportunity to turn their rhetoric into actual results.

This unwillingness to help us pass Federal budgets and deficit reduction plans makes it much harder to come up with the substantial amount of money needed to make this credit permanent. That is why we are only able to extend the credit to June 30, 1995.

One final word from me: Industrial policy is a phrase which is used, and thrown out. It is a little bit like the Harry and Louise advertisements on health care funded by the insurance industry. It attempts to press one of those hot buttons, so that as soon as people hear the word "industrial policy" they will stop thinking logically. They just simply say, "Gee. That must be bad, 'industrial policy?'"

Therefore, when a Senator uses that phrase, a Senator carries a responsibility to really mean what he says or what she says. The myth is that the administration is creating a new industrial policy for the United States and that industry opposes it. This is the myth which has been put out before. The Senator from Missouri has used this 8, 10, 12 times tonight and presumably 8, 10, 12 times yesterday.

The reality is that the administration is building on a very strong, well-established American tradition of public-private partnerships to invest in American technological competitiveness, an effort that American industry supports. I will in a moment say who they are. They support Government having a legitimate role, a discreet, controlled role in supporting industry research and development efforts, a tradition that has helped U.S. business take the lead in such fields as aeronautics. I believe I used my example about McDonnell Douglas, and then there is pharmaceuticals, and the most obvious example of course, is agriculture.

Industry needs the programs of Senate bill 4 to create incentives for high-priority technology development activity that pose risk. That is why they need venture capital money.

Why do they need the venture capital money? Because if you were Thomas Edison, you would have to go in to a venture capital company or to a bank and take an entire bank of lights from Shea Stadium, all brightly shining, to prove that you had a bulb that worked. Venture capital has dried up in this country. Banks will not lend venture capital. They want to know that it works before they will put any money in. You have to make a strong case that it will work. In other words, it is basic American entrepreneurial instinct.

Industry strongly supports S. 4. They are correct. The Advanced Technology Coalition sent a letter to Senator ROBERT DOLE signed by 32 professional organizations, all of them related to business. Take the American Electronics Association. They said:

> We believe that our views have been heard by Congress, and reflected in this bill. S. 4 will promote American competitiveness and enhance the ability of the private sector to create jobs in this country.

American business supports S. 4. It is supported vehemently by the National Association of Manufacturers, the American Electronics Association, the National Society of Professional Engineers, Business Executives for National Security, the American Society of Engineering Studies, and I will not go on. It is a long, long list. American business wants this because they know that they cannot get the help now when they need it, and particularly on critical technologies.

Myth: The Government is picking winners and losers. This claim has no validity. It is wrong. It is empty. It is a specious argument and not worthy to be argued.

The reality was that the programs authorized by S. 4 are industry led, and industry funded; generic research and development industry to overcome basic technological problems; not funding competing commercial products. S. 4 contains no earmarks or special interest pork projects. All decisions are made by industry.

It is beyond me that the Senator from Missouri would be against this bill. I do not know why he is. I think he has read the bill. I think he knows the substance. But I appeal to my colleagues who care about the future of the American worker, who are worried about the future of American technology, who are proud that our economy is beginning to come back, but understand that our technological underpinnings are still very weak indeed. I appeal to them to table this amendment.

This is a very, very important vote, Madam President. This is a vote which will begin to show really where we stand on the future of America. Are we willing to stand up even to some of its more challenging aspects? Are we clear about technology? Are we clear where we are? Are we clear where our weaknesses are? Are we clear where solutions may lie? They lie in part in Senate bill 4. The bill should be passed, and therefore the amendment of the Senator from Missouri should be defeated by supporting the tabling motion of the chairman of the Commerce Committee.

I thank the Chair.

Mr. HOLLINGS. Madam President, I hope the appeal, the very, very effective appeal of my colleague from West Virginia, to vote to table is not a partisan vote.

For the first time I heard from the distinguished Senator from Pennsylvania who said he thought it perhaps

could be on a party line. Here is the amendment. The amendment says:

Notwithstanding any other provision in this act, the amounts authorized to be appropriated by this act shall not be appropriated.

I never heard of that. It will kill the bill. My friends who run this place are hardworking, and really professional. They smile too; "* * * the amounts authorized to be appropriated * * * shall not be appropriated."

But rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit, which is fine business with me. It cancels out any purity of stance, any integrity of antisubsidy position because you cannot be against subsidies while you are driving down these subsidies in the manner of research and development tax credits.

If that is not a subsidy, I do not know what is. So in one breath we are hearing there are all kinds of monkeyshines going on. They are talking about all of this very pontifical "I am against subsidies," but ending up by saying, "Please, by gosh, give us a subsidy." I would like to hope that I am in a position like that of Sherlock Holmes and the dog that did not bark.

We have the Republican Senator that did not put up a single amendment. We have been on this bill 3 days. We have had GATT agreement amendments, pesticide amendments, and we have had all kinds of funny amendments, like post office amendments. What were some of the other ones? I cannot remember. None of them had anything to do with the bill. Maybe that is the best compliment. The nearest to being factual, and yet mistakenly was not the fact, but let us say referring to the amendment as the distinguished Senator talked about ballooning the amounts, now that we have a balloon amount, and we got a diminished amount. That is a fact.

This bill is less than what the Senator supported for the year 1995 when we reported it out June of last year—$143 million less. And the amount he supported for 1995 is the $35 million that we project for 1996. So the 2-year projection under this particular bill, if adopted, is still less than what the distinguished Senator supported. He talks about balloon. I have heard—and I have been trying to get around in the back, but I cannot hold the floor and at the same time listen around. But a while ago, I heard: What is wrong, Senator, with your bill is that on our side of the aisle, we think it is a bill for Commerce Secretary Ron Brown to distribute moneys around and take the State of California politically.

I never heard of such nonsense. Let us go to the items. National Science Foundation. How in the world can you do that? Go to the extension programs and peer review, or go to the laboratory. Does anybody ever use the Bureau of Standards laboratory over there to win the California election or any election? All of these programs are itemized under here, and how they could get that description going and then have one of the distinguished Senators come and say "I guess we are going to vote on partisan basis," there is another debate going on in the back room totally unfounded and unfair.

I could go through the eloquent support we got from the Republican Senators and the very suggestions not on just both sides of the aisle but over on the House side, come through and worked through almost a perfect bill with everybody getting into it and having their say and including their provisions and everything else of that kind, doing exactly what the Senator and many Republican Senators said.

So I said just to Senator DANFORTH after all, in the task force study I put in there, I do not see the name of the Senator from Pennsylvania, but the Senator from Colorado, the Senator from Maine, the Senator from New Mexico, the Senator from Utah, Senator KASSEBAUM from Kansas, Senator LOTT from Mississippi, Senator LUGAR from Indiana, Senator MCCAIN from Arizona, Senator TED STEVENS from Alaska, Senator JOHN WARNER. These are the things they recommended almost 2 years ago. They said: Look here, let us get going and get this defense conversion. Now that we are getting the conversion—and I have listed the programs—yes, the moneys are over there to be administering them and still less before we got those conversion programs. When we voted that out, we did not have those conversion programs but, yes, now we do. But we have taken them and still cut the budget, as they say, less than what the Senator voted for. Yet, if he is in the confines of caucuses with colleagues talking about—and I do not attribute it to him. I do not know who said it, but I have had it reliably reported, because I have been talking around, that on the other side of the aisle there is some feeling about Secretary Brown of Commerce running around with a bunch of goodies and plums and pork barrel to deal out and take the California election.

I was astounded to hear that, because that is the one thing we have kept out of this bill and the administration of it. And in this whole program, you got no pork under Secretary Good, or Ms. Prabhakar, the Assistant Secretary in charge of this, who came over from the Department of Defense as an expert professional and testified in all these committees. In fact, my colleague, the senior Senator from New Mexico, commented on it. He had her visit the facilities at Sandia Laboratories, and otherwise, in New Mexico, and she had a wonderful understanding not only of the potential, but how we could merge these programs and commercialize our technology.

I have nothing but compliments. So you get all the compliments and votes and you get the report, and you come here, and after hearing about pesticides and treaties and post offices and all these other things, then you have your ranking member say "Notwithstanding any other provision in this act, the amounts authorized to be appropriated shall not be appropriated." In other words, this is a move to kill the bill or, otherwise, the Committee on Finance to get out a permanent R&D tax credit. And then he is saying there is a new philosophy here. We have to get rid of these subsidies, and if we cannot get rid of them, they have to get subsidies.

Obviously, that is what we have been doing. We have been subsidizing the aircraft industry. The distinguished Senator has supported that subsidy over the many years, coming out of the Department of Defense, over the many years that we have shown right in his own backyard where we had this year, right this minute, for the particular centers. I have the extension program. We had, in 1994, $40 million, I think it was, and $42 million just for McDonnell Douglas in a bid. These large companies are coming in proposing various research programs in the commercial area, both military and otherwise, and they are coming. Just a single program, where all our advanced technology, manufactured extension centers for all of industry, no one industry says come in just for me. That has to pertain, and that is why we have the National Academy of Engineering overseeing it, with peer review.

It has to benefit all industries. I set that up along as a guidance with the distinguished Senator from Missouri. I said, you are right, and he has been a leader against pork barrel, and let us have peer review.

So we went along and have defended it, and we have lost on it. I have described how my own textile industry tried to qualify under the Advanced Technology Program and could not. They went out to Livermore and did not have peer review there. Energy has money, oh boy, and if you want to find some things that are not peer reviewed, go on over there. I tried to impress on Commerce that this was a wonderful program for the industry countrywide, particularly in my State, but countrywide. But they said it does not stand muster.

Yet, at the same time, I am defending it over there at the appropriations level when colleagues came and said, "I want to write in my particular extension center." Every one of the seven we have are all peer reviewed, on a competitive basis, and reviewed annually to see that they are keeping up, and the additional seven are going to be the same way. You have to go through that entire Merit Testing Program. You take the suggestions. You take the support. You work for 3 years. And

then, could it really be serious to come forward and say that notwithstanding any other provision in the act, the amounts authorized to be appropriated shall not be appropriated? In other words, let us not have a bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, one question I think to ask as we prepare to vote on this amendment is why make the R&D credit permanent? Why is it important to do that?

The R&D credit had its origin in 1981, and ever since that time it has existed on a year-to-year or 2-to-3-year timeframe. We have never made it permanent, and the reason we have never made it permanent is that we have never had the money to make it permanent.

We have had a number of hearings in the Senate Finance Committee in which business people have come before us and they have said that the R&D credit is very, very helpful to research-oriented businesses, but they have said that it really should be a permanent credit. The reason it should be a permanent credit is that businesses that invest in research invest over long periods of time. They do not make decisions on 1- or 2- or 3-year timeframes. They make decisions on 8-year-or-more timeframes. So they think that it would be very helpful to make the R&D credit a permanent credit.

In addition to that, the various people in the Senate, on a bipartisan basis, have been working to improve the R&D credit so it would be more helpful to businesses that are research oriented.

So my hope would be that the Finance Committee would address the R&D credit and that it would make it permanent.

The reason it has not been made permanent in the past is that we have told ourselves we do not have the money to do it. We do not have the funds. So we keep it alive year to year.

The President has taken the position very publicly that he would like to see a permanent R&D credit, but in his budget he has not provided the funding to do that.

I do not know where the money is going to come from to make the R&D credit permanent unless we make it available. That is what I am suggesting: That we make the money available; that we provide a fund, in effect, by saying no, we are not going to create all of these new spending initiatives that are in this bill. But instead we are going to allocate this money, at least in the minds of the Senators who are here, to make the R&D credit permanent.

If we do not do it, if we do not do it on this bill, then when are we going to do it? Are we going to keep just promising ourselves year after year that someday we will have a permanent R&D credit, but not now, because we do not have the funds now?

So really we are not just voting on a negative here. We are voting on a positive. How do we feel about the R&D credit and how do we feel about a permanent R&D credit? How do we feel about really committing ourselves to the R&D credit as the way of encouraging research and development in the private sector in this country?

Is the R&D credit the same kind of subsidy program that is contained in S. 4? The answer to that is no, and I would submit that the answer is no for two reasons. One is, in the mind at least of this Senator, there is a difference between a tax credit and a grant of money. People sometimes say, well, tax credits are tax expenditures; it should be treated just like an appropriation.

I do not think the reluctance of the Federal Government to squeeze every last penny out of every taxpayer is the same as the subsidy by the Federal Government. But more important, I think, for the purpose of this debate, has to do with the degree of heavy handedness, of manipulation on the part of the Federal Government in dealing with the private sector in R&D.

The R&D tax credit is the least directive way that we can encourage research and development because it is offered to all businesses that are involved in R&D. It is not something that picks winners and losers. The R&D tax credit is not designed, the mechanism does not exist for the purpose of selecting one industry versus another industry.

Therefore, it is unlike S. 4. It is unlike S. 4. It does not have the mechanisms for specific decisionmaking in picking the winners and picking the losers and engaging in the industrial policy that is in S. 4.

So I really think that there are two questions that are posed by this amendment.

The first question is, how do we feel about the R&D tax credit, and do we really want it to be permanent, or do we just say that in our speeches? Do we really want it to be permanent? Do we really want it to be effective?

And the second question is, how do we feel about the role of Government and the intrusiveness of Government and Government's manipulation of spending decisions and priorities that otherwise would be set in the marketplace?

It is the judgment of this Senator that the marketplace is a better mechanism for making economic decisions than the weight of the Federal dollar. I believe that the private sector can decide the new technologies better than we can in Washington, and that is the basic philosophical issue.

Is it a philosophical question? Yes, it is. It is a broad basic fundamental policy issue dealing with the role and the scope of the Federal Government with respect to science, with respect to research, and with respect to the private sector.

This amendment does not amend the Internal Revenue Code, but it clearly sets out a commitment on the part of the Senate, and it is a commitment which I believe the U.S. Senate should make.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the R&D tax credit is not the subject of this bill at all. And if the Finance Committee reports it out, we will have a good debate and vote on it.

Talking about this particular bill, yes, the research here is for the advanced technology research, this peer review.

If you pass an R&D tax credit, I can have research to make better donuts, and development, and say, "Whoopee," and write it off on my taxes. And if the IRS comes along, they have a hard time because I had them in there trying to mix up that dough differently, and I had research, R&D tax credits, for any and everything.

Ours is particularly directed at advanced technology, and peer reviewed and merit tested on all the different programs. That is the big difference there. But that is not a red herring across the trail. He knows that. We cannot pass an R&D tax credit with an amendment. You cannot pass one if it was reported out of the Finance Committee. It would have to be initiated over on the House side, and then we can consider the House bill.

So we have an unconstitutional amendment that is totally unnecessary. They can go ahead and do all they want done except for the fact he said get rid of all the appropriations; whatever is authorized, do not ever appropriate it. That really guts the bill.

I cannot see it with the stands taken, and votes, and everything else. Something made him angry with the GATT agreement and negotiations, and he is using this bill to beat them up, to try to get their attention somehow. And that is not fair at all.

You just do not do all of this work and get all the parties together on a well-considered bill that has been endorsed by more industrial groups than I could ever possibly imagine, by more labor groups than you can ever possibly imagine, all the leadership in technology, all the leadership on the Republican side of the aisle, for the conversion of the defense funds. We read in their report where they support this program. They voted for it. This is a unanimous bill.

But now he says to forget about the bill because none of the funds authorized should be appropriated. You in good conscience just have to vote to table this amendment.

I so move to table, and I think the hour has arrived.

The PRESIDING OFFICER. The Senator from Missouri.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 1482

The PRESIDING OFFICER. Under the previous order, the hour of 7:20 having arrived, the question is on agreeing to the motion to table the Danforth amendment numbered 1482.

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

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—57

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Graham	Moseley-Braun
Boren	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Burns	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dorgan	Levin	Simon
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford

NAYS—41

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Chafee	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Roth
Cohen	Hatfield	Simpson
Coverdell	Hutchison	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	

NOT VOTING—2

Dodd	Helms

So the motion to lay on the table the amendment (No. 1482) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. 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. MITCHELL. Madam President, shortly, Senator SIMPSON will seek recognition to offer an amendment. It is a substitute amendment, a major amendment, that includes 12 different provisions, each of which I believe in and of itself represents a bill that has previously been introduced. Since it will take some time to—and, if I might add, each of the bills cover the jurisdiction of several different committees. I do not know exactly how many, whether there are 12 committees involved, but there are several committees of jurisdiction.

Before we can reach an agreement with respect to the disposition of that amendment, the relevant committee chairmen will have to be notified to review the measure and make a determination as to whether they will oppose or support the particular provision and notify the manager, Senator HOLLINGS, of their decision in that regard.

It is not possible to proceed to completion of that measure this evening, and so what I have decided, following a discussion with Senator SIMPSON and Senator HOLLINGS, is that it would be best if I now announce that there will be no further rollcall votes this evening; that Senator SIMPSON be recognized to offer his amendment; that there then be as much debate as the principals choose on this amendment this evening, and then we return to the bill at 9 a.m. tomorrow, in an effort to proceed with respect to this amendment. Hopefully later this evening, although it is obviously late to do this, and early in the morning the relevant committee chairmen would be notified, would come over, and we can at least continue the debate in the morning and hopefully begin the process of determining how best to deal with the amendment. It is impossible at this time, given the comprehensive scope of the amendment and the number of different provisions, number of bills which are included in this measure, to reach an agreement on precisely how much time it will take and how to dispose of them.

Madam President, I will yield and invite Senator SIMPSON to correct me if I have misstated any aspect of his amendment or our discussion, and in any event to make any such comments as he may wish on the matter.

AMENDMENT NO. 1485

Mr. LIEBERMAN. Mr. President, the Senate today adopted the Nickles amendment by voice vote. I rise to express my concerns with the Nickles amendment as currently drafted.

The Nickles amendment would require all bills reported by a committee or considered on the floor to be accompanied by an economic and employment impact statement prepared by the Congressional Budget Office. The statement would contain: An estimate of the numbers of individuals and businesses who would be regulated; a determination of the economic impact on individuals, consumers, and businesses; an estimate of the costs incurred by the private sector in complying with the bill, including specific estimates on groups and classes of individuals—including small business and consumers—and specific estimates on the employment impacts on those individuals and businesses; estimates of the costs imposed on State and local government as required under section 403 of the Budget Act; a comparison of the costs imposed on State and local governments with the Federal funding provided. Executive branch agencies would be required to prepare a similar statement with similar contents.

With respect to its requirements for proposed legislation, there is much of Senator NICKLES' proposal with which I agree. His proposal to have the Congressional Budget Office prepare the basic estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, and a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected seems sound. Committees are already required to do this, and to the extent that CBO can give assistance in preparing these estimates, that would give them greater credibility. I also support requiring CBO to assess the impact on State and local governments, which CBO already does under section 403 of the Budget Act, and to have CBO compare these costs to the amount of Federal funding available to offset these costs. That is essentially what would be required by S. 563, which I have been pleased to cosponsor.

The provision calling for specific evaluation of cost in the private sector, however, is extremely one-sided. I have generally supported the use of sound cost and benefit evaluations to inform our judgments and the judgments of regulators. But this amendment does not even purport to incorporate cost-benefit analysis. It focuses solely on costs. Costs are important, but they do not tell the whole story. If we are going to direct CBO to perform a cost analysis, it should at least be required to perform a benefit analysis of proposed legislation as well.

With respect to using cost-benefit assessments in the rulemaking process, I prefer the direction taken by the President's Regulatory Management Executive Order 12866. That Executive order laid out in great detail the principles of

cost/benefit analysis to be used in rulemaking activity. It mandates examination of costs and benefits, including qualitative assessments where appropriate, and it directs agencies to maximize net benefits. It directs agencies to impose the least burden on society consistent with meeting the regulatory objectives, and to take into account the cumulative burden on society. For any significant rulemaking—one with greater than $100 million estimated annual impact—the cost benefit analysis must be submitted to the Office of Management and Budget Office of Information and Regulatory Affairs. These submissions become part of the record and must be disclosed to the public once the regulatory action is published in the Federal Register.

That Executive order was supported by NFIB, National Small Business United, U.S. Chamber of Commerce, Business Roundtable in addition to Public Citizen and the Sierra Club. It was formulated after forging a consensus among a variety of affected groups. It represents a sound balance of the policy issues in this area.

Mr. President, for these reasons, I have grave concerns regarding the soundness of the Nickles amendment. I have not taken the Senate's time today to air these concerns further because we need to complete work on this bill expeditiously. However, I reserve the right to examine these questions further at a later date.

S. 4, THE NATIONAL COMPETITIVENESS ACT

Mr. DODD. Mr. President, I rise in strong support of the pending measure and I urge its immediate adoption. I commend the chairman of the Commerce Committee, Senator HOLLINGS, for bringing this bill to the floor. This bill helps to implement one of the key pillars of the Clinton administration economic agenda: to promote growth, and create jobs, through investments in research and technology.

Mr. President, not too long ago we lived in a world of bipolar competition. For decades the United States and the Soviet Union squared off in a winner-take-all contest for military and diplomatic supremacy. Today the game has changed, and so have the players. Our chief competitors are no longer found in Russia, but in Europe, and Asia, and the Pacific rim. And the nature of the contest is no longer military, but economic.

In many areas, I would point out, we are doing very well in this competition. American companies and American technologies have met the challenges of the international community and they have met that challenge well. Today the United States is a recognized leader in industries such as computers, aerospace, biotechnology, and many others.

At the same time, however, there are ominous signs that the United States may be losing its edge. A 1991 report by the Office of Technology Assessment noted that the U.S. share of world exports had fallen from 14 percent in 1970 to 10 percent 16 years later. Even more disturbing, the report noted that average weekly wages in manufacturing in the United States have fallen from more than $380 in 1978 to roughly $340 in 1990, in inflation-adjusted figures. Moreover, numerous reports from the Commerce Department and the Department of Defense over the past several years indicate that in several critical technologies, the United States is losing ground to either Europe or Japan.

The measure before us today represents the first step in finding a solution to this problem. If passed by this body and enacted into law, this bill would strengthen the cooperation between Government and industry in basic research and advanced manufacturing. It would do so by increasing the funding authorization levels for several Commerce Department programs that are playing a critical role in this effort.

One such program is the Advanced Technology Program, a program run by the National Institute of Standards and Technology [NIST] that provides matching grants to companies that pursue innovative research and development. This bill sets aside $475 million for this program in 1995, more than twice the level for 1994. Another use of funds under this bill will be to expand the Manufacturing Technology Center program. Today in Japan there are nearly 200 Government-supported centers across the country, helping small- and medium-sized businesses gain access to the latest technologies. In the United States we currently have seven such centers. This bill will help us catch up.

The programs we are funding under this bill have already had an important effect on many businesses in my State. For example, a cooperative effort involving NIST and the Johnson Gage Co. of Bloomfield, CT, helped to develop a flexible computer-integrated workstation for manufacturing high-precision fasteners for U.S. submarines. Development of this workstation has helped to reduce the average production time per fastener from 1½ hours to 20 minutes, with a defect rate approaching zero.

Another cooperative effort led by NIST has involved two Connecticut companies—CADKEY, of Windsor, and CNC Software, of Tolland. These companies, working together with NIST, helped to develop a safe and aerodynamically superior helmet that was used by U.S. Olympic speed skiers. Many other Connecticut companies have participated in NIST-led research or have been the beneficiary of Commerce Department grants under the Advanced Technology Program.

Mr. President, in Connecticut and across the country we have been talking about the need to diversify our economy—about reducing our dependence on defense expenditures and developing new technologies and new skills. The programs that we are authorizing today will help to do just that. I urge my colleagues to support this measure.

Mr. GLENN. Mr. President, I rise to oppose the amendment offered by my colleague from Oklahoma, Senator NICKLES. I oppose this legislation because in its efforts to estimate the economic and employment impacts of Federal legislation and regulations, it would unduly impede the legislative process and impose an ill-considered set of requirements on Federal agencies.

I believe that decisions about laws and regulations often have unintended or overlooked effects on the economy and employment. I also believe that Members of Congress, as well as agency rulemakers, need to more carefully consider the costs of policies and programs, not just the public purposes and benefits that they would hope to achieve. We do need to do a better job of balancing the costs and benefits of our decisions. On that point, I most certainly agree with the Senator from Oklahoma. My Committee on Governmental Affairs will be holding several hearings this year to discuss legislative solutions to the problems of regulatory and paperwork burdens on business, State and local governments, and the economy. This amendment should be debated then, along with related bills introduced by other Senators, and not be considered in such a hasty manner today.

As to the substance of the amendment—I do not believe that the solution the Senator from Oklahoma offers is the correct one, or even that it is workable.

First, the amendment creates a new layer in the legislative process. It would require CBO to establish and support a new review process—and with what appears to be no new resources. While I agree that committees could probably often do a better job of complying with Senate Rule 26, the answer is not simply to load another duty on CBO. And I must note that the amendment does not simply ask CBO to do what the committees do under rule 26. CBO would be required to do more. CBO would have to do detailed multiyear projections of costs imposed on "groups and classes of individuals and businesses." I frankly do not know how CBO can do a credible job of this, particularly in any timeframe relevant to the ongoing legislative process.

Even if CBO could somehow do this sort of analysis, the issue of the resources CBO would need is enough to oppose this amendment. The bill is silent on how much it would cost to properly implement. If every bill taken to the floor must undergo this CBO analysis to determine its cost impact as required by the Nickles amendment,

then surely it would make sense for CBO to look at the Nickles amendment so that it can do its own estimate on what the amendment will cost CBO and the taxpayers of this country. To the best of my knowledge, CBO hasn't even had the opportunity to comment on this amendment. A year ago when originally offered, this amendment tasked GAO with the duties that would now be assigned to CBO. At that time, GAO said "a very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed." Using GAO's projections, CBO would have to more than double its cost estimating staff to fully implement the Nickles amendment. Yet the amendment, provides CBO with no new resources to conduct these analyses.

I also see nothing to show how CBO's analysis would reasonably fit into the legislative process. It is one thing to require an analysis of bills coming out of committee. The amendment, however, also requires such analysis of any bill or resolution considered by either House of Congress. As my colleagues will recall, this element of the amendment was a major reason for its defeat nearly a year ago. This requirement will severely limit our ability to legislate.

If my colleagues want to impede the legislative process, this is the way to do it. If my colleagues want to create more gridlock, this is the way to do it. I, for one, will not. I will work to improve the quality of legislative analysis, but I will not be a party to a quick fix that will end up only slowing our decisionmaking to even a slower snail's pace. The solution, if one is needed, is to look to committees to more fully debate and investigate legislative proposals. The solution is not to regulate ourselves into gridlock.

Second, the amendment would also extend the model of Senate Rule 26 to the executive branch—the impact analysis requirements of the rule, plus additional cost estimate requirements. This make no sense to me at all. For the last 6 months, Federal agencies have been governed by a new regulatory review scheme. Executive Order 12866, issued in September of last year, replaced the regulatory review system of the last two administrations and was praised by virtually all groups, from the Sierra Club and Public Citizen to the U.S. Chamber of Commerce and the National Federation of Independent Business. With the addition of E.O. 12875, on improving the intergovernmental partnership, the Clinton administration has shown an impressive resolve to closely analyze the impact of proposed groups and all levels of government affected by Federal regulation.

For over 12 years, Congress has resisted putting regulatory review into statute. There have been times I have thought it was needed, but now is certainly not the time to do it. To set the amendment's narrow rule 26 requirements into law sends a message to the executive branch and the American people. The message is that we are not serious about what we would require. We will not study the problem with the same care as did the administration and we will not carefully craft as comprehensive a solution. No, we will just slap on a set of Senate rules. That is not the way to legislate regulatory review. It does not create a balanced framework. It does not look at benefits as well as costs. It does not address benefits or costs that are indirect or hard to quantify. It does not address public accountability and sunshine. It does not ensure the faithful implementation of our laws.

If my colleague from Oklahoma wants to work on improving the administration's regulatory review Executive orders and wants to consider placing them in statute, I will work with him. As I mentioned, the Governmental Affairs Committee, which I chair, will soon have a second hearing on Federal mandates on States and local governments, and will thereafter have a hearing on regulatory burdens on business and the current state of Federal regulatory management. Such hearings would be the appropriate forum to consider these issues.

That would be the way we should consider this amendment. Moving it today, on the floor, is not the way to do it.

This amendment is being hastily considered and should be defeated.

I ask unanimous consent to include in the RECORD, following my remarks, a GAO statement and CBO letter regarding this issue.

STATEMENT BY THE GAO ON THE ECONOMIC AND EMPLOYMENT IMPACT ACT OF 1992

We have reviewed the draft bill entitled the "Economic and Employment Impact Act of 1992." We believe that for certain very significant pieces of legislation—namely those that are likely to (1) have large associated private sector costs or (2) influence job creation rates measurably, the impact studies envisioned, could be very appropriate. Nonetheless, we have several cautions which we would like to raise:

The application of this requirement to every bill, resolution or report by any committee would be extremely costly and time consuming, and could impede congressional business. A very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed. CBO now uses approximately 80 staff years to perform its costing responsibilities and related budget work. Though that task is difficult in itself, the estimates envisioned by this legislation are more complex and less amenable to the application of standardized methods.

Thus, given the state of the art in estimating the economic effects envisioned by this legislation, it could force the proliferation of the use of economic analysis techniques for which there is no strong professional acceptance.

Certain of the tasks envisioned such as state and local impact, and 5 year federal costs would duplicate work now being performed by the Congressional Budget Office.

Many pieces of legislation would require months of data collection and analysis to make the needed estimates, thus raising the very strong possibility that important legislation would be delayed. If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis.

The impact on GAO's ability to meet its heavy congressional workload could also be severe, exacerbating an already significant shortfall in our ability to respond promptly to the many individual committee requests we receive each year.

Consequently, the need to make significant internal realignments, the complexity of the task envisioned, and the limited availability of GAO staff trained in economics and related fields would result in a very long learning curve for us, as we began recruiting, reassigning and training staff and otherwise building the data bases and other infrastructure necessary to perform the duties involved.

Overall, we believe that given the current state of the art in this form of economic analysis, and the already significant demands on our resources, that a case-by-case request for such analysis on significant legislation would be preferable to mandating such analysis on every committee action that met some predetermined threshold.

Alternatively, if legislation is deemed necessary, it might be written so as to encourage or require GAO (or another agency) to begin building the capacity to do such analysis at some point in the future. This would be more consistent with our view that there currently exists neither the technology nor an organization capable of supporting this legislative requirement at present. Another possibility would be to hold hearings on the feasibility of such legislation to improve economic impact information in the legislative process.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 29, 1993.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for information relating to the work the Congressional Budget Office currently does with respect to estimating the costs of federal legislation, including the potential economic impact, and how this work would be affected if the proposed Amendment Number 325 were adopted as part of S. 171, the Department of the Environment Act of 1993.

As required by the Congressional Budget and Impoundment Control Act of 1974, CBO prepares five-year federal budget cost estimates for virtually every public bill reported by legislative committees in the House and the Senate. CBO also prepares numerous cost estimates at committee request for use in earlier stages of the legislative process. These cost estimates are usually transmitted to the committees responsible for the legislation by letter from the CBO Director, and are usually included in the committee reports accompanying legislative proposals. The number of cost estimates prepared each year varies, depending on the amount of legislation being considered and reported by legislative committees. Over the last ten years, for example, the number of bill cost

estimates has ranged from 600 to 855, with an average of about 700 per year.

A large part of CBO's bill costing work in some years has been for House and Senate committees receiving reconciliation instructions in the annual budget resolution. Our tracking system for bill cost estimates treats reconciliation proposals as a few large bills. As a result, the numbers given above significantly understate the true work load. In years when a major reconciliation bill is being considered, the work is equivalent to 100 or more individual bill cost estimates.

The CBO bill cost estimates have become an integral part of the legislative process. Committees refer to them increasingly at every stage of bill drafting, and they often have an impact on the final shape of legislation. They have this effect because they are used to determine whether the committees are in compliance with the annual budget resolutions and reconciliation instructions.

In additional to cost estimates for bills reported by legislative committees, CBO also provides the Appropriations Committees with estimates of outlays and other budgetary effects for all appropriations bills. These estimates are prepared for each appropriation account and are transmitted to the staffs of the committees largely in the form of computer tabulations. CBO's estimates may be critical in determining whether or not the appropriations legislation complies with the annual budget resolution and with statutory limits on discretionary appropriations.

The State and Local Government Cost Estimate Act of 1981 temporarily expanded CBO's responsibilities for bill costing by requiring that estimates be prepared for the cost that state and local governments would incur as the result of proposed federal legislation. The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 made this requirement permanent.

CBO reviews as many bills as possible to identify their potential impact on state and local governments, although the requirement for state and local cost estimates is only for bills that are likely to result in a total annual cost to state and local governments of $200 million or more, or are likely to have exceptional fiscal consequences for a geographic region or a particular level of government. Since each bill must be examined to determine whether there is a significant cost to state and local governments, we routinely include our cost assessment in our letters to committees about the federal cost estimates for proposed legislation.

Over the past ten years, we have prepared an average of more than 600 state and local cost assessments each year. Most of these assessments show no cost to state and local governments; only a small number each year show costs that exceed the $200 million threshold (less than 5 percent). About 10 percent of our state and local cost assessments show some cost below the $200 million threshold.

Unlike our estimates of the cost impact of proposed legislation on the federal budget, our estimates of state and local costs have little or no impact on legislative outcomes. With few exceptions, Congressional debates on proposed legislation have not focused on CBO's state and local cost estimates, possibly because these estimates are only informational and do not represent any binding constraint on the federal budget.

Many legislative proposals have potential effects for prices, employment, incomes, and other macroeconomic variables. If these proposals are part of a deficit reduction effort, such as a reconciliation bill, they could have negative indirect effects on other categories of federal revenues or outlays. For example, tax revenues could fall with changes in corporate or personal incomes, and outlays for unemployment compensation could rise as economic adjustments occur.

Indirect economic effects and their budget implications are difficult to measure; economists often disagree on their size or duration, and sometimes even on their direction. As a practice, CBO believes that factoring secondary effects into cost estimates would not increase the reliability of the final estimate, despite the appearance of increased precision. For purposes of reporting the costs of legislation to the Congress, CBO's longstanding practice is to restrict the estimates to the most direct budgetary effects.

Nevertheless, CBO has done a number of analyses of the potential economic impact of proposed legislation on business and consumers in recent years, such as the possible employment effects of changes in the minimum wage, the economic consequences of reduced defense spending, and the effects of proposed royalties and fees on the mining industry.

The process of estimating economic impacts, however, is inherently difficult. Any analysis of legislation that would result in new regulatory requirements, for example, can be extremely uncertain and controversial and may depend critically on how the new regulations would be administered. Often, the latter consideration is unpredictable. In general, such analyses are necessarily less precise than estimates of the federal budget impact, or even than estimates of state and local budget impacts. For example, the Federal Deposit Insurance Corporation Improvement Act of 1991 made significant changes to federal regulation of banks. Some have blamed that law for perceived shortages of business credit in 1992 and 1993. The validity of those misgivings will not be known for a long time, if ever, and it is highly unlikely that CBO, or any other group of analysts, would have been able to produce credible estimates of such impacts when the Congress was considering the bill.

To prepare economic impact assessments for all legislative proposals would be a costly undertaking, both in terms of the staff resources needed to prepare the analyses and in terms of time requirements. In addition, data could be costly to obtain and verify. Many assessments could result in producing flawed information that could be misleading.

Furthermore, a requirement to prepare economic impact assessments for bills reported from any committee could delay the legislative process significantly. Combining this requirement with the tight, unpredictable schedules that committees often must follow would create conflicting priorities for legislative action. Based on our cost estimating experience, it is hard to be confident that committees would have the flexibility or patience to consistently tolerate the time required for good economic impact analyses.

The amendment proposed to S. 171 would require the General Accounting Office to prepare economic and employment impact statements for each bill, resolution, or conference report reported by any committee of the House or Senate, including the Appropriations Committees. These impact statement would include the estimated impacts not only for consumers and businesses, but also the fiscal impacts for affected state and local governments and the revenue and outlay effects for the federal government.

These analytical requirements would duplicate the bill costing work of the Congressional Budget Office, both for federal cost impacts and for state and local government cost estimates. If enacted, the Congress would be receiving cost estimates from two different legislative support agencies. The result would be confusion for committees and for Members of Congress. The CBO federal cost estimates would be controlling for budget resolutions and reconciliation instructions, but the GAO could easily produce different estimates for the same proposals. Committees and Members naturally would want to know why there were differences, and additional time would be required to sort out the reasons for any differences.

Cost estimates and economic impact analyses depend on specific economic assumptions. The budget process gives the Congress the opportunity to review these assumptions during the consideration of the annual budget resolution. With the adoption of the resolution, the Congress ratifies the economic baseline for cost estimates and economic impact assessments. There is no requirement in the proposed amendment for the General Accounting Office to use the same set of economic assumptions as used by CBO. The amendment would require GAO to duplicate the bill costing work of the CBO without giving the Congress the opportunity to review the economic basis for these estimates. Even if GAO and CBO used the same economic assumptions, estimating differences are sure to result because analysts in the two agencies probably would not make the same programmatic assumptions or use the same estimating models.

As written, the proposed amendment could mandate a great deal of work by the General Accounting Office that might not meet the needs or expectations of committees and Members of Congress. It would require additional resources during a time when Legislative Branch funding is under heavy constraints. An alternative approach would be for CBO to work with the Budget Committees and the bipartisan leadership to produce an agenda each year for CBO to follow in making estimates of economic impact, with periodic updates as necessary. In this way, CBO could concentrate its limited resources on a few critical bills for which economic analyses might produce good quality information for the Congress. This approach would avoid duplication of effort and confusion, provide the Congress with useful information, and require limited additional resources.

I hope that this information is useful. I would be happy to discuss further this matter with you or with your staff.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. The majority leader, as he does well, has expressed where we are at this point. I do not want to intrude on the patience of the managers. I said I would place this amendment before the body. It is a compilation of various measures, as the Senator has expressed, some one or two of which in its fluid state have been taken care of today.

So that is the reason my attempt was to hold it open, not to slide one in on the leader or the body, I can assure you of that, but to accommodate—and this has an array of bipartisan measures in

it—members of both parties, both sides of the aisle.

However, it is important for our consideration that we close this issue as to what can be introduced. So I would like to introduce the amendment. That will be then part of the RECORD, and then the procedure can go forward as the Senator suggests. And then tomorrow I will be here at 9 o'clock. If it would be possible for me at least not to go forward with the debate of the issue after introduction, then I will be here at whatever hour the majority leader will set and then immediately take approximately 20 minutes.

There are other cosponsors who would not require a great amount of time, and we can go right to this measure. I will assure you that we will conclude. I have a list of the people who wish to speak, and they are 4 minutes or 3 minutes or 5 minutes. So it should not be a long period of time.

I think that this amendment would be concluded tomorrow. I do not know the other amendments from our side of the aisle on the bill itself but perhaps some of it will be conditioned upon this amendment and its success or failure.

Mr. MITCHELL. Madam President, I thank my colleague for his comments. This is an important amendment. As both Senator SIMPSON and I have said, it is a compilation of several bills that are included in the single amendment. So I think it does warrant debate and an opportunity for Senators who have not yet seen it to review it.

My hope is that we can complete action on this amendment within a reasonable time tomorrow and complete action on the bill. I merely want to say for my colleague's benefit that we made good progress today, disposed of several amendments, and our hope is we can finish the bill tomorrow. If not, Senators should be prepared for a very late evening tomorrow on the bill as we attempt to proceed to complete action on the bill.

I would like to inquire of the manager if the procedure we have described is agreeable to him.

Mr. HOLLINGS. The procedure, I say to the majority leader and to the distinguished Senator from Wyoming, is very agreeable in that I have no alternative. Referring just at a glance, like Senator DOLE's private property rights amendment does not belong on a technology bill; reform of Davis-Bacon does not belong on the technology bill; regulatory relief for bankers; paperwork reduction; rural community bank; you go right on down; the matter of OSHA. You see there are no amendments to my bill. When you say it is agreeable, I do not agree to the amendment. It is quite obvious. I just want to make that clear. It is important in not being germane.

I guess we will have to vote, and maybe some Senators in different committees want to sever out sections of this or put in amendments. This is mischief when you try to catch dogs and lump them altogether. I have seen just one amendment come here, and we worked. We really have to get these compromises. True it is, we accepted one. We compromised another one. But that still leaves the 12, 10 important items not germane and belonging to the other committees.

So while the procedure is very agreeable, and I think that is the only sensible thing we can do at this particular moment, I am always glad to work with the Senator from Wyoming.

(Mr. GRAHAM assumed the chair.)

Mr. MITCHELL. Mr. President, in that event, I think it is best to let the Senator from Wyoming proceed, as we suggested, and introduce his amendment, and say as much or as little as he wants. I do not know what anybody wants to say, but we will stay as long as any Senator wants to continue to debate and then come back in, and get back on this at 9 o'clock in the morning.

Mr. SIMPSON. Yes.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 1486

(Purpose: To promote industrial competitiveness and economic growth in the United States by providing for Federal regulatory reform, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. NICKLES, Mr. DOLE, Mr. COCHRAN, Mr. GRAMM, Mr. THURMOND, Mr. DURENBERGER, Mr. KEMPTHORNE, Mr. WALLOP, Mr. COVERDELL, Mr. MURKOWSKI, Mr. MACK, Mr. PRESSLER, Mr. LOTT, Mr. SMITH, Mrs. HUTCHISON, Mr. HELMS, Mr. CRAIG, Mr. COATS, Mr. GORTON, and Mr. WARNER proposes an amendment numbered 1486.

Mr. SIMPSON. 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 appears in today's RECORD under "Amendments Submitted.")

Mr. SIMPSON. Mr. President, after this introduction, this will be presented to our colleagues.

I would just add that I understand fully the trials of a floor manager in this arena. And the patience of the Senator from South Carolina is great.

But the purpose of the amendment is to deal with what we see as real competitiveness. If you want to have competitiveness in the country, each and every segment of this amendment is a compilation of what Democrats and Republicans on this issue have said in the past. Some of these have been shot out of the sky like clay pigeons at the fair.

So they are all presented. They are cosponsored in more than several instances by Democrats and Republicans. But they all have to do with competitiveness. We are talking about competitiveness. Each and every one of them have to do with something which would relieve the burden of regulation in America which should improve competitiveness, enhance our competitiveness by seeking to reduce Government intervention, and that is the purpose of the amendment.

I can go into it, and will in greater detail. I assure you that I will work with the floor managers to process it as swiftly as possible tomorrow. I will assist with the time, and those on our side of the aisle to come forward and briefly speak in the debate on this amendment.

I reserve my full statement until the morning hour.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator for his cooperation for the presentation of the amendment because it will help us to move along. You can see the practical difficulties now that I have as manager of the bill. It is not any political difference between the distinguished Senator from Wyoming and myself. But when I see 40 Senators vote to gut the bill, then I know we are in some trouble because they are not treating the bill seriously, I take it. It has been treated seriously, reported, unanimously approved, ready for a markup, conference report from the House and Senate, back again, unanimously reported out.

So I know the history of the underlying bill on technology, competitiveness, the commercialization, the National Science Foundation, the information superhighway. Then I see, well, 40 Senators are ready to vote en bloc. I am sure the distinguished leader on the other side of the aisle could carry that block, if anyone can. And then I see some amendments on here that have nothing to do with respect to this particular technology bill.

When I see there are colleagues on this side of the aisle who would not want to be voting against their own bill, I do not know what the Mack-Shelby Banking Regulatory Relief Act is, or the Wallop-Boren Rural Community Act is. But I see those Members on my side, and I say, wait a minute. You can get as popular as the Senator from Wyoming is. He has 40-some in his whole side moving with him. And then he has some of the amendments from our side. This thing is going to pass. I am saying, all right, let us say it is going to pass. And I am over in conference, and I am with all kinds of committees over there. It just really frustrates the orderly procedure of legislating on a very, very important subject.

I know the illusion. You can call anything "competitiveness." I guess the

Senator from Wyoming and I are competitive standing here. He is ready to go to the Chinese Embassy, and I am ready for him to go.

I look forward to seeing him at 9 o'clock in the morning. I just wanted him to know some of my immediate reaction having been working on this bill for 3 days.

Mr. SIMPSON. Mr. President, where else would the Senator tell me to go? No.

I could go there. But no. I shall not. But I do not have 40 votes in my pocket on this one.

Mr. HOLLINGS. I thank the Senator. I feel better. I can sleep a little bit better.

Mr. SIMPSON. I say to the Senator from South Carolina that I do not. But anyway, there is time to deal with it. I appreciate his usual courtesies to me. He has been a good counsel since I came here.

Mr. HOLLINGS. I thank him.

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

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

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein.

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

SUPPORTING CLINTON ADMINISTRATION REEMPLOYMENT PROGRAM

Mr. PELL. Mr. President, earlier today, I was pleased to join several of my colleagues and President Clinton at the White House to announce legislation to establish a comprehensive system of reemployment services, job training, and income support for permanently laid-off workers. I am also pleased to be one of the original cosponsors of the Senate version of the President's plan.

As both the President and Secretary Reich have said many times, the Nation must prepare itself for a new, high technology, globally competitive, peacetime economy. However, high technology jobs without high technology employees are of no value. It is for that reason that we must begin to recast the American work force for the jobs of the 21st century. The industries and the skills that have gotten us to our place of prominence in the world today are not the industries and the skills that will keep us at the head of the parade.

For many years, I have had a particular interest in the issues of job retraining and defense conversion. My home State of Rhode Island has suffered from high unemployment for several years now. And it is not coincidental that the Electric Boat division of General Dynamics, one of two manufacturers of nuclear submarines in the country and once the largest private sector employer in Rhode Island, has laid off thousands of Rhode Islanders and has plans, within the next few years, to reduce its work force to a mere 1,000.

The workers who have lost their jobs at Electric Boat are, without a doubt, very highly skilled workers. Unfortunately, the skills needed to build the best nuclear submarines in the world are not transferable to other professions. In an effort to support their families, these Rhode Islanders have been forced to search for low-wage/low-skill jobs.

The submarine workers in North Kingstown, RI, are not alone. Workers around the Nation are faced with similar problems—well trained in skills that are no longer needed. The legislation the President announced today will establish an organized network to evaluate the needs of workers, provide a wide range of job counseling, and when needed, referral to a wide range of retraining programs complete with income support during the period of retraining.

Mr. President, I look forward to working with the President as he continues to restore our economy and move it forward.

TRIBUTE TO SYLVIA HASSENFELD

Mr. PELL. Mr. President, during my tenure in the Senate, I, like many of my colleagues, have stood before this body on many occasions to pay tribute to individuals who, for some reason or another, deserve special commendation for their efforts. The common thread has been that the individual in question has performed some service, undertaken some act of heroism or devotion, or received an award or special recognition for excellence or achievement. In short, there is always something extraordinary about the individual involved.

In some cases, I have known the individual well, and in cases, not so well. After 33 years in the Senate, I confess that at times I find it difficult to find the right words to ensure that the individual receives the tribute they deserve.

But sometimes, Mr. President, there is that rare occasion when the individual in question is a true friend of such quality, that the pleasure of paying tribute assumes a special meaning. It makes my work easier, and I can speak from the heart. Today, Mr. President, is such an occasion.

I am speaking of Mrs. Sylvia Hassenfeld, chairman of the board of the American Jewish Joint Distribution Committee [JDC], who, I am delighted to say, has been chosen receive the prestigious Emma Lazarus Statue of Liberty Award.

Sylvia Hassenfeld is one of the most prominent and effective members of the American Jewish community. Although Sylvia Hassenfeld resides in Palm Beach, FL, the Hassenfeld family name is well known in my State of Rhode Island, where the renowned Hasbro industry makes its home.

Mrs. Hassenfeld served as president of the JDC prior to assuming her current position as chairman. She also serves as a member of the Jewish Agency's board of governors, as national vice chairman of the United Jewish Appeal [UJA]. Aside from her work for the Jewish community, Mrs. Hassenfeld is also noted for her voluntary and philanthropic activities, including her efforts as a trustee of the Hasbro Children's Foundation, as a member of the New York University Medical Center Board of Trustees, as a board member of Johns Hopkins University's School of Advanced International Studies, and as a board member of the Jerusalem Foundation. She is also a Presidential appointee to the U.S. Holocaust Memorial Council.

Mrs. Hassenfeld's unstinting efforts on behalf of the global Jewish community, and on behalf of humankind in general, have earned her the honor of the Emma Lazarus Award. The award is presented by the American Jewish Historical Society, the veritable guardian of American Jewish heritage and culture.

Emma Lazarus, of course, was the esteemed poet who penned the lines that have shone as a beacon to generations of immigrants to the United States, "Give me your tired, your poor, your huddled masses yearning to be free." The award that bears her name is bestowed upon Americans who, according to the American Jewish Historical Society, have "played a major role in improving the human condition." Past recipients include Edgar Miles Bronfman, Dr. Armand Hammer, and Dr. Abram L. Sachar.

The addition of Sylvia Hassenfeld's name to this list of distinguished recipients will preserve the integrity and reinforce the prestige of the Emma Lazarus Award. Just as the words of Emma Lazarus inspired hope and courage in America's immigrants, the work of Sylvia Hassenfeld has inspired pride and appreciation in all who know her. I can think of no one better qualified or more deserving of this recognition than Sylvia Hassenfeld, and in all sincerety, I am honored to pay her tribute.

PRESTON HOPSON III—AAU/MARS MILKY WAY HIGH SCHOOL ALL-AMERICAN AWARD

Mr. RIEGLE. Mr. President, I rise to honor Preston Hopson III, a high school senior attending City High School in Grand Rapids, MI. Out of a nationwide pool of 10,000 high school students, Preston was recently selected as one of eight regional recipients of the Amateur Athletic Union/Mars Milky Way High School All-American Award. This prestigious award honors young men and women for their outstanding academic, athletic, and community service achievements.

Throughout his high school years, Preston has truly excelled in each of these areas. What defines Preston's exceptional character more than anything else, however, is his involvement in school and community affairs. Preston serves as president of the Student Council and is the yearbook editor, while also being a member of the debate team, school newspaper, drama club, forensics team, and Close-Up. Outside of school, Preston dedicates his time to volunteering at the Sheldon Complex in Grand Rapids, tutoring local junior high students, and serving on the city of Grand Rapids' Community Relations Committee.

Preston's many accomplishments and fine character quickly became evident to my staff when he served as a student intern in my western Michigan office last spring. Preston consistently demonstrated his maturity, dependability, and high quality of work while serving constituents in my office.

The entire Grand Rapids Public School system can take great pride in Preston's accomplishments and recognition by the Amateur Athletic Union and Mars Milky Way. I ask my colleagues in the U.S. Senate to join Preston's parents, friends, teachers, and entire student body in congratulating him.

TRIBUTE TO HARRY FOSTER, HONOREE DISTINGUISHED SERVICE TO AGRICULTURE AWARD

Mr. RIEGLE. Mr. President, I rise today, to pay tribute to a distinguished individual from Michigan, who is being recognized for a lifetime of proud dedication to agriculture in my home State. Harry Foster, the executive director of both the Michigan Asparagus and Michigan Plum Advisory Boards, is being honored with a Distinguished Service to Agriculture Award at Michigan State University on March 10, 1994.

Over the years, I have had the pleasure of working with Harry on a number of issues, and was extremely pleased to learn that he is receiving this award. In all my years of public service, I have met few who have been as deserving of recognition as Harry. He has represented agriculture interests to the best of his ability, working closely with all parties from farmers to elected officials, and I know that he will continue to do so.

From his 27 years with the Michigan Agriculture Cooperative Marketing Association of the Michigan Farm Bureau, to his current position as the executive director of the Michigan Asparagus and Michigan Plum Advisory Boards, Harry has taken advantage of every opportunity to benefit agriculture in Michigan. He has been instrumental in the creation and passage of many State and Federal legislative initiatives, and has been a leader in securing essential funding for commodity research.

Harry's achievements show him to be a leader not only in agriculture, but also in the community. He has served his community in many different respects, holding offices and volunteering his time, further exemplifying his noble commitments and positive influence upon the lives of others.

Harry Foster is a dedicated and accomplished individual, and it is my honor to ask my colleagues to join in congratulating him, and recognizing his contributions to the agriculture community and to Michigan.

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 treaties, and sundry nominations which were referred to the Committee on the Judiciary.

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

REPORT ON THE EUROPEAN ATOMIC ENERGY COMMUNITY—MESSAGE FROM THE PRESIDENT—PM 97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

The United States has been engaged in nuclear cooperation with the European Community (now European Union) for many years. This cooperation was initiated under agreements that were concluded over three decades ago between the United States and the European Atomic Energy Community (EURATOM) and that extend until December 31, 1995. Since the inception of this cooperation, EURATOM has adhered to all its obligations under those agreements.

The Nuclear Non-Proliferation Act of 1978 amended the Atomic Energy Act of 1954 to establish new nuclear export criteria, including a requirement that the United States have a right to consent to the reprocessing of fuel exported from the United States. Our present agreements for cooperation with EURATOM do not contain such a right. To avoid disrupting cooperation with EURATOM, a proviso was included in the law to enable continued cooperation until March 10, 1980, if EURATOM agreed to negotiations concerning our cooperation agreements. EURATOM agreed in 1978 to such negotiations.

The law also provides that nuclear cooperation with EURATOM can be extended on an annual basis after March 10, 1980, upon determination by the President that failure to cooperate would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security, and after notification to the Congress. President Carter made such a determination 14 years ago and signed Executive Order No. 12193, permitting nuclear cooperation with EURATOM to continue until March 10, 1981. President Reagan made such determinations in 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, and signed Executive Orders Nos. 12295, 12351, 12409, 12463, 12506, 12554, 12587, and 12629 permitting nuclear cooperation to continue through March 10, 1989. President Bush made such determinations in 1989, 1990, 1991, and 1992, and signed Executive Orders Nos. 12670, 12706, 12753, and 12791 permitting nuclear cooperation to continue through March 10, 1993. Last year I signed Executive Order No. 12840 to extend cooperation for an additional year, until March 10, 1994.

In addition to numerous informal contacts, the United States has engaged in frequent talks with EURATOM regarding the renegotiation of the U.S.-EURATOM agreements for cooperation. Talks were conducted in November 1978, September 1979, April 1980, January 1982, November 1983, March 1984, May, September, and November 1985, April and July 1986, September 1987, September and November 1988, July and December 1989, February, April, October, and December 1990, and September 1991. Formal negotiations on a new agreement were held in April, September, and December 1992, and in March, July, and October 1993. They are expected to continue this year.

I believe that it is essential that cooperation between the United States and EURATOM continue, and likewise, that we work closely with our allies to counter the threat of proliferation of nuclear explosives. Not only would a disruption of nuclear cooperation with

EURATOM eliminate any chance of progress in our talks with that organization related to our agreements, it would also cause serious problems in our overall relationships. Accordingly, I have determined that failure to continue peaceful nuclear cooperation with EURATOM would be seriously prejudicial to the achievement of U.S. nonproliferation objectives and would jeopardize the common defense and security of the United States. I therefore intend to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act for an additional 12 months from March 10, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1994.*

MESSAGES FROM THE HOUSE

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following measure was discharged from the Committee on the Judiciary and placed on the calendar:

S. 1458. A bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1040. A bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States (Rept. No. 103-234).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 150. A joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

S.J. Res. 151. A joint resolution designating the week of April 10 through 16, 1994, as "Primary Immune Deficiency Awareness Week."

S.J. Res. 162. A joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 163. A joint resolution to proclaim March 20, 1994, as "National Agricultural Day."

PETITIONS AND MEMORIALS

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

POM-388. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Armed Services.

"HOUSE CONCURRENT MEMORIAL 2009

"Whereas, the United States Air Force Armstrong Laboratory Aircrew Training Research Division, located on Williams Air Force Base, remains a leader in aircrew training research and development; and

"Whereas, the Arizona legislature endorses the common goal of military readiness in support of national peace; and

"Whereas, the Armstrong Laboratory has helped develop many of the defensive technologies used in the recent conflict in the Middle East such as the chemical warfare defense study and the night vision goggle training research; and

"Whereas, the Armstrong Laboratory developed several flight simulators for training some of the best pilots in the United States Air Force; and

"Whereas, the Armstrong Laboratory employs people of the state of Arizona; and

"Whereas, the University of Dayton and the Armstrong Laboratory have a well-established procedure for exchanging research and technological information betweem them that benefits academia, industry and the military; and

"Whereas, high technology growth in the flight simulation and training technology field is highly desirable for the state of Arizona with thousands of new jobs projected for the coming years.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President of the United States and the One Hundred Second Congress of the United States consider the continuation of operations at the United States Air Force Armstrong Laboratory after the closure of Williams Air Force Base that is currently scheduled to close in the month of September 1993.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the United States President, the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-389. A resolution adopted by the Board of County Commissioners of Monroe County, Florida relative to Florida Bay; to the Committee on Energy and Natural Resources.

POM-390. A resolution adopted by the Board of County Commissioners of Monroe County, Florida relative to the Florida Everglades Initiative; to the Committee on Energy and Natural Resources.

POM-391. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2007

"Whereas, passage of this act would, subject to valid existing rights, withdraw lands within Cave Creek Canyon from the general mining, mineral leasing and material sales laws of the United States; and

"Whereas, Cave Creek Canyon is a sanctuary to hundreds of birds, animals and plants, many of which are on the endangered or threatened species list; and

"Whereas, Cave Creek Canyon serves as an important scientific research area and training ground for many national and international scientists; and

"Whereas, this area is one of the most popular and cherished bird watching spots in the United States and many other people treasure this region because it gives them the opportunity to hike and camp in a remote, beautiful and unspoiled setting; and

"Whereas, mining operations would disrupt and destroy this special wildlife haven; and

"Whereas, under current law, a mining company with a lease from the federal government is permitted to begin exploration and mining procedures in the Cave Creek Canyon area; and

"Whereas, passage of the Cave Creek Canyon Protection Act is the only permanent solution to protect this region from future mining operations.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the One Hundred Second of the United States pass the Cave Creek Canyon Protection Act.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate, United States Representative Nick Rahall, Chairman of the Subcommittee on Mining and Natural Resources and each Member of the Arizona Congressional Delegation."

POM-392. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT MEMORIAL 1003

"Whereas, for more than a century the general mining law of the United States has provided the nation with the necessary domestic metals base essential to its national security, economic well-being and industrial production; and

"Whereas, the basic tenets of the general mining law, including self-initiation, freedom of access and security of tenure, have been and continue to be critical to the development of a healthy domestic mining industry; and

"Whereas, if the nation is to remain a strong international competitor in industrial production it must continue to develop a strong mineral base essential to that production; and

"Whereas, since statehood a healthy mining industry has been of significant importance to the economy of the State of Arizona, contributing billions of dollars in direct and indirect economic benefits to the state, its various political subdivisions and its residents; and

"Whereas, the continuation of a healthy mining industry is of significant importance to the revenue base of this state and to the continued economic growth and development of rural areas in this state.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the One Hundred Second Congress of the United States oppose the Mineral Exploration and Development Act of 1991, H.R. 918, introduced by United States Congress-

man Nick J. Rahall, and the Mining Law Reform Act of 1991, S. 433, introduced by United States Senator Dale Bumpers.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

POM-393. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2002

"Whereas, current operational practices at Glen Canyon Dam harm the environmental, recreational and cultural values of the Glen Canyon National Recreational Area and Grand Canyon National Park; and

"Whereas, the Grand Canyon Protection Act would mitigate adverse impacts to the area and improve the Grand Canyon National Park and the Glen Canyon National Recreational Area for natural and cultural resources and visitor use; and

"Whereas, passage of this act would enable a plan to be developed for operating the Glen Canyon Dam on an interim basis to protect and improve the condition of the natural, recreational and cultural resources of the Grand Canyon National Park and the Glen Canyon National Recreational Area; and

"Whereas, implementing this plan would not interfere with the water storage and delivery functions of the Glen Canyon Dam; and

"Whereas, the proposed plan would minimize the adverse environmental impact of the Glen Canyon Dam operations on the Grand Canyon National Park and the Glen Canyon National Recreational Area that are both located downstream from the Glen Canyon Dam; and

"Whereas, implementation of the proposed interim plan would adjust fluctuating water releases in producing hydroelectric power, adjust flow changes that will minimize adverse downstream impacts and minimize flood releases and will maintain minimum and limit maximum flows released during normal operations of the Glen Canyon Dam to minimize destructive environmental impacts of the Glen Canyon Dam operations on the Grand Canyon National Park and Glen Canyon National Recreational Area; and

"Whereas, this plan also will protect essential fishery resources; and

"Whereas, passage of this legislation is critical to the long-term protection of the Grand Canyon for natural, cultural and recreational use.

"Wherefore your memorialist, the house of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the One Hundred Second Congress of the United States pass the Grand Canyon Protection Act.

"2. That the Secretary of the State of the State of Arizona transmit copies of this Concurrent Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-394. A resolution adopted by the Senate of the Legislature of the Commonwealth of Kentucky; to the Committee on Environment and Public Works.

"RESOLUTION

"Whereas, the United States Army Corps of Engineers has decided to impose user fees upon the citizenry who have historically enjoyed these public recreational facilities without charge at lakes operated by the Corps; and

"Whereas, the Corps is not mandated under current federal law to assess user fees; and

"Whereas, the funds received from user fees collected nationally would represent only the nominal amount of $20 million; and

"Whereas, the user fees would represent an undue financial burden upon many who would have no place to recreate without such facilities provided gratis, including the working poor, the elderly, and young families; and

"Whereas, the Corps has not adequately explored other revenue-enhancing measures for these facilities, nor has it demonstrated conclusively the need for increased revenue; and

"Whereas, the Corps made its decision to assess user fees without public input and in clear violation of the very democratic principles that empower the government and public to whom the Corps is subservient and accountable; and

"Whereas, the Corps is charged with the responsibility of operating public recreational facilities that are located on public lands, which, by definition, are owned by the public; and

"Whereas, the imposition of unnecessary, disruptive, egregious fees upon the very public that is the true owner of these lands stands in clear violation of the spirit and intent of the laws which created these facilities; now, therefore,

"*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the Commonwealth of Kentucky respectfully requests and petitions the United States Army Corps of Engineers to rescind its decision to impose user fees at swimming beaches, boat docks and marinas, shelters, and picnic grounds at park and recreational facilities operated by the Corps.

"Section 2. That the Clerk of the Senate is directed to send copies of this Resolution to the Clerk of the U.S. House of Representatives; to the Secretary of the U.S. Senate; to Headquarters; U.S. Army Corps of Engineers, Washington, D.C. 20314-1000; and to the Louisville Office, U.S. Army Engineering District, P.O. Box 59, Louisville, KY 40201."

POM-395. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"SENATE CONCURRENT RESOLUTION 1018

"Whereas, Arizona recognizes the need for a strong federal highway trust fund; and

"Whereas, large-scale rehabilitation, repair and capacity improvements are ongoing necessities of the national highway and airway transportation systems; and

"Whereas, the highway and airway transportation systems are two of the most critical components of the physical infrastructure of the United States of America; and

"Whereas, there is a growing and concentrated national consensus for programs to serve the country's highway and airway transportation needs through the year 2020; and

"Whereas, high-quality highways and airports are critical to the ability of manufacturers to build and deliver products and to the ability of states and communities to attract new industry and sustain economic growth; and

"Whereas, the competitive position of the individual states and the nation in international trade is directly related to the quality of access to airports and the interstate highway system and the physical condition of those airports, interstates and primary highways; and

"Whereas, in recent federal aid highways acts, the United States Congress has been required to include provisions for extending the highway trust fund and the taxes that fund it; and

"Whereas, a buildup of the highway trust fund has occurred, in part, because of obligation ceilings that have been imposed by the appropriation process, causing limits to be placed on the amount of money that states can commit each year to transportation projects; and

"Whereas, federal highway trust funds have been historically supported by the federal motor fuel tax obtained from highway users; and

"Whereas, in recent years, aviation and highway trust funds have been included in the sequestration of funds that are being used as a means to reduce the federal deficit; and

"Whereas, the removal of the highway trust fund from the federal unified budget would provide more than ten billion dollars for transportation projects, of which approximately ninety-seven million five hundred thousand dollars would be allocated to the state of Arizona that so vitally needs transportation funds; and

"Whereas, the removal of the airport and airway trust fund from the federal unified budget would provide approximately eight billion dollars for the modernization of airports and other improvements in the nation's aviation system, now therefore,

"*Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

"1. That the President of the United States and the United States Congress make the highway trust fund, the airport and airway trust fund and the user fees accruing to them a permanent fund to ensure that reliable funding sources are available for constructing, rehabilitating and otherwise improving the highways, bridges and airports that are so essential to the vigor of the State of Arizona and the national economy.

"2. That the President of the United States and the United States Congress protect the highway trust fund and the airport and airway trust fund from predatory proposals to divert users' revenues to programs entirely unrelated to the transportation purposes for which the funds were established.

"3. That the United States Congress remove the federal highway trust fund and the airport and airway trust fund from the federal unified budget, release sequestered transportation funds and remove forever the specter of using dedicated highway or airway funds for budget reducing measures, thus making those funds available for the purposes that they were collected and intended, the nation's transportation infrastructure.

"4. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona."

POM-396. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION 2007

"Whereas, it is necessary to enact the Social Security Notch Adjustment Act to provide for an equitable adjustment; and

"Whereas, in 1972 the United States Congress mandated that social security benefits be increased automatically, which was ultimately determined to be overgenerous in that it double indexed the benefits of future retirees to reflect both wage and price inflation; and

"Whereas, the Constitution and laws of the United States prohibit age discrimination; and

"Whereas, in 1977 the United States Congress enacted legislation creating a notch in social security benefits for workers born in the years between 1917 and 1926; and

"Whereas, these "notch babies" do not receive social security benefits for taxes and earnings prior to the age of twenty-one or upon the age of sixty-two years; and

"Whereas, there is a penalty assessed against social security benefits for earnings; and

"Whereas, in 1991, the penalty to citizens under the age of sixty-five years was one dollar for every two dollars earned over the amount of seven thousand eighty dollars and the penalty to citizens over the age of sixty-five years was one dollar for every three dollars earned over the amount of nine thousand seven hundred twenty dollars; and

"Whereas, the social security trust fund is being used to reduce the national debt, which misleads the public as to the amount of the national debt; and

"Whereas, the social security trust fund is funded by our citizens for the purpose of preserving monies for social security benefits only; and

"Whereas, the United States Congress granted themselves substantial pay raises in a questionable one day session before their 1989 Thanksgiving recess; and

"Whereas, the Congress has improved their standard of living while refusing to address this social security discrimination that has drastically affected their constitutents' standard of living, now therefore,

"*Be it resolved by the Legislature of the State of Arizona:*

"1. That the members of the Legislature respectfully request the One Hundred Second Congress of the United States, during their 1991 session, to comply with the United States Constitution and laws and end age discrimination by enacting legislation to:

"(a) Provide equitable social security benefits to the "notch group" of people born between the years of 1917 and 1926 that were earned before the age of twenty-one and upon the age of sixty-two years.

"(b) Eliminate the discriminatory penalty on the earnings of recipients of social security benefits.

"(c) Protect and preserve the social security trust fund and discontinue the practice of misleading our citizens by using the fund surplus to reduce the national debt.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Arizona Congressional Delegation."

POM-397. A resolution adopted by the City Council of the City of Schenectady, New York, relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM-398. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION 1017

"Whereas, the people of the State of Arizona view with concern the threatened reduction in services provided by the Indian health service to member of Indian tribes of this state; and

"Whereas, a reduction or a dismantling of health provider services will significantly threaten the health of members of Indian tribes of this state, now, therefore,

"*Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

"1. That the Indian health service maintain its current budget and service level in this state.

"2. That the Indian health service maintain it current provider network on reservations in this state.

"3. That during the current congressional budget review the Arizona congressional delegation make a unified effort to increase funding by the Indian health service to Arizona Indian tribes.

"4. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

POM-399. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION 1019

"Whereas, the Supreme Court of the United States, in *Duro* v. *Reina*, 110 S. Ct. 205 (1990), 109 L.Ed. 2d 693 (1990), has reversed two hundred years of the exercise of Indian tribes of criminal misdemeanor jurisdiction over all Indians residing on their reservations by ruling that tribes may only retain power over Indians enrolled in their respective tribe; and

"Whereas, this ruling displays a lack of understanding of the reality, history and demographics of Indian country including the fact that there are thousands of Indians living on reservations who are not enrolled at their particular reservation; and

"Whereas, a nonenrolled Indian may have lived on a particular reservation for all of his or her life, may have intermarried with an enrolled member, may have had children with an enrolled member and may own land or property on a reservation and not be an enrolled member at that particular reservation; and

"Whereas, a nonenrolled Indian is eligible for all programs that any Indian would be eligible for and is essentially given all the benefits of membership in a particular tribe including preference for employment; and

"Whereas, for the purpose of law enforcement, tribes have never distinguished between enrolled and nonenrolled Indians; and

"Whereas, the United States Supreme Court ruling has created an entire class of people over whom neither the federal, state or tribal government has jurisdiction for misdemeanor crimes, thereby creating a potential for serious lawlessness; and

"Whereas, the State of Arizona does not have funding available to hire the extra police officers, investigators, prosecutors and judges that would be necessary to prosecute misdemeanor crimes committed by Indians within the boundaries of Indian reservations, nor are there funds available to construct additional jails to house those who are convicted. Even if funds were available, tribal governments may not be able to successfully assert jurisdiction over all Indians residing on a particular reservation if jurisdiction depends on whether they are enrolled members of that tribe; and

"Whereas, the nontaxable status of reservation trust lands combined with the relative poverty of most Indian people make it difficult to offer any opportunity to raise the additional revenue that would be required to take over such a large job if jurisdiction were established; and

"Whereas, the United States Supreme Court indicated that it is the responsibility of the U.S. Congress to address any void in jurisdiction that may result from this ruling, now therefore,

"*Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

"1. That the United States Congress be commended for passing Sections 8077 (b) and (c) of P.L. 101-511, signed by the President of the United States on November 5, 1990, that temporarily affirmed that tribes retain criminal misdemeanor jurisdiction over all Indians within the boundaries of the reservations and on lands of the tribes and urges the U.S. Congress to make this provision of P.L. 101-511 permanent law.

"2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Arizona Congressional Delegation."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Helen G. Berrigan, of Louisiana, to be U.S. district judge for the Eastern District of Louisiana;

Daniel T.K. Hurley, of Florida, to be U.S. district judge for the Southern District of Florida;

Judith W. Rogers, of the District of Columbia, to be U.S. circuit judge for the District of Columbia Circuit;

Orlando L. Garcia, of Texas, to be U.S. district judge for the Western District of Texas;

W. Royal Furgeson, Jr., of Texas, to be U.S. district judge for the Western District of Texas;

Samuel Frederick Biery, Jr., of Texas, to be U.S. district judge for the Western District of Texas;

Janis Graham Jack, of Texas, to be U.S. district judge for the Southern District of Texas;

Cameron M. Currie, of South Carolina, to be U.S. district judge for the District of South Carolina;

Alfred E. Madrid, of Arizona, to be U.S. Marshal for the District of Arizona for the term of 4 years;

John H. Hannah, Jr., of Texas, to be U.S. district judge for the Eastern District of Texas;

Raimon L. Patton, of Tennessee, to be U.S. Marshal for the Middle District of Tennessee for the term of 4 years;

Charles Lester Zacharias, of Minnesota, to be U.S. Marshal for the District of Minnesota for the term of 4 years;

Lezin Joseph Hymel, Jr., of Louisiana, to be U.S. attorney for the Middle District of Louisiana for the term of 4 years;

Walter Clinton Holton, Jr., of North Carolina, to be U.S. attorney for the Middle District of North Carolina for the term of 4 years;

Timothy Patrick Mullaney, Sr., of Delaware, to be U.S. marshal for the District of Delaware for the term of 4 years;

John Marshall Roberts, of Tennessee, to be U.S. attorney for the Middle District of Tennessee for the term of 4 years;

Jack O. Dean, of Texas, to be U.S. marshal for the Western District of Texas for the term of 4 years;

Laurent F. Gilbert, of Maine, to be U.S. marshal for the District of Maine for the term of 4 years;

Israel Brooks, Jr., of South Carolina, to be U.S. marshal for the District of South Carolina for the term of 4 years;

John James Leyden, of Rhode Island, to be U.S. marshal for the District of Rhode Island for the term of 4 years;

Thomas A. Constantine, of New York, to be Administrator of Drug Enforcement; and

Kristine Olson Rogers, of Oregon, to be U.S. attorney for the District of Oregon for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1910. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 1911. A bill to suspend temporarily the duty on 5-Chloro-2-(2,4-dichlorophenoxy) phenol; to the Committee on Finance.

By Mr. GLENN:

S. 1912. A bill for the relief of Ethel M. Roberts of Newark, Ohio; to the Committee on Governmental Affairs.

By Mr. COCHRAN (for himself, Mr. PRESSLER, and Mrs. KASSEBAUM):

S. 1913. A bill to extend certain compliance dates for pesticide safety training and labeling requirements; considered and passed.

By Mr. SIMON:

S. 1914. A bill to allow holders of unclaimed Postal Savings System certificates of deposit to file claims for such certificates; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. PRESSLER, Mr. GORTON, Mr. BURNS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PACKWOOD, and Mr. HATCH):

S. 1915. A bill to require certain Federal agencies to protect the rights of private property owners; to the Committee on Environment and Public Works.

By Mr. SIMON (for himself, Mr. LAUTENBERG, and Mrs. BOXER):

S. 1916. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 167. A joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1910. A bill to establish a national research program to improve the production and marketing of sweet potatoes and increase the consumption and use of sweet potatoes by domestic and foreign consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SWEET POTATO RESEARCH AND PRODUCTION IMPROVEMENT ACT OF 1994

• Mr. JOHNSTON. Mr. President, I introduce legislation that will have a significant and far-reaching impact on our Nation's sweet potato industry. This legislation is identical to legislation I introduced prior to the adjournment of the 102d Congress and will provide needed research which will help not only one of our country's fastest growing commodity industries, but also help assure foreign and domestic consumers receive a higher quality product that is more nutritious, produced with less pesticides, grown utilizing more environmentally responsible management practices, and more efficiently processed and brought to market.

As my colleagues from sweet potato producing States know, sweet potatoes are not only delicious but highly nutritious, ranking at the top of the list in nutritional value when compared to other vegetables. However, while the U.S. production of sweet potatoes represents a $3 million industry and one of our country's fastest growing commodities, we currently have very few research programs in place to address the needs of the industry in a variety of areas. To fill this need, this bill would establish a National Sweet Potato Research Program within the U.S. Department of Agriculture under the Agricultural Research Service [ARS]. This small investment would go a long way toward ensuring that land-grant colleges and institutions throughout the country place a higher priority on research efforts designed to move the U.S. sweet potato industry forward and ensure consumers of a higher quality product. ARS would issue research grants on a competitive basis for this purpose.

The research sponsored through the program would focus on seven major areas, each critically important to the future of the sweet potato industry. Areas targeted for research include crop disease and pest resistance, improved varieties, environmentally compatible management technologies, integrated crop management, environmentally responsible chemical usage, and technology for better and more efficient harvesting, grading, storage, marketing, and processing of sweet potatoes.

Mr. President, the United States is by far the leader in agricultural research and technology. No other country has a safer, higher quality, or more abundant food supply than America. But the progress that we have made thus far has come from the investments we have made in improving this industry. We have the ability to go much, much further and should continue to strive to work toward that end. This bill will help us move forward at a very critical point for the sweet potato industry.

I urge my colleagues to support this legislation. It will prove beneficial to producers and consumers of sweet potatoes as well as assist the American agricultural support industry as a whole by working to expand further the already growing market for sweet potatoes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1910

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 "Sweet Potato Research and Production Improvement Act of 1994".

SEC. 2. NATIONAL SWEET POTATO RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Agricultural Research Service or through cooperative agreements with land-grant colleges and universities, shall conduct research regarding sweet potatoes, including research to develop—

(1) widely adapted, high-quality cultivars of sweet potato with increased yields and improved levels of disease and pest resistance for traditional markets and alternative uses;

(2) environmentally compatible management technologies to control diseases, nematodes, insects, and weeds that limit sweet potato production in the United States, including effective controls for sweet potato weevils in host and nonhost crops;

(3) detection and monitoring systems for male and female sweet potato weevils in sweet potato storage facilities and in field and seed bed plantings;

(4) integrated crop management practices for sweet potatoes that effectively combine cultural and biological controls, environmentally rational chemical usage, and host resistance;

(5) improved technology for more efficient harvesting, grading, and storage of sweet potatoes;

(6) improved technology for processing sweet potatoes for both traditional and nontraditional food products; and

(7) methods to increase sweet potato consumption and uses while also removing possible barriers that limit sweet potato use in both domestic and export markets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section $2,400,000 for fiscal year 1994 and each fiscal year thereafter. Of the amounts made available for a fiscal year under this section—

(1) not more than $400,000 shall be made available to carry out research described in subsection (a)(1);

(2) not more than $500,000 shall be made available to carry out research described in paragraphs (2) and (3) of subsection (a);

(3) not more than $400,000 shall be made available to carry out research described in subsection (a)(4);

(4) not more than $400,000 shall be made available to carry out research described in subsection (a)(5);

(5) not more than $400,000 shall be made available to carry out research described in subsection (a)(6); and

(6) not more than $300,000 shall be made available to carry out research described in subsection (a)(7).●

By Mr. GLENN:

S. 1912. A bill for the relief of Ethel M. Roberts of Newark, OH; to the Committee on Governmental Affairs.

ETHEL ROBERTS PRIVATE RELIEF BILL

● Mr. GLENN. Mr. President, I introduce a personal relief bill for Ethel Roberts of Newark, OH. Ethel Roberts was denied a survivor's pension by the Office of Personnel Management [OPM] and the Merit Systems Protection Board [MSPB] because her husband, Hoyt J. Roberts, did not inform OPM upon their remarriage. Unfortunately, Hoyt Roberts was bedridden with terminal cancer and was physically unable to contact OPM. The only way that Ethel Roberts can receive a survivor's pension is through personal relief legislation.

Ethel Maxine Smith first married her husband, Hoyt J. Roberts, who was a civil servant, on May 14, 1950. The couple was divorced in 1977. In early 1989, Mr. Roberts was diagnosed with terminal cancer. To control Mr. Roberts' pain, the doctors gave him daily injections of morphine. It was under this morphine flood that Hoyt Roberts asked Ethel Roberts to remarry him. Mr. Roberts believed by remarrying his former wife, he could ensure Mrs. Roberts' pension, thus protecting her financial future. Mr. and Mrs. Roberts remarried on July 15, 1989, less than 1 month before Mr. Roberts' death.

Unfortunately, both OPM and MSPB ruled that Mrs. Roberts is not entitled to former spouse annuity benefits or survivor benefits because Mr. Roberts failed to elect survivor benefits for his wife upon the remarriage. Unfortunately, Mr. Roberts could not inform OPM of the remarriage because he was bedfast and taking large doses of morphine to control the pain of his illness. In addition, Mrs. Roberts claims that she had no idea that the remarriage would place her former spouse annuity benefits or survivor benefits in jeopardy because she and Mr. Roberts had a biblical marriage, in which Mrs. Roberts took care of the household and Mr. Roberts handled the financial issues.

In their rulings on Ethel Roberts' case, both OPM and MSPB stated that Mrs. Roberts' entitlement to a former spouse annuity terminated with her remarriage (5 U.S.C. Sec. 8341(h)(3)(B)). Regarding Mr. Roberts' failure to elect survivor benefits for Mrs. Roberts upon their remarriage, both OPM and MSPB ruled that they had no administrative discretion to waive this rule for Mrs. Roberts even though Mr. Roberts was physically unable to contact OPM upon the remarriage.

Because both OPM and MSPB ruled against Mrs. Roberts, her only course of action is personal relief legislation. The bill I am introducing today would entitle Ethel Roberts to a former spouse annuity by declaring her remarriage to Hoyt Roberts null ab initio. Mrs. Roberts would then be entitled to all moneys that she would have received upon Hoyt Roberts' death in July 1989.

The extraordinary facts in this case lead me to believe that Mrs. Roberts' situation merits personal relief legislation. It has been almost 5 years since Mr. Roberts died, 5 years that Mrs. Roberts has had to go without this annuity. I hope that we can pass this legislation quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1912

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

SECTION 1. (a) Notwithstanding section 8341(h)(3)(B) or any other provisions of chapter 83 of title 5, United States Code, in the administration of such chapter the marriage of Hoyt J. Roberts and Ethel M. Roberts (formerly Ethel Maxine Smith) of Newark, Ohio on July 15, 1989, shall be deemed to be null ab initio, and Ethel M. Roberts shall be entitled to a former spouse annuity based on her marriage to Hoyt J. Roberts on May 14, 1950 and the election of such former spouse annuity by Hoyt J. Roberts on January 1, 1988.

(b) The provisions of subsection (a) may not be construed to affect the application of any other Federal, State, or local law with regard to the marriage of Hoyt J. Roberts and Ethel M. Roberts on July 15, 1989.

(c) The provisions of this subsection shall be effective on and after July 15, 1989.

SEC. 2. Nothing in this Act may be construed as an inference of liability on the part of the United States.●

By Mr. SIMON:

S. 1914. A bill to allow holders of unclaimed postal savings system certificates of deposit to file claims for such certificates; to the Committee on the Judiciary.

POSTAL SAVINGS SYSTEM CERTIFICATES OF DEPOSIT ACT OF 1994

● Mr. SIMON. Mr. President, today I am introducing a bill that will allow holders of postal savings notes to redeem them with the U.S. Treasury Department.

In 1911, the postal savings system was established to allow people to purchase savings notes at the post office, because many immigrants were accustomed to saving at the post office.

In 1966, Congress terminated the system and transferred the unpaid deposits to the Treasury Department.

In 1984, Congress passed legislation designed to sunset the postal savings system, giving any individual holding postal savings notes 1 year to redeem them.

Since that time, however, the Treasury Department has received over 2,000 written inquiries and innumerable telephone inquiries from people wanting to cash in their notes.

We should give people one last chance to redeem their notes. This legislation will extend the final date for redemption to December 31, 1998.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1914

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

SECTION 1. PAYMENT OF CLAIMS OF HOLDERS OF POSTAL SAVINGS SYSTEM CERTIFICATES.

Section 1322(c)(3) of title 31, United States Code, is amended by striking "more than one" and all that follows through the period and inserting "after December 31, 1998.".

SEC. 2. PUBLICITY REGARDING THE PAYMENT OF CLAIMS.

(a) POLICY OF CONGRESS.—It is the policy of the Congress that every individual holding unclaimed Postal Savings System certificates of deposit should be able to redeem those certificates. Since these certificates are more than 26 years old and most of the individuals owning the certificates are elderly, it is vital that information relating to the ability to file claims pursuant to this Act be disseminated as widely as possible.

(b) PUBLICITY CAMPAIGN.—In furtherance of the policy set forth in subsection (a), the Secretary of the Treasury shall prepare a plan relating to the dissemination of information on the payment of claims filed pursuant to this Act. The plan shall be designed so that the information will reach those individuals most likely to own Postal Savings System certificates of deposit. The Secretary of the Treasury shall consult with representatives of senior citizen organizations in the design of this plan. The plan shall be put into operation no later than 6 months after the date of the enactment of this Act.

SEC. 3. TECHNICAL AMENDMENT.

Section 1322(c) of title 31, United States Code, is amended by striking paragraph (4).●

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. PRESSLER, Mr. GORTON, Mr. BURNS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PACKWOOD, and Mr. HATCH):

S. 1915. A bill to require certain Federal agencies to protect the rights of

private property owners; to the Committee on Environment and Public Works.

PRIVATE PROPERTY OWNERS BILL OF RIGHTS ACT

Mr. SHELBY. Mr. President, I am very pleased to introduce today, a piece of legislation that addresses the liberty and security of every individual in this country.

Mr. President, the bill that Senator NICKLES and I are introducing is not about creating new rights. Rather, it is about preserving old rights.

The private property owners bill of rights is intended to reaffirm and recognize a most basic purpose of government—the preservation of private property.

And that purpose is twofold, Mr. President. Our Government not only has an affirmative constitutional duty to protect private property, but it also is restricted from taking private property for its own use without compensating the owner.

And yet, even with such consensus and clarity on these constitutional guarantees and protections, the Federal Government continues to ignore the broader principles behind these guarantees every day.

Through the application and implementation of laws like the Endangered Species Act and section 404 of the Clean Water Act, individuals are regularly deprived of the benefit and value of their labor, and denied the right to freely control, use or dispose of their property.

Under these laws, the individual has no reasonable ability to appeal onerous agency actions, and the individual may be foreclosed from challenging decisions which effectively make his property valueless.

Mr. President, our bill would reaffirm the Government's constitutional duty to protect private property by requiring that agencies and agents enforcing ESA and wetlands statutes obtain consent from land owners before entering their property, and allow property owners the ability to appeal decisions affecting the use and value of their property.

The bill also ensures that the Federal Government protects the individual from uncompensated takings by requiring that the agency make a determination of whether an agency action under these statutes devalues the property by 50 percent or more—or eliminates any economically viable use of the land. If a positive determination is made, the agency must compensate the owner for the fair market value of the loss.

The right to control, possess, and transfer property—they represent independent values in land ownership and can constitute independent compensable interests in property. The value of possessing property may be stripped if the right to sell the land is taken, just as the value of possessing the land is significantly depreciated if the owner can not improve or make use of his property.

Mr. President, by restricting a farmer from tilling 100 acres of land because it is designated a beetle habitat—the Government has converted private property to public use. Thus, since protecting the beetle is found to be for the public good, so should the costs of that protection be shared by the public and not imposed on the individual property owner.

I am convinced that in the coming years, the Federal Government will have to realistically address the impact of regulatory law on private property rights.

There is a growing resistance in this country to mandates from Washington that place the cost of public good on private property owners. If we are going to pursue laudable public endeavors like preserving wetlands and endangered species, then the public at large cannot continue to shift the cost of enforcing these statutes to unfortunate property owners.

Upholding the Constitution is not simply the duty of the courts, Mr. President. We are sworn as lawmakers to do the same. We should rectify our wrongs rather than waiting for the courts to do so for us.

Indeed, Mr. President, we are compelled to do so, for as John Locke would eloquently remind us, "whereas government has no other end but the preservation of property."

Mr. BURNS. Mr. President, I must apologize to my colleagues today. Old Man Cold finally caught up with me, and I am about to lose my voice. When it comes to the auction business or to politicians, that is almost a disaster. It becomes a crisis for us.

I rise today to join with Senator SHELBY and NICKLES in introducing the private property owners bill or rights. The Senator from Alabama was on the floor a while ago. I did not have my comments put together, but the purpose of this bill is to provide a consistent Federal policy to encourage, support, and promote the private ownership of property and to ensure the constitutional and legal rights of private property owners.

Private property rights are protected under the fifth amendment of the Constitution of the United States. A lot of us lean a lot on that fifth amendment, yet we have seen some laws that go flying through this Congress and are signed by the President that are encroaching more and more on this right which is a basis, I believe, in a free society.

The bill we are introducing today is very important to my State of Montana because it makes the Federal Government respect and protect private property rights when enforcing such acts as the Endangered Species Act and the Clean Water Act. Montana's private property owners have been greatly impacted by those two laws alone. I will give an example.

In Montana last year, there was a headline that read like this: "Judge Says Grizzlies Have People Rights."

This article ran in an agricultural trade publication. The story was about a rancher, John Shuler, at Choteau, MT, who shot a grizzly bear in 1989 after he found three of these bears in his sheep corrals. He originally fired the shot to scare the bears away, but one bear did not scare and instead the bear charged him and he was forced to shoot the bear.

For those of you who may not be aware, grizzly bears are protected under the Endangered Species Act. The judge ruled that the Endangered Species Act self-defense exception must meet the same requirements used in criminal law for humans. The judge ruled that since this rancher had stepped off his porch to protect his investment, he purposefully placed himself in the zone of imminent danger of a bear attack. According to this judge, the rancher did not have the right to protect his property. And, folks, that probably calls for an attitudinal change, but basically that is wrong.

The private property owners bill of rights would create an administrative appeals process for affected property owners. And the bill establishes a framework so private property holders can seek and obtain compensation.

In other words, it lays out some guidelines as to what is commonly referred to in this business as taking.

Now, what changes your attitude about the Endangered Species Act? We had a person come to Montana, intent on studying grizzly bears. Instead, he ran into one. The bear got him down, put 28 holes in his skull, and I have never seen such an attitude change on bears as a protected animal. In fact, he made the statement there was some doubt as to who was on the endangered species list there for a little while.

So those attitudes all change. That is why we need this law. That is why private property needs to have something said about it whenever we start talking about the Clean Water Act or the Endangered Species Act.

In addition, before a Government official can enter your private land, with this piece of legislation they must have consent from the landowner. If information is selected on private property, this information cannot be used unless the private individual has full access to the information and has the right to dispute the accuracy of that information. The bill also establishes the right to administratively appeal decisions regarding wetlands and critical habitat of listed species.

We believe that protecting private property is of the utmost importance. That has always been the cornerstone to a lot of arguments in my great State of Montana.

This bill reinforces the Government's responsibility to protect property rights and will get the Federal Government off the backs of some people, the working men and women of this country. I strongly believe in every American's private property rights. This bill should be signed into law.

There is nothing more basic to a free society than private ownership in this great country. That is the cornerstone.

Mr. NICKLES. Mr. President, of all the freedoms we enjoy in this country, the ability to own, care for, and develop private property is perhaps the most crucial to our free enterprise economy. In fact, our economy would cease to function without the incentives provided by private property. So sacred and important are these rights, that our forefathers chose to specifically protect them in the fifth amendment to the U.S. Constitution, which says in part, "nor shall private property be taken for public use, without just compensation."

Unfortunately, Mr. President, some Federal environmental, safety, and health laws are encouraging Government violation of private property rights, and it is a problem which is increasing in severity and frequency. We would all like to believe the Constitution will protect our property rights if they are threatened, but today that is simply not true. The only way for a person to protect their private property rights is in the courts, and far too few people have the time or money to take such action. Thus many citizens lose their fifth amendment rights simply because no procedures have been established to prevent Government takings.

Mr. President, many people in the Federal bureaucracy believe that public protection of health, safety, and the environment is not compatible with protection of private property rights. I disagree. In fact, the terrible environmental conditions exposed in Eastern Europe when the cold war ended lead me to believe that the property ownership enhances environmental protection. As the residents of East Berlin and Prague know all too well, private owners are more effective caretakers of the environment than Communist governments.

Yet the question remains, how do we prevent overzealous bureaucrats from using their authority in ways which threaten property rights?

Mr. President, today I rise to join my colleague Senator RICHARD SHELBY of Alabama in introducing legislation which will strengthen every citizens' fifth amendment rights. Our bill, the private property owners bill of rights, targets, two of the worst property rights offenders, the Endangered Species Act and the Wetlands Permitting Program established by section 404 of the Clean Water Act.

Mr. President, our bill requires Federal agents who enter private property to gather information under either the Endangered Species Act or the Wetlands Permitting Program to first obtain the written consent of the landowner. While it is difficult to believe that such a basic right should need to be spelled out in law, overzealous bureaucrats and environmental radicals too often guaranteed the right of access to that information, the right to dispute its accuracy, and the right of an administrative appeal from decisions made under those laws.

Most importantly, the private property owners bill of rights guarantees compensation for a landowner whose property is devalued by 50 percent or more by a Federal action under the Endangered Species Act or Wetlands Permitting Program. An administrative process is established to give property owners a simple and inexpensive way to seek resolution of their takings claims. If we are to truly live up to the requirements of our Constitution, Mr. President, we must make this commitment. I believe this provision will work both to protect landowners from uncompensated takings and to discourage Government actions which would cause such takings.

Mr. President, this legislation was originally conceived by Congressman BILL TAUZIN of Louisiana and introduced in the House of Representatives on February 23, 1994. I compliment Representative TAUZIN on his commitment to preserving the rights of private property owners, and I look forward to working closely with him and Senator SHELBY to enact this legislation.

Mr. President, the time has come for farmers, ranchers, and other landowners to take a stand against violations of their private property rights by the Federal bureaucracy. The private property owners bill of rights will help landowners take that stand.

By Mr. SIMON (for himself, Mr. LAUTENBERG, and Mrs. BOXER):

S. 1916. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL GUN DEALER LICENSING REFORMS ACT

• Mr. SIMON. Mr. President, today, Senator LAUTENBERG and I introduce four important additions to pending Federal firearm licensee reform legislation included in the Senate crime bill. The purpose of these measures is to strengthen Federal standards for licensing firearms dealers by removing loopholes in the law and by providing the Bureau of Alcohol, Tobacco and Firearms [ATF] enhanced enforcement capabilities. I am pleased that the Clinton administration is joining us in this effort.

Over the past 2 years, firearms have killed 60,000 Americans, more than the number of United States soldiers killed in the Vietnam war. ATF estimates that there are potentially 200 million firearms in civilian hands—with nearly 4 million new firearms added each year. These statistics put the problem in perspective.

And where are these firearms coming from? ATF has determined that there are over 280,132 gun dealers in this country, with 9,754 in Illinois alone. That means that there is 1 firearm dealer for every 1,000 Americans, or 1 dealer for approximately every 200 firearm owners. The Violence Policy Center noted that there are more gun dealers in our country than there are gas stations.

In 1991, ATF issued 270 licenses a day, for a grand total of 91,000 new and renewed licenses that year. Only 37 of the 34,000 requests for new licenses that year were denied. Amazingly, fewer than 10 percent of applicants undergo an actual inspection in the form of a personal interview or on-site visit. This is because the number of investigators assigned to perform inspections has actually decreased 13 percent since 1980. Bureau spokesman Jack Killorian noted that "[T]he volume of licenses has outstripped our ability to keep up."

The importance of an initial inspection should not be overlooked. In New York City, where the ATF was able to go visit dealer applicants in conjunction with the local police department, many potential gun dealers dropped out of the application process. Similarly, when ATF agents in Pueblo, CO, worked hand-in-hand with local law enforcement agencies to inspect 165 gun dealers, 100 dealers surrendered their licenses. The 65 remaining licensees were found to be in strict compliance with all Federal, State and local laws. Unfortunately, programs such as these are at risk because resources are scarce.

Although many have argued that changes in the law will not affect crime because criminals do not buy guns from legitimate dealers, the statistics indicate otherwise. A 1991 survey conducted by ATF found that more than 27 percent of State prison inmates had purchased their crime guns from retail gun dealers. Obviously, when the dealer is unscrupulous, the damage can be extensive. For example:

> For every month James Board, a federally licensed dealer in Hammond, IN, was in business, he illegally sold at least 100 guns a month from a converted den in his home, including 800 low-caliber, semiautomatic pistols during one 9 month period. So far, at least 60 of Board's guns "have been confiscated by Chicago police from murder suspects, drug dealers, and gang members," (Chicago Tribune).

Obviously, something must be done to ensure that gun licenses are not used for improper purposes. The meas-

ures Senator LAUTENBERG and I are introducing today will contribute significantly to this goal. Specifically, our proposal would:

Increase the license fee for gun dealers to $600 per year; this provision would raise the annual Federal license fee for dealers to $600, and eliminate the $90 current reduced renewal fee. The purpose of this provision is to ensure that the taxpayers are not subsidizing the cost of establishing and maintaining a firearms business. Since Federal law restricts who can obtain a license and imposes a variety of regulatory and recordkeeping requirements on licensees, the Government's program costs must necessarily include application background investigations and periodic compliance inspections. The proposed fee increases would ensure that firearms licensees bear the burden of the Federal regulatory system.

Allow the Bureau of Alcohol, Tobacco and Firearms to suspend the licenses of gun dealers convicted of firearms violations; currently, law requires that if a licensee is indicted for a Gun Control Act violation or any other felony, he or she may continue to operate during the term of the indictment and until any conviction becomes final, including the exhaustion of all appeals. The new provision will enable ATF to suspend the license of a licensee convicted of a Federal firearms violation during the course of any appeals. If the conviction is overturned, the suspension would end and operations could resume. If the conviction is upheld on appeal, the license would be automatically revoked.

Increase the penalty for falsification of firearms records; this section would raise the maximum penalty for certain serious recordkeeping violations from misdemeanors to felonies. For example, failure to maintain records, falsifying records, or failing to note in the required records the name, age, and place of residence of a firearms purchaser, would be grouped with more serious offenses under 18 U.S.C. §924(a)(1)(B) which allows up to 5 years imprisonment. Less serious recordkeeping offenses would continue to be treated as misdemeanors.

Condition gun dealer licenses on compliance with all Federal laws relating to firearms. Under existing law, a license can be denied or revoked if the applicant has willfully violated the provisions of 18 U.S.C. chapter 44. However, a license could not be denied or revoked where the applicant or licensee has willfully violated the other two major statutes governing firearms businesses, the National Firearms Act (26 U.S.C. chapter 53) relating to machineguns, sawed-off shotguns and rifles, destructive devices, and certain other weapons, and the Arms Export Control Act (22 U.S.C. §2778) governing the importation and exportation of firearms and other munitions. This section will ensure that licensees comply with all Federal laws regulating firearms.

Senator LAUTENBERG and I believe that these provisions, taken together with the reforms already included in the Senate crime bill, will make an enormous difference in law enforcement's ability to control the use of weapons for illegitimate purposes. Dealers must be held accountable for their actions. I urge my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1916

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

SECTION 1. INCREASE IN FIREARM LICENSE APPLICATION FEES.

Section 923(a) of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B) by striking "$50" and inserting "$600";

(B) in paragraph (1)(C) by striking "$10" and inserting "$600"; and

(C) in paragraph (2)(B) by striking "$50" and inserting "$600"; and

(D) in paragraph (3)(B) by striking "$200 for 3 years, except that the fee for renewal of a valid license shall be $90 for 3 years" and inserting "$600 per year"; and

(2) in subsection (b) by striking "$10" and inserting "$50.".

SEC. 2. CONVICTED LICENSEE.

Section 925(b) of title 18, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), when a licensed importer, licensed manufacturer, licensed dealer, or licensed collector is convicted of a violation of this chapter—Chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)—

"(A) all licenses issued to the licensee under this chapter shall be suspended immediately upon conviction and shall remain under suspension until all direct appeals are exhausted; and

"(B) if the conviction is upheld on final direct appeal, all licenses issued to the licensee under this chapter shall be automatically revoked.".

SEC. 3. KNOWING FALSIFICATION OF RECORDS BY LICENSEES.

Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B) by striking "(a)(4), (a)(6)," and inserting "(a) (4) or (6), (b)(5),"; and

(2) in paragraph (3) by striking "knowingly—" and all that follows through the period at the end and inserting "knowingly violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.".

SEC. 4. REQUIREMENT THAT FIREARM LICENSEES COMPLY WITH ALL FEDERAL LAWS RELATING TO FIREARMS.

Section 923 of title 18, United States Code, is amended—

(1) in subsection (d)(1)(C) by inserting ", chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)," after "chapter"; and

(2) in subsection (e)—

(A) by inserting ", chapter 53 of the Internal Revenue Code of 1986, or section 38 of the Arms Export Control Act (22 U.S.C. 2778)," after "chapter" the first place it appears; and

(B) by striking "by the Secretary under this chapter" and inserting "thereunder".●

● Mr. LAUTENBERG. Mr. President, I am very pleased to join with Senator SIMON in introducing legislation to increase licensing fees and tighten regulation of firearm dealers.

Mr. President, the current system of regulating firearm dealers is a joke. A bad joke.

There now are more federally licensed firearm dealers than gas stations in this country. Currently, 287,000 have licenses, and the number is growing rapidly.

Yet only about a quarter of these dealers, Mr. President, are operating legitimate storefront businesses. The rest, operating out of their homes or cars, are known as kitchen table dealers. Most of these people obtain licenses in order to obtain guns tax-free by mail at wholesale prices, and to evade waiting periods, gun purchase limits, and other firearm laws.

Many firearms that are used in crimes are traceable to these kitchen table dealers. There are numerous examples of dealers who have provided huge numbers of guns to drug dealers, gang members, gun traffickers, terrorists, and other criminals.

To provide one illustration, consider the case of one man who lived in the South Bronx. This individual reportedly had a long criminal record that included an indictment for murder. Nevertheless, he was able to obtain a Federal firearm dealer license. In less than 1 year, he bought more than 500 guns from wholesalers in other States. The guns were delivered by UPS in batches of up to 100 at a time. The man then sold the guns to drug dealers and other criminals.

This is not an unusual case, Mr. President. It's typical. And it suggests the importance of tightening up our regulatory system, which is far too loose.

Mr. President, becoming a kitchen table dealer is easy, quick, and very inexpensive. All you have to do is fill out a form and send in $200, which covers the $67 annual fee for 3 years. There's no hassle, no fuss, and, most likely, no ATF agent will call.

That's generally not ATF's fault, either. The Bureau has simply lacked the resources to check out applicants, or to investigate many licensees. While the number of firearm dealers has increased by about 65 percent since 1980, the number of ATF investigators assigned to inspect these dealers has been

reduced by 13 percent. As a result, fewer than 10 percent of dealer applicants undergo an actual inspection. And then, once licensed, the average dealer is audited only once every 20 years.

Clearly, Mr. President, the Bureau needs more agents and more funding to better police the system. And the best way to both provide those resources, and to limit the Bureau's burden, is to raise the licensing fee.

Mr. President, it's bad enough that innocent Americans are being placed at risk because the system of licensing firearm dealers is so lax. But adding insult to injury, the current $67 annual licensing fee doesn't even come close to paying for the system. In effect, hard working taxpayers are being forced to subsidize firearm dealers. It's an outrage.

A licensing fee should be sufficient to at least pay for the costs of administering the regulatory system. And, in my view, the social costs of dealing in firearms—such as the costs of crime and of health care for victims of gun violence—also should be factored in.

Having said that, I also recognize the political realities of gun control legislation. The fact is, too few Members have been willing to stand up to the National Rifle Association and help put a stop to gun violence. I'm optimistic that with the enthusiastic support of Vice President GORE, with whom Senator SIMON and I met today to discuss this issue, we can get approval of a $600 fee increase. While my own preference would be to go much higher, I appreciate that $600 may be the highest we can realistically hope for in the short term.

Mr. President, tightening the regulation of firearm dealers can make a real difference in the battle against gun violence. But, clearly, we have to do more. We also need to adopt comprehensive gun control legislation along the lines of a bill I have proposed with Senator METZENBAUM. That bill would ban assault weapons and Saturday night specials, establish a system of licensing handgun purchasers, limit handgun purchases to one per month to attack gunrunning, and includes a wide variety of other measures.

In closing, let me congratulate and thank Senator SIMON for his outstanding leadership in this area. He and his excellent staff have devoted a great deal of time and effort to improving the regulation of firearm dealers, and they deserve great credit for their work. I am pleased to have had the opportunity to work with them on the initiative, and I look forward to continuing our joint efforts to raise the licensing fees for dealers, and to enact other measures to combat gun violence.●

● Mrs. BOXER. Mr. President, I am proud to join with my colleagues today in introducing legislation that will improve the regulation of this Nation's gun dealers.

Under the current system, we have more than 284,000 gun dealers, most of whom operate from their homes, out of the sight of Federal, State, and local authorities. Under the current system, it's cheaper to get a dealer's license than to buy two tickets to a play. Under the current system there is only one Bureau of Alcohol, Tobacco and Firearms [BATF] agent for every 1,000 licensees. Mr. President, the current system must change.

In my home State of California, where we have more than 20,000 gun dealers, we have learned first hand about the damage caused by these deadly loopholes. We have 1,100 gun dealers in the city of Los Angeles, but only 130 of them complied with a local ordinance requiring them to register, be fingerprinted and pay a $300 fee. In the counties of Ventura, Santa Barbara, and Los Angeles, we have 4,000 gun dealers and only 12 Federal compliance inspectors. And, during a 6-month period in 1990, a federally licensed dealer in Los Angeles purchased more than 1,500 guns and sold them to gang members and others.

Mr. President, I want to commend the senior Senator from Illinois [Mr. SIMON] for recognizing this critical problem and coming forward with common sense solutions to address it. With his amendment to the Senate-passed crime bill, Senator SIMON started us down the path to real reform. Now, it's time for us, to come together and make even more progress.

By increasing dealer licensing fees, suspending the licenses of convicted gun dealers, increasing the penalties for record falsification and requiring dealers to comply with all Federal firearms laws, this bill will go a long way toward addressing this critical problem.

Mr. President, when we pass this legislation, we will help stop the abuses, close the loopholes and take another important step toward curbing the epidemic of gun violence in America.●

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 167. A joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on the Judiciary.

NATIONAL GANG VIOLENCE PREVENTION WEEK

● Mr. SIMON. Mr. President, for several years, the groups Parents Against Gangs and Broader Urban Involvement and Leadership Development have sponsored a Gang Awareness Week in Chicago. Based on the success of this week in raising awareness about the problems of gangs in Chicago and in our Nation, as well as encouraging parents and other community members to get involved in efforts to curb gang violence, I am introducing legislation to designate the week of September 12, 1994, as "National Gang Violence Prevention Week."

Our young people need a great deal of support and encouragement to help prevent them from joining gangs. Many youth in our cities today believe that becoming a gang member is their most worthwhile option. The loyalty among gang members provides a seemingly secure family, and the profits from gang-related illegal activities such as drug trafficking are a powerful draw. However, the life of a gang member is often a very violent one. Gang-related crime and violence continue to increase at an alarming rate. In Chicago alone, gang-related homicides per year rose from 38 in 1980 to 101 by 1990. Already, many neighborhoods, both in urban and rural areas, are virtually controlled by gangs. At a hearing held in Chicago by the Office of Justice Programs, one mother testified that one of the few sentences her 2-year-old child knows is: "Get down, get down, they're shooting." In Chicago, it has come to this.

Without preventing youth from becoming involved in gangs, we will see gang-related violence rise to even higher levels. We cannot afford to have thousands more American youth joining gangs. It is imperative that we take action now to prevent our youth from becoming involved in activities that destroy their opportunities to lead healthy and productive lives.

In Chicago, Parents Against Gangs and Broader Urban Involvement, and Leadership Development are two groups that have taken action. During Gang Awareness Week, they sponsor the Parents Against Gangs Annual Conference, displaying the Victims of Violent Crime Remembrance Quilt, and holding a Victims of Violent Crime Memorial Service.

I ask my colleagues to join me in designating the week of September 12, 1994, as "National Gang Violence Prevention Week" because I believe that the rest of the Nation would benefit from similar programs.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 167

Whereas the number of gang homicides has risen in Chicago alone from 38 in 1980 to 101 in 1990;

Whereas the number of gang-related homicides as of 1991 stood at 1,051;

Whereas, in the past decade, gang-related homicides and gang-related drug trafficking has increased and spread to cities in all 50 States;

Whereas, between the years 1989 and 1991, the number of gangs and gang members in the Nation's 79 largest cities doubled;

Whereas the number of gangs as of 1991 stood at 4,881 which includes 249,324 members;

Whereas gangs are now part of the crime problem in communities with populations as small as 8,000 citizens;

Whereas many gangs are actively involved in drug trafficking, and some Los Angeles gangs have been linked to Colombian drug cartels;

Whereas our youth are directly impacted by the rise in gang membership, with the average age of gang members being 19; and

Whereas every effort needs to be made to reduce gang violence and steer our young people away from gangs and every citizen needs to be aware of the problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 12, 1994, through September 16, 1994, be designated as "National Gang Violence Prevention Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 70, a bill to reauthorize the national writing project, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 1040

At the request of Mr. KENNEDY, the names of the Senator from Connecticut [Mr. DODD], the Senator from New Hampshire [Mr. GREGG], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1485

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1485, a bill to extend certain satellite carrier compulsory licenses, and for other purposes.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1791

At the request of Mr. KEMPTHORNE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1791, a bill to provide for mandatory life imprisonment of a person convicted of a second offense of kidnapping a minor.

S. 1851

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1851, a bill to exclude shipboard supervisory personnel from selection as employer representatives, and for other purposes.

S. 1862

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. LOTT], the Senator from North Carolina [Mr. HELMS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1862, a bill to repeal the public financing of and spending limits on Presidential election campaigns.

AMENDMENTS SUBMITTED

NATIONAL COMPETITIVENESS ACT

COCHRAN (AND OTHERS) AMENDMENT NO. 1480

Mr. COCHRAN (for himself, Mrs. HUTCHISON, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. BURNS, Mr. DOMENICI, and Mr. KEMPTHORNE) proposed an amendment to the bill (S. 4) to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . COMPLIANCE DATES FOR PESTICIDE SAFETY REQUIREMENTS.

(a) WORKER PROTECTION STANDARDS.—

(1) IN GENERAL.—The compliance date for the worker protection standard set forth in part 170 of subchapter E of chapter I of title 40, Code of Federal Regulations, shall be October 23, 1995.

(2) PESTICIDE SAFETY TRAINING.—Not later than April 23, 1995, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall—

(A) develop and distribute pesticide safety training materials that convey, at a minimum, the information referred to in section 170.230(c)(4) of such title; and

(B) assist the appropriate Federal, State, and tribal agencies in implementing pesticide safety training programs required under section 170 of such title.

(b) LABELING REQUIREMENTS.—

(1) ENFORCEMENT.—

(A) IN GENERAL.—During the period ending on October 23, 1995, the labeling requirements for pesticides and devices set forth in subpart K of part 156 of subchapter E of chapter I of title 40, Code of Federal Regulations, may be enforced only—

(i) in a State that has established a worker protection program with respect to pesticides and devices as of the date of enactment of this Act; and

(ii) for the purposes of enforcing a State program referred to in clause (i).

(B) EQUIVALENCY.—During the period ending on October 23, 1995, each worker protection program referred to in subparagraph (A)(i) shall be considered to meet the requirements of the worker protection standard set forth in part 170 of such subchapter. After such date, the Administrator shall reassess whether the program meets the standard.

(2) NOTIFICATION OF PURCHASES.—Beginning on April 22, 1994, each registrant of pesticides shall provide information for point-of-sale notification to inform purchasers of pesticides that the applicable compliance date for the labeling requirements referred to in paragraph (1)(A) is October 23, 1995.

COVERDELL AMENDMENT NO. 1481

Mr. COVERDELL proposed an amendment to the bill S. 4, supra; as follows:

At the end of the committee substitute, add the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

(a) POSTAL SERVICE ADMINISTRATION.—(1) Section 601(a) of title 39, United States Code, is amended by striking out "A letter" and inserting in lieu thereof "Subject to the provisions of section 607, a letter".

(2)(A) Chapter 6 of title 39, United States Code, is amended by adding after section 606 the following new section:

"§ 607. Administration relating to urgent letters

"In the administration of the provisions of this chapter, chapter 4 of this title, and sections 1693 through 1699 of title 18, the Postal Service or the Attorney General of the United States may not—

(1) fine or otherwise penalize any person who—

"(A) is not an entity of the United States Government; and

"(B) uses a private express for the private carriage of any letter which such person determines is urgent; or

"(2)(A) create a presumption of a violation by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph; or

"(B) establish or shift a burden of establishing the fact of compliance by a private shipper or carrier with paragraph (1)(B) or any regulation promulgated thereunder relating to the private carriage of an urgent letter as determined under such paragraph.".

(B) The table of sections for chapter 6 of title 39, United States Code, is amended by

adding after the item relating to section 606 the following:

"607. Administration relating to urgent letters.".

(b) PRIVATE EXPRESS PROVISIONS.—(1) Chapter 83 of title 18, United States Code, is amended by inserting after section 1699 of the following new section:

"§ 1699A. Application of postal service provisions

"The provisions of sections 1693 through 1699 of this title shall be subject to the provisions of section 607 of title 39.".

(2) The table of sections for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1699 the following:

"1699A. Application of Postal Service provisions.".

DANFORTH AMENDMENT NO. 1482

Mr. DANFORTH proposed an amendment to the bill S. 4, supra; as follows:

At the appropriate place, insert the following: Notwithstanding any other provision in this Act, the amounts authorized to be appropriated by this Act shall not be appropriated, but rather the Committee on Finance of the Senate is directed to consider using the equivalent amount to make permanent the research and development tax credit.

COVERDELL (AND OTHERS) AMENDMENT NO. 1483

Mr. COVERDELL (for himself, Mr. MURKOWSKI, and Mr. PRYOR) proposed an amendment to the bill S. 4, supra; as follows:

On page 216, add after line 12 the following new title:

TITLE VII—PRIVATE CARRIAGE OF URGENT LETTERS

SEC. 701. PRIVATE CARRIAGE OF URGENT LETTERS.

It is the sense of the Congress that the United States Postal Service, in the administration of chapter 6 of title 39, United States Code, shall suspend its audits by the Postal Inspection Service of private businesses or individuals who use private express for the private carriage of any letter which such business or individual determines is urgent, until the Congress receives and considers a report by the General Accounting Office regarding the potential financial impact on the Postal Service of permanently suspending enforcement of chapter 6, of title 39, United States Code.

MCCONNELL AMENDMENT NO. 1484

(Ordered to lie on the table.)

Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 4, supra;

NOTICE TO SUSPEND RULE XXVI

Mr. MCCONNELL submitted the following notice in writing:

Mr. President, it is my intention to move to amend the Standing Rules of the Senate. An amendment to be proposed by myself would amend Rule XXVI of the Standing Rules of the Senate by adding the following:

MCCONNELL AMENDMENT NO. 1484

At the end of the bill, add the following new section:

SEC. . LITIGATION IMPACT STATEMENT.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) in subparagraph (c), by striking "paragraphs (a) and (b)" and inserting "paragraphs (a), (b), and (c)";

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by adding after subparagraph (b) the following:

"(c) Each such report (except those by the Committee on Appropriations) shall also contain a litigation impact statement prepared by the Department of Justice which shall include—

"(1) an estimate of any increase in litigation which would result from the enactment of the bill or joint resolution;

"(2) an estimate of any increase in private liability which would result from the enactment of the bill or joint resolution; and

"(3) an estimate of any increase in liability insurance costs which would result from the enactment of the bill or joint resolution.".

NICKLES (AND OTHERS) AMENDMENT NO. 1485

Mr. NICKLES (for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BURNS, Mr. HELMS, Mr. BENNETT, Mr. DANFORTH, Mr. DOMENICI, Mr. GRASSLEY, Mr. BOREN, Mr. COATS, Mr. GRAMM, and Mrs. HUTCHISON) proposed an amendment to the bill S. 4, supra; as follows:

At the end of the substitute, add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local governments as much as $850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the "Director") shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee (except the Committee on Appropriations) of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such indivudals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for noncompliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determina-

tion of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the cost which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year; together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the agency or department shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENT.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date enactment of this Act.

SIMPSON (AND OTHERS) AMENDMENT NO. 1486

Mr. SIMPSON (for himself and Mr. NICKLES, Mr. DOLE, Mr. COCHRAN, Mr. GRAMM, Mr. THURMOND, Mr. DURENBERGER, Mr. KEMPTHORNE, Mr. WALLOP, Mr. COVERDELL, Mr. MURKOWSKI, Mr. MACK, Mr. PRESSLER, Mr. LOTT, Mr. SMITH, Mrs. HUTCHISON, Mr. HELMS, Mr. CRAIG, Mr. COATS, Mr. GORTON, and Mr. WARNER) proposed an amendment to the bill S. 4, supra; as follows:

Strike out the Committee substitute amendment and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Regulatory Reform Act of 1994".

TITLE I—REGULATORY PROCESS REFORM

Subtitle A—Economic and Employment Impact

SEC. 101. ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This subtitle may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) compliance with Federal regulations is estimated to cost the private sector and State and local governments as much as $850,000,000,000 a year;

(B) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities;

(C) State and local governments are forced to absorb the cost of unfunded Federal mandates; and

(D) in addition to budget and deficit estimates, Congress and the executive branch decision makers need to be aware of regulatory cost impacts of proposed Federal actions on the private sector and State, local, and tribal governments.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that the people of the United States are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) to require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure that congressional and executive branch action are focused on enhancing economic growth and providing increased job opportunities for the people of the United States; and

(D) to protect against congressional or executive branch actions which hinder economic growth or eliminate jobs for the people of the United States.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS FOR LEGISLATION.—

(1) PREPARATION.—The Director of the Congressional Budget Office (referred to as the "Director") shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill or joint resolution reported by any committee (except the Committee on Appropriations) of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the bill or joint resolution and a determination of the groups and classes of such individuals and businesses;

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such bill or joint resolution in the fiscal year in which it is to become effective, and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate.

(ii) Estimates required by this subparagraph shall include specific data on costs imposed on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) the estimates required by section 403 of the Congressional Budget Act of 1974; and

(ii) an evaluation of the extent of the costs of the Federal mandates arising from such bill or joint resolution in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(3) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Director shall submit a statement setting forth the reasons for noncompliance.

(4) STATEMENT TO ACCOMPANY COMMITTEE REPORTS.—The economic and employment impact statement required by this subsection shall accompany each bill or joint resolution reported or otherwise considered on the floor of either House. Such statement shall be printed in the committee report upon timely submission to the committee. If not timely filed or otherwise unavailable for publication in the committee report, the economic and regulatory statement shall be published in the Congressional Record not less than 2 calendar days prior to any floor consideration of a bill or joint resolution subject to the provisions of this subsection by either House.

(5) COMMITTEE STATEMENTS OPTIONAL.—Nothing in this subsection shall be construed to modify or otherwise affect the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, regarding preparation of an evaluation of regulatory impact.

(d) ECONOMIC AND EMPLOYMENT IMPACT STATEMENT FOR EXECUTIVE BRANCH REGULATIONS.—

(1) PREPARATION.—Each Federal department or executive branch agency shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany regulatory actions.

(2) CONTENTS.—The economic and employment impact statement required by paragraph (1) shall include the following:

(A) An estimate of the numbers of individuals and businesses who would be regulated by the regulatory action and a determination of the groups and classes of such individuals and businesses.

(B) A determination of the economic impact of such regulation on individuals, consumers, and businesses affected.

(C)(i) An estimate of the costs which would be incurred by the private sector in carrying out or complying with such regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(ii) The estimate required by this subparagraph shall include specific data on costs on groups and classes of individuals and businesses, including small business and consumers, and employment impacts on those individuals and businesses.

(D) An estimate of the costs that would be incurred by State and local governments, which shall include—

(i) an estimate of cost which would be incurred by State and local governments in carrying out or complying with the regulatory action in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for such estimate;

(ii) a comparison of the estimates of costs described in clause (i), with any available estimates of costs made by any Federal or State agency;

(iii) if the agency determines that the regulatory action is likely to result in annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government, a statement by the agency detailing such results or consequences; and

(iv) an evaluation of the extent of the costs of the Federal mandates arising from the regulatory action in comparison with funding assistance provided by the Federal Government to address the costs of complying with such mandates.

(4) REPORT NOT AVAILABLE.—If compliance with the requirements of paragraph (1) is impracticable, the Department or agency shall submit a statement setting forth the reasons for noncompliance.

(5) STATEMENT TO ACCOMPANY FEDERAL REGULATORY ACTIONS.—The economic and employment impact statement with respect to a regulatory action required by this subsection shall be published in the Federal Register together with the publication of such regulatory action. If the regulatory action is not published in the Federal Register, the economic and employment impact statement shall be made available to the public in a timely manner.

(6) DEFINITION OF "REGULATORY ACTION".—For purposes of this subsection, the term "regulatory action" means any substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, notices of proposed rulemaking, interim final rules, and final rules and regulations.

(e) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS ECONOMIC IMPACT STATEMENTS.—The President may waive the requirements of subsection (d) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This section shall take effect 30 days after the date enactment of this Act.

Subtitle B—Cost Benefit Analysis of Regulatory Actions

SEC. 111. RISK AND COST BENEFIT ANALYSIS OF REGULATORY ACTIONS.

(a) DEFINITION.—For purposes of this section, the term "regulatory action" means a substantive action by a Federal agency (required to be or customarily published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including—

(1) a notice of proposed rulemaking; and

(2) an interim final rule.

(b) COMPREHENSIVE ANALYSIS OF SPECIFIC ECONOMIC COSTS AND BENEFITS.—Notwithstanding any other provision of law, for each regulatory action, the head of a Federal agency proposing a regulatory action shall—

(1) publish in the Federal Register a comprehensive analysis of the specific costs and benefits or detailed summary of such an analysis resulting from implementation of the final rule or regulation contemplated by the regulatory action; and

(2) certify that the regulation will produce benefits that will justify the cost to the Government and to the public of implementation of, and compliance with, the regulatory action.

(c) COSTS.—The head of an agency proposing a regulatory action shall include in the analysis as specific costs, when applicable—

(1) the total number of direct and indirect jobs to be lost;

(2) the costs incurred by Federal, State, and local governments, and other public and private entities; and

(3) any human health or environmental risks created as a result of implementation of, and compliance with, the proposed regulation or the proposed regulatory change.

(d) BENEFITS.—The head of an agency proposing a regulatory action shall include in the analysis as specific benefits, when applicable—

(1) the total number of direct and indirect jobs to be gained;

(2) the savings realized by Federal, State, and local governments, and other public and private entities; and

(3) the human health or environmental risk to be reduced by the proposed regulation or proposed regulatory change.

(e) NO COST/BENEFIT CERTIFICATION.—If the head of the agency proposing a regulatory action is unable to make the certification under subsection (b)(2), the head of the agency shall include in the statement published in the Federal Register the reasons why such certification cannot be made. The head of the agency shall submit a copy of the statement to the Congress.

Subtitle C—Private Property Rights

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Private Property Rights Act of 1994".

SEC. 122. DEFINITIONS.

As used in this subtitle:

(1) The term "agency" means all executive branch agencies, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means an activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

SEC. 123. PROTECTION OF PRIVATE PROPERTY.

No regulations promulgated after the date of enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630, as in effect in 1991, the language of which is hereby incorporated by reference and enacted into public law, to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such where possible.

SEC. 124. JUDICIAL REVIEW.

(a) IN GENERAL.—Judicial review of actions taken pursuant to this Act shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures, such review to be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this Act. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(b) APPLICATION.—Nothing in this section shall affect any otherwise available judicial review of agency action.

Subtitle D—Regulatory Flexibility Analysis

SEC. 131. DEFINITIONS.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (2), by inserting "any rule of the Internal Revenue Service," before "or any other law, including";

(2) in paragraph (5), by striking out "and" at the end thereof;

(3) in paragraph (6), by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end thereof the following new paragraph:

"(7) the term 'impact' means effects of a proposed or final rule which an agency can anticipate at the time of publication, and includes those effects which are directly and indirectly imposed by the proposed or final rule and are beneficial and negative.".

SEC. 132. INITIAL REGULATORY FLEXIBILITY ANALYSIS.

Section 603 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence by inserting "as defined under section 601(2)" after "any proposed rule"; and

(B) in the second sentence by striking out "the impact" and inserting in lieu thereof "both the direct and indirect impacts";

(2) in subsection (b)(3), by striking out "apply" and inserting in lieu thereof "directly apply and an estimate of the number of small entities to which the rule will indirectly apply"; and

(3) in subsection (c), in the first sentence by inserting before the period "either directly or indirectly effected".

SEC. 133. FINAL REGULATORY FLEXIBILITY ANALYSIS.

Section 604(a) of title 5, United States Code, is amended in the first sentence by striking out "under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking" and inserting in lieu thereof "as defined under section 610(2)".

SEC. 134. JUDICIAL REVIEW.

Section 611 of title 5, United States Code, is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

TITLE II—REGULATORY REPEAL AND REFORM

Subtitle A—Davis-Bacon Act Reform

SEC. 201. INCREASE IN THE FEDERAL CONSTRUCTION CONTRACT AMOUNT REQUIREMENT UNDER THE DAVIS-BACON ACT; TECHNICAL AND CONFORMING AMENDMENTS.

(a) INCREASE IN THRESHOLD AMOUNT.—Section 1(a) of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a), is amended by striking "for every contract" and all that follows through "the geographical limits of the States of the Union or the District of Columbia," and inserting the following: "for every contract—

"(1) in excess of $100,000, to which the United States or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the 48 contiguous States of the United States, or the District of Columbia; or

"(2) in excess of $2,000, to which the United States or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of a State of the United States that is not contiguous to any other State of the United States,".

(b) PROHIBITION OF CONTRACT-SPLITTING.—Section 1 of the Act of March 3, 1931 (40 U.S.C. 276a), is further amended by adding at the end the following new subsections:

"(c) Except as provided in subsection (f), any person entering into a contract under which wages are to be determined in accordance with this Act shall not divide any project to which such contract applies, into two or more contracts of $100,000 or less if the project would not have been so divided but for the purpose of avoiding application of this Act.

"(d) If the Secretary of Labor determines that a division of contracts in violation of subsection (c) has occurred, the Secretary may—

"(1) require that the contracts, grants, or other instruments providing Federal financing or assistance be amended so as to incorporate retroactively all the provisions that would have been required under this Act or other applicable prevailing wage statute; and

"(2) require the contracting or assisting agency, the recipient of Federal financing or assistance, or any other entity that awarded the contract or instrument providing Federal financing or assistance in violation of this section, to compensate the contractor, the grantee, or other recipient of Federal assistance, as appropriate, for payment to each affected laborer and mechanic, of an amount equal to the difference between the rate received and the applicable prevailing wage rate, with interest on wages due at the rate specified in section 6621(c) of the Internal Revenue Code of 1986, from the date the work was performed by such laborers and mechanics.

"(e) The Secretary shall make a determination that a violation of subsection (c) has occurred only where the Secretary has notified the agency or entity in question not later than 180 days after completion of construction on the project that an investigation will be conducted concerning an alleged violation of this subsection.

"(f) The provision of subsection (c) shall not apply to a contract described in paragraph (2) of subsection (a).".

(c) TECHNICAL AMENDMENT APPLYING REFORM TO RELATED ACTS.—The Act of March 3, 1931 (40 U.S.C. 276a–276a–5) is further amended by adding at the end the following new section:

"SEC. 8. (a) Except as provided in subsection (b), no provision of any law requiring the payment of prevailing wage rates as determined by the Secretary in accordance with this Act shall apply to contracts for construction, alteration, or repair valued at $100,000 or less, or in the case of rent supplement assistance or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount, where the assisted project is in the amount of $100,000 or less.

"(b) The provision of subsection (a) shall not apply to a contract described in section 1(a)(2).".

(d) CONFORMING AMENDMENT TO THE COPELAND ACT.—The Act of June 13, 1934, (commonly known as the Copeland Act) (40 U.S.C. 276c), is amended by adding at the end thereof the following: "Except for a contract described in section 1(a)(2) of the Act of March 3, 1931 (40 U.S.C. 276a(a)(2)), this section shall not apply to any contract or project that is exempted by its size from the application of such Act.".

SEC. 202. AMENDMENT TO THE COPELAND ACT TO ELIMINATE UNNECESSARY AND BURDENSOME REPORTS AND TO PROVIDE FOR MORE EFFECTIVE AND EFFICIENT VERIFICATION OF COMPLIANCE WITH THE DAVIS-BACON ACT.

Section 2 of the Act of June 13, 1934 (commonly known as the Copeland Act) (40 U.S.C. 276c), is amended by striking in the first sentence "weekly" and all that follows through "week" and inserting "at least once per month a statement of compliance with the labor standards provisions of applicable law that certifies the payroll with respect to wages paid employees during the preceding period for which such statement is furnished and that covers each week any contract work is performed".

Subtitle B—Increase of Service Contract Act of 1965 Contract Amount

SEC. 211. INCREASE IN THE FEDERAL CONSTRUCTION CONTRACT AMOUNT REQUIREMENT UNDER THE SERVICE CONTRACT ACT OF 1965.

The matter preceding paragraph (1) of section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)), is amended to read as follows:

"(a) Except as provided in section 7, every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, whether negotiated or advertised, in excess of $100,000 in the case of a contract the principal purpose of which is to furnish services within the geographical limits of the 48 contiguous States of the United States, or the District of Columbia through the use of service employees, or $2,500 in the case of a contract the principal purpose of which is to furnish services in a State of the United States that is not contiguous to any other State of the United States through the use of service employees, shall contain the following:".

Subtitle C—Export of Certain Devices Regulated by the Food and Drug Administration

SEC. 215. EXPORT OF DEVICES.

Section 801(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(2)) is amended by striking subparagraph (C) and the matter following subparagraph (C) and inserting the following:

"(C) which is a banned device under section 516,

except as provided in paragraph (3).

"(3) Paragraph (1) shall apply to a device described in paragraph (2) if the Secretary has determined such device is—

"(A) the subject of an application under active review under section 515,

"(B) to be exported to one or more of the countries listed under section 802(b)(4)(A),

"(C) to be labeled for export only to a country listed under section 802(b)(4)(A), and

"(D) the subject of a certification by the manufacturer of the device that certain steps will be taken to reduce the likelihood of transshipment of the device to countries not listed under section 802(b)(4)(A).".

Subtitle D—Safety Exemptions for Heroic Acts

SEC. 231. SHORT TITLE.

This Act may be cited as the "Heroic Efforts to Rescue Others Act" (HERO Act).

SEC. 232. FINDINGS.

Congress finds that—

(1) existing Occupational Safety and Health Administration regulations require the issuance of a citation to an employer in a circumstance in which an employee of such employer has voluntarily acted in a heroic manner to rescue individuals from imminent harm during work hours;

(2) application of such regulations to employers in such circumstance causes hardships to those employers who are responsible for employees who perform heroic acts to save individuals from imminent harm;

(3) strict application of such regulations in such circumstance penalizes employers as a result of the time lost and legal fees incurred to defend against such citations; and

(4) in order to save employers the cost of unnecessary enforcement an exemption from the issuance of a citation to an employer under certain situations related to such circumstance is appropriate.

SEC. 233. CITATIONS.

Section 9 of the Occupational Safety and Health Act (29 U.S.C. 658) is amended by adding at the end the following new subsection:

"(d)(1) No citation may be issued under this section with respect to a rescue by an employer's employee of an individual in imminent harm unless—

"(A)(i) such employee is designated by the employee's employer for service on a rescue team; and

"(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide rescue equipment or providing inadequate personal protective equipment;

"(B)(i) such employee is directed by the employee's employer to perform rescue activities in the course of carrying out the employee's job duties; and

"(ii) the employer fails to provide protection of the safety and health of such employee, including failing to provide rescue equipment or providing inadequate personal protective equipment; or

"(C)(i) such employee—

"(I) is employed in a workplace that requires such employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, or perform excavations or construction over water;

"(II) has no occupational responsibility to rescue such an individual; and

"(III) voluntarily elects to rescue such an individual; and

"(ii) the employer fails to provide training to such employee prior to the assignment of such employee to such workplace operation on the recognition of the hazards inherent in a rescue effort and the risks to a potential rescuer who is not trained in rescue operations.

"(2) For purposes of this subsection, the term 'imminent harm' means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.".

Subtitle E—Rural Community Bank Paperwork Relief

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Rural Community Bank Paperwork Relief Act of 1994".

SEC. 242. SELF-CERTIFICATION.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

"SEC. 809. SELF-CERTIFICATION FOR INSTITUTIONS IN RURAL TOWNS.

"A regulated financial institution shall be exempt from the evaluation and examination requirements of this title if such institution—

"(1) is located in a town, political subdivision, or other unit of general local government that—

"(A) has a population of not more than 20,000 residents, according to the most recent available census data; and

"(B) is not located in a metropolitan statistical area of the United States Department of Commerce, Bureau of the Census;

"(2) has a net loans and leases to deposits ratio of not less than 70 percent of the average institutional ratio of financial institutions of similar size in the same State, as defined by the appropriate Federal financial supervisory agency; and

"(3) certifies that it is effectively meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, as determined in regulations published by each appropriate Federal financial supervisory agency.".

SEC. 243. INCREASED INCENTIVES TO LENDING TO LOW- AND MODERATE-INCOME COMMUNITIES.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(c) CERTAIN RURAL INSTITUTIONS.—In evaluating a regulated financial institution, the appropriate Federal financial supervisory agency shall give appropriate consideration and weight to the institution's investments in and loans to joint ventures or other entities or projects that provide benefits to distressed communities located within or outside of the service area of the institution (as such terms are defined by the appropriate Federal financial supervisory agency) if such institution—

"(1) is located in a town, political subdivision, or other unit of general local government that is not located in a metropolitan statistical area of the United States Department of Commerce, Bureau of the Census; and

"(2) does not meet the requirements of section 809.".

Subtitle F—Reducing the Burden of Federal Paperwork on the Public

SEC. 251. SHORT TITLE.

This subtitle may be cited as the "Paperwork Reduction Act of 1994".

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 252. AUTHORIZATION OF APPROPRIATIONS.

Section 3520(a) of title 44, United States Code, is amended by striking out "$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "$7,000,000 for fiscal year 1994, $7,500,000 for fiscal year 1995, $8,000,000 for fiscal year 1996, $8,500,000 for fiscal year 1997, and $9,000,000 for fiscal year 1998.".

CHAPTER 2—REDUCING THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC

SEC. 255. REEMPHASIZING THE NEED TO REDUCE THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the Federal paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons;

"(2) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, sharing, and disseminating information;

"(3) maximize the usefulness of information collected, maintained, used, retained and shared by the Federal Government;

"(4) coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) ensure that government information resources management is conducted in an efficient and cost effective manner to—

"(A) improve the quality of decisionmaking and program management and administration;

"(B) improve the quality and timeliness of services delivered to the public;

"(C) increase productivity;

"(D) reduce waste and fraud;

"(E) facilitate the sharing of information;

"(F) ensure the integrity, quality and utility of the Federal statistical system; and

"(G) reduce burden upon the public;

"(6) ensure that the collection, maintenance, use, retention, sharing, and disseminating of information by or for the Federal Government is consistent with applicable laws;

"(7) establish the responsibility and public accountability of Federal agencies for implementing the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter;

"(8) ensure that automatic data processing, telecommunications and other information technologies are acquired and used by the Federal Government in an effective and efficient manner that—

"(A) improves service delivery and program management;

"(B) increases productivity;

"(C) improves the quality of decisionmaking;

"(D) reduces waste and fraud;

"(E) maximizes the return on investment from the application of Government information and information technology resources over their life cycle; and

"(F) wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information, keep records and otherwise disclose information to and for the Federal Government; and

"(9) strengthen the partnership between the Federal Government with State and local governments by minimizing the burden and maximizing the utility of information collected and shared.".

SEC. 256. COVERAGE OF ALL FEDERALLY SPONSORED PAPERWORK BURDENS.

Section 3502 of title 44, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

"(3) the term 'burden' means the time, effort, financial resources, and opportunity costs imposed on persons to generate, capture, assemble, process, maintain, and report information to or for a Federal agency, including—

"(A) the resources expended for obtaining, reviewing and understanding applicable instructions and requirements;

"(B) developing a way to comply with the applicable instructions and requirements;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching existing data sources;

"(E) obtaining, compiling and maintaining the necessary data;

"(F) implementing recordkeeping requirements;

"(G) completing and reviewing the collection of information;

"(H) retaining, sharing, notifying, reporting, transmitting, labeling, or otherwise disclosing to third parties or the public the information involved; and

"(I) carrying out any other information transaction which occurs as a result of the collection of information;";

(2) in paragraph (4) by striking out "of facts or opinions by" and inserting in lieu thereof "(through maintenance, retention, notifying, reporting, labeling or disclosure to third parties or the public) of facts or opinions by or for"; and

(3) in paragraph (17) by inserting ", including the retention, reporting, notifying, or disclosure to third parties or the public of such records" before the period.

SEC. 257. PAPERWORK REDUCTION GOALS.

Section 3505 of title 44, United States Code, is amended to read as follows:

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce by September 30, 1994, the burden of Federal collections of information existing on September 30, 1993, by at least 5 percent;

"(2) for the fiscal year beginning on October 1, 1994, and the following 3 fiscal years, set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce the burden of Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

"(3) in establishing the Governmentwide goal pursuant to paragraph (2), establish a goal for each agency that—

"(A) represents the maximum practicable opportunity to reduce the paperwork burden imposed upon the public by such agency's collections of information, after considering

the recommendations of the senior agency official designated under section 3506(b)(1); and

"(B) permits the attainment of the Governmentwide goal when such agency's goal is aggregated with the individual goals of all other agencies included in the Governmentwide goal; and

"(4) in each report issued under section 3514, beginning with the report relating to fiscal year 1994, identify any agency initiatives to reduce the burden of the Federal collections of information associated with—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions.".

CHAPTER 3—ENHANCING FEDERAL AGENCY RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 261. DESIGNATING AN AGENCY OFFICIAL RESPONSIBLE AND PUBLICLY ACCOUNTABLE FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each agency" and inserting in lieu thereof "The head of each agency"; and

(B) by inserting "resources" after "its information";

(2) in subsection (b)—

(A) by inserting "(1)" before "The head of each agency"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The senior official designated under paragraph (1) shall be the head of an office, established by the head of the agency, responsible for assuring agency compliance with and prompt, efficient, and effective implementation of the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter.

"(3) Staff to such office shall be well qualified through experience or training to carry out the information collection review process, information resources management, and related policies and guidance established under this chapter."; and

(3) in subsection (c)—

(A) by striking out "and" after the semicolon at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(9) prepare estimates of burden that will result from proposed collections of information;

"(10) develop and maintain a strategic Information Resources Management Plan, in accordance with guidance from the Director, for the application of information resources to support the agency's specified mission goals as articulated through its strategic mission planning process;

"(11) establish oversight procedures, in accordance with guidance provided by the Director, to improve the life cycle management of the agency's major information systems; and

"(12) assess the agency's efforts to have program offices manage Government information resources by using performance measures that examine such factors as quality and timeliness of service delivery to the public, productivity of program administration, ability to prevent or reduce fraud, and the burden of Government's information collection practices on the public.".

SEC. 262. AGENCY RESPONSIBILITIES FOR CONTROLLING AND REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code (as amended by section 301 of this Act) is further amended by adding at the end thereof the following new subsections:

"(e) The head of each agency, acting through the senior official designated under subsection (b)(1), shall establish an efficient, and effective process for the prompt review of each information collection request before it is submitted to the Director for review and approval under this chapter. At a minimum, this review process shall—

"(1) be sufficiently independent of program responsibilities to evaluate whether each information collection request should be carried out;

"(2) be provided sufficient personnel and other resources to carry out such review responsibility effectively; and

"(3) have authority (independent of agency program officers) to approve, disapprove, and make needed improvements in any agency collection of information.

"(f) Under the process established under subsection (e), the senior official designated under subsection (b)(1) shall certify (and provide a record supporting such certification, including any pertinent public comments received by the agency) to the Director that—

"(1) the collection of information and any applicable instructions and requirements—

"(A) are necessary for the proper performance of the agency's functions and are the least burdensome necessary;

"(B) are not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) have practical utility;

"(D) are written using plain, coherent and unambiguous terminology;

"(E) are to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) are understandable to those who are to respond;

"(G) display on the information collection request, to the extent practicable, the agency estimate of the burden for each response, calculated in accordance with the procedures established by the Director under section 3504(c)(5);

"(H) use information technology to reduce burden and improve agency responsiveness to the public;

"(I) use effective and efficient statistical survey methodology appropriate to the need for which the information is to be collected; and

"(J) explain the need and ultimate use of the information to be collected, and the importance of an accurate and timely response; and

"(2) the agency has taken necessary steps to—

"(A) except as provided in section 3507 (g) and (k), give 60-day notice to, and consult with members of the public and interested agencies, in order to—

"(i) enhance the clarity of the proposed collection of information;

"(ii) solicit comment on the agency estimate of the burden for each response for such collection of information; and

"(iii) minimize the burden of such collection of information on those who are to respond, including the appropriate use of automated collection technics or other forms of information technology;

"(B) evaluate the proposed collection of information and any applicable instructions and requirements, by developing and conducting—

"(i) an assessment of need;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the practical collection of information;

"(iv) a specific, objectively supported estimation of burden, including each transaction involved; and

"(v) a test of the collection of information through a pilot or prototype program, if appropriate;

"(C) plan and allocate resources for the efficient and effective management and use of the information to be solicited; and

"(D) reduce burdens on businesses (especially small businesses and those engaged in international competition), State and local governments, and educational institutions, through consideration of such alternatives as—

"(i) establishing differing compliance or reporting requirements or timetables in recognition of the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; and

"(iii) an exemption from coverage of the collection of information, or any part thereof.".

CHAPTER 4—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 271. REEMPHASIZING THE RESPONSIBILITY OF THE DIRECTOR TO CONTROL THE BURDEN OF FEDERAL PAPERWORK.

Section 3504(c) of title 44, United States Code, is amended—

(1) in paragraph (3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

"(B) display, to the extent practicable, an estimate of the burden for each response;";

(2) by amending paragraphs (5) and (6) to read as follows:

"(5) establishing procedures under which an agency is to estimate the burden under this chapter to comply with the proposed collection of information;

"(6) coordinating with the Office of Federal Procurement Policy to eliminate paperwork burdens associated with procurement and acquisition;";

(3) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(8) minimizing the Federal paperwork burden imposed through Federal collection of information, with particular emphasis on those individuals or entities most adversely affected, including—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions; and

"(9) initiating and conducting, with selected agencies and non-Federal entities on a voluntary basis, pilot projects to test or demonstrate the feasibility and benefit of changes or innovations in Federal policies, rules, regulations, and agency procedures to improve information management practices and related management activities (including authority for the Director to waive the

application of designated agency regulations or administrative directives after giving timely notice to the public and Congress regarding the need for such waiver).".

SEC. 272. ENHANCING AGENCY RESPONSIBILITY TO OBTAIN PUBLIC REVIEW OF PROPOSED PAPERWORK BURDENS.

Section 3507(a) of title 44, United States Code, is amended—

(1) in paragraph (2)(B) by inserting "a summary of the request," after "title for the information collection request,";

(2) by striking out "and" at the end of paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides at least 30 days for public comment to the agency and the Office of Management and Budget after publication of the notice in the Federal Register, except as provided under section 3507 (g) and (k), and the agency head and the Director consider comments received regarding the proposed collection of information; and".

SEC. 273. EXPEDITING REVIEW AT THE OFFICE OF MANAGEMENT AND BUDGET.

Section 3507(b) of title 44, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof "The Director shall within 30 days after publication of the notice under subsection (a)(3) that is applicable to a proposed information collection request not contained in a proposed rule, notify the agency involved of the decision to approve or disapprove the proposed information collection request and shall make such decisions publicly available. Any decision to disapprove an information collection request shall include an explanation of the reasons for such decision.";

(2) by striking out "sixty" each place it appears and inserting "30" in each such place;

(3) by striking out "thirty" and inserting in lieu thereof "30"; and

(4) by striking out "one" and inserting in lieu thereof "1".

SEC. 274. IMPROVING PUBLIC AND AGENCY SCRUTINY OF PAPERWORK BURDENS PROPOSED FOR RENEWAL.

(a) APPROVAL OF INFORMATION COLLECTION REQUEST.—Section 3507(d) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following:

"(2)(A) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) The agency, after having made a reasonable effort to seek comment under subparagraph (A), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved information collection request, shall—

"(i) evaluate the public comments received;

"(ii) conduct the review established under section 3506(e); and

"(iii) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the information collection request comports with the principles and requirements of this chapter.

"(C) Upon receipt of such certification, and prior to the expiration of the control number for that information collection request, the Director shall—

"(i) ensure that the agency has taken the actions specified under section 3506(f)(2);

"(ii) evaluate the public comments received by the agency or by the Director;

"(iii) determine whether the agency certification complies with the standards under section 3506(f)(1); and

"(iv) approve or disapprove the information collection request under this chapter.

"(3) If a certification is not provided to the Director prior to the beginning of the 60-day period before the expiration of the control number as provided under paragraph (2)(B), the agency shall submit the information collection request for review and approval or disapproval under this chapter.

"(4) An agency may not make a substantive or material modification to an information collection request after it has been approved by the Director, unless the modification has been submitted to the Director for review and approval or disapproval under this chapter.".

(b) APPROVAL OF INFORMATION COLLECTION REQUIREMENTS.—Section 3507 of title 44, United States Code, is further amended by adding at the end thereof the following new subsections:

"(i)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required under this chapter.

"(2) Within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments under the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain the reasons such comments were rejected.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if the Director has received notice and failed to comment on the rule within 60 days after the notice of proposed rulemaking.

"(5) No provision in this section shall be construed to prevent the Director, at the discretion of such officer, from—

"(A) disapproving any information collection request which was not specifically required by an agency rule;

"(B) disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) disapproving any collection of information requirement contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that such a collection of information requirement cannot be approved under the standards set forth in section 3508, after reviewing the agency's response to the comments of the Director filed under paragraph (2) of this subsection; or

"(D) disapproving any collection of information requirement, if the Director determines that the agency has substantially modified, in the final rule, the collection of information requirement contained in the proposed rule and the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information requirement, at least 60 days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to subsection (c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) The decision of the Director to approve or not to act upon a collection of information requirement contained in an agency rule shall not be subject to judicial review.

"(j)(1) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved collection of information requirement, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information requirement.

"(2) The agency, after having made a reasonable effort to seek comment under paragraph (1), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information requirement, shall—

"(A) evaluate the public comments received;

"(B) conduct the review established under section 3506(e); and

"(C) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the collection of information requirement comports with the principles and requirements of this chapter.

"(3) Upon receipt of such certification, and prior to the expiration date of the control number for that collection of information requirement, the Director shall—

"(A) ensure that the agency has taken the actions specified in section 3506(f)(2);

"(B) evaluate the public comments received by the agency or by the Director;

"(C) determine whether the agency certification complies with the standards under section 3506(f)(1); and

"(D) approve or disapprove the collection of information requirement under this chapter.

"(4) If under the provisions of paragraph (3), the Director disapproves a collection of information requirement, or recommends or instructs the agency to make a substantive or material change to a collection of information requirement, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information requirement and thereafter to submit the collection of information requirement for approval or disapproval under this chapter.

"(5) Nothing in this subsection affects the review process for a collection of informa-

tion requirement contained in a proposed rule, including a proposed change to an existing collection of information requirement, under subsection (i) with respect to such collection of information requirement.

"(6) The Director may not approve a collection of information requirement for a period in excess of 3 years.".

SEC. 275. PROTECTION FOR WHISTLEBLOWERS OF UNAUTHORIZED PAPERWORK BURDEN.

Section 3507(h) of title 44, United States Code, is amended in the second sentence by inserting before the period ", and any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator".

SEC. 276. ENHANCING PUBLIC PARTICIPATION.

Section 3517 of title 44, United States Code, is amended—

(1) by inserting "(a)" before "In development"; and

(2) by adding at the end thereof:

"(b)(1) Under procedures established by the Director, a person may request the Director to review any collection of information conducted by or for an agency to determine, if—

"(A) the collection of information is subject to the requirements of this chapter;

"(B) the collection of information has been approved in conformity with this chapter; and

"(C) the person that is to respond to the collection of information is entitled to the public protections afforded by this chapter.

"(2) Any review requested under paragraph (1), unless the request is determined frivolous or does not on its face state a valid basis for such review, shall—

"(A) be completed by the Director within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension;

"(B)(i) be coordinated with the agency responsible for the collection of information to which the request relates; and

"(ii) be coordinated with the Administrator for Federal Procurement Policy, if the request relates to a collection of information applicable to an actual or prospective Federal contractor or subcontractor at any tier; and

"(C) result in a written determination by the Director, that shall be—

"(i) furnished to the person making the request; and

"(ii) made available to the public upon request (and listed and summarized in the annual report required under section 3514), unless confidentiality is requested by the person making the request.".

SEC. 277. EXPEDITING REVIEW OF AN AGENCY INFORMATION COLLECTION REQUEST WITH A REDUCED BURDEN.

Section 3507 of title 44, United States Code (as amended by section 404(b) of this Act) is further amended by adding at the end thereof the following new subsection:

"(k) Upon request by the head of an agency, the Director shall approve a proposed change to an existing information collection request (unless such proposed change is subject to subsection (i)) within 30 days after the Director receives the proposed change. The information collection request shall thereafter remain in effect at least for the remainder of the period for which it was previously approved by the Director, if—

"(1) the information collection request has a current control number; and

"(2) the Director determines that the revision—

"(A) reduces the burden resulting from the information collection request; and

"(B) does not substantially change the information collection request.".

CHAPTER 5—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

SEC. 281. PRESCRIBING GOVERNMENTWIDE STANDARDS FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3504(h) of title 44, United States Code, is amended to read as follows:

"(h) The functions of the Director related to agency dissemination and sharing of public information shall include—

"(1) developing policies and practices for agency dissemination and sharing of public information consistent with the agency responsibilities under section 3506(g); and

"(2) developing policy guidelines that instruct Federal agencies on ways to fulfill agency responsibilities to disseminate and share information that, to the extent appropriate and practicable—

"(A) make information dissemination products available on timely, equitable and cost effective terms;

"(B) encourage a diversity of public and private information dissemination products;

"(C) avoid establishing, or permitting others to establish, exclusive, restricted, or other distribution arrangements that interfere with the availability of information dissemination products on a timely and equitable basis; and

"(D) avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of Federal information dissemination products by the public; and

"(E) set user charges for information dissemination products at a level sufficient to recover the cost of dissemination, except—

"(i) where otherwise required by statute;

"(ii) where the information is collected, processed, and disseminated for the benefit of a specific identifiable group beyond the benefit to the general public; or

"(iii) where user charges are established at less than cost of dissemination because of a determination that higher charges would interfere with the proper performance of the agency's functions.".

SEC. 282. AGENCY RESPONSIBILITIES FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3506 of title 44, United States Code (as amended by sections 261 and 262 of this Act) is further amended by adding at the end thereof the following new subsection:

"(g) The head of each agency shall, to the extent appropriate and practicable, and in conformance with the policy guidelines established under section 3504(h), establish and maintain a management system for the dissemination and sharing of information that—

"(1) ensures that the public has timely, equitable and cost effective access to the agency's information dissemination products;

"(2) disseminates and shares information in a manner that achieves the best balance between maximizing the usefulness of the information and minimizing the cost to the Government and the public;

"(3) takes advantage of all appropriate channels, Federal and non-Federal, including State and local governments, libraries and private sector entities, in discharging agency responsibilities for the dissemination and sharing of information;

"(4) considers whether an information dissemination product available from other Federal or non-Federal sources is equivalent to an agency information dissemination product and reasonably achieves the objectives of the agency;

"(5) establishes and maintains inventories of all agency information dissemination products in conformance with the requirements of section 3511;

"(6) establishes and maintains communications with members of the public and with State and local governments so that the agency shares information and otherwise creates information dissemination products that meet their respective needs; and

"(7) provides adequate notice when initiating, substantially modifying, or terminating significant information dissemination products.".

SEC. 283. AGENCY INFORMATION INVENTORY/LOCATOR SYSTEM.

(a) IN GENERAL.—Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Inventory systems of information dissemination products

"(a) Each agency having significant information dissemination products shall establish and maintain a comprehensive inventory of such products, which shall include, at a minimum, the title of each such product, an abstract of the contents of each product, the media in which each product is available, and the cost, if any, of each product, subject to any requirements promulgated pursuant to subsection (c).

"(b) The inventory created pursuant to subsection (a) shall be made available for public access by electronic means, and in such other media as are appropriate and practicable, at no charge to the public.

"(c) The Director, in consultation with the Secretary of Commerce, the Archivist of the United States, the Public Printer, and the Librarian of Congress, may establish a mechanism for developing technical standards and other minimum requirements for the agency inventory systems created under subsection (a).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by amending the item relating to section 3511 to read as follows:

"3511. Inventory systems of information dissemination products.".

CHAPTER 6—ADDITIONAL GOVERNMENT INFORMATION MANAGEMENT RESPONSIBILITY

SEC. 291. STRENGTHENING THE STATISTICAL POLICY AND COORDINATION FUNCTIONS OF THE DIRECTOR.

Section 3504(d) of title 44, United States Code, is amended to read as follows:

"(d)(1) The statistical policy and coordination functions of the Director shall include—

"(A) coordinating and providing leadership for development of the Federal statistical system;

"(B) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

"(C) ensuring the integrity, objectivity, impartiality and confidentiality of the Federal statistical system;

"(D) reviewing budget proposals of agencies to ensure that the proposals are consistent with such long range plans and developing a summary and analysis of the budget submitted by the President to the Congress for each fiscal year of the allocation for all statistical activities;

"(E) coordinating, through the review of budget proposals and as otherwise provided

under this chapter, the functions of the Federal Government with respect to gathering, interpreting and sharing statistics and statistical information;

"(F) developing and implementing Governmentwide policies, principles, standards and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and sharing, and such statistical data sources as may be required for the administration of Federal programs;

"(G) evaluating statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(H) promoting the timely release by agencies of statistical data to the public;

"(I) coordinating the participation of the United States in international statistical activities;

"(J) preparing an annual report to submit to the Congress on the statistical policy and coordination function;

"(K) integrating the functions described under this paragraph with the other information resources management functions specified under this chapter; and

"(L) appointing a chief statistician who is a trained and experienced professional to carry out the functions described under this paragraph.

"(2) The Director shall establish an interagency working group on statistical policy, consisting of the heads of the agencies with major statistical programs, headed by the chief statistician to coordinate agency activities in carrying out the functions under paragraph (1).

"(3) The Director shall provide opportunities for long term training in the statistical policy functions of the chief statistician to employees of the Federal Government. Each trainee shall be selected at the discretion of the Director based on agency requests and shall serve for at least 6 months and no more than 1 year. All costs of the training are to be paid by the agency requesting training.".

SEC. 292. USE OF ELECTRONIC INFORMATION COLLECTION AND DISSEMINATION TECHNIQUES TO REDUCE BURDEN.

Section 3504(g)(1) of title 44, United States Code, is amended—

(1) by inserting "development and" after "overseeing the"; and

(2) by inserting "(including standards that improve the ability of agencies to use technology to reduce burden)" after "establishment of standards".

SEC. 293. AGENCY IMPLEMENTATION.

Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(C) by striking out "and" at the end thereof;

(2) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(11) a listing of any increase in the burden imposed on the public during the year covered by the report resulting from a collection of information conducted or sponsored by or for an agency, which was imposed by such agency—

"(A) as specifically mandated by the provision of a statute; or

"(B) as necessary to implement a statutory requirement, which requirement shall be identified with particularity; and

"(12) a description of each such agency's efforts in implementing, and plans to implement, the applicable policies, standards and guidelines with respect to the functions under this chapter; and

"(13) a strategic information resources management plan for the Federal Government, developed in consultation with the Administrator of General Services, the Secretary of Commerce, and the Archivist of the United States, that includes an analysis of cross-cutting issues of Governmentwide importance.".

SEC. 294. AUTOMATIC DATA PROCESSING EQUIPMENT PLAN.

Section 3504(g) of title 44, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) developing and annually revising, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter;".

SEC. 295. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 3502(10) of title 44, United States Code, is amended by striking out "the Federal Housing Finance Board" and inserting in lieu thereof "Federal Housing Finance Board".

(b) REVIEW PERIODS.—Section 3507(g)(1) of title 44, United States Code, is amended to read as follows: "(1) is needed prior to the expiration of the time periods for public notice and review by the Director pursuant to the requirements of this chapter,".

(c) DIRECTOR REVIEW.—Section 3513(a) of title 44, United States Code, is amended in the first sentence by inserting "resources" after "information".

(d) RESPONSIVENESS.—Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(A) by inserting "and" at the end thereof;

(2) in paragraph (9)(B) by striking out the semicolon and inserting a period; and

(3) by striking out paragraph (9)(C).

CHAPTER 7—EFFECTIVE DATES

SEC. 296. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall become effective 120 days after the date of the enactment of this Act.

(b) IN PARTICULAR.—Section 252 shall become effective upon the date of the enactment of this Act.

TITLE III—FINANCIAL INSTITUTIONS REGULATORY RELIEF REDUCING THE BURDEN OF CERTAIN REGULATIONS ON FINANCIAL INSTITUTIONS

Subtitle A—Regulatory Impact on Credit Availability

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. REGULATION OF REAL ESTATE LENDING.

Subsection (o) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(o)) (as added by section 304 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(a) by redesignating paragraph (4) as paragraph (5); and

(b) by inserting new paragraph (4) as follows:

"(4) CONSIDERATION OF PARTICULAR IMPACT.—In prescribing standards under paragraph (1), the appropriate Federal banking agencies shall, consistent with safety and soundness,—

"(A) consider the impact that such standards have on the availability of credit for small business, residential, and agricultural purposes, and on low- and moderate-income communities; and

"(B) minimize the negative impact that these standards have on the availability of credit for such purposes and in such areas".

SEC. 302. REAL ESTATE APPRAISAL AMENDMENT.

Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—

(a) by redesignating subsections (b), (c), (d) and (e) as subsections (c), (d), (e) and (f) respectively;

(b) by adding the following new subsection (b):

"(b) RECIPROCITY.—The Appraisal Subcommittee shall encourage the States to develop reciprocity agreements among themselves so as to readily authorize appraisers licensed or certified in one State and in good standing with their State appraiser certifying or licensing agency to perform appraisals in another State or States as though they were licensed or certified in that State or States."; and

(c) by adding at the end of subsection (a)(3) the following new sentence: "A State appraiser certifying or licensing agency shall not impose excessive fees of burdensome requirements for temporary practice under this subsection, as determined by the Appraisal Subcommittee.".

SEC. 303. PUBLIC DEPOSITS.

Section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)) is amended—

(a) by inserting "(1) IN GENERAL.—" before "No agreement which tends";

(b) by redesignating paragraphs (1), (2), (3) and (4) as subparagraphs (A), (B), (C) and (D) respectively; and

(c) by inserting the following new paragraph (2):

"(2) EXCEPTION.—This subsection shall not apply to any agreement permitting or affecting the deposit custody or collateralization of funds of any public entity.".

CHAPTER 2—IMPACT OF ACCOUNTING AND CAPITAL ISSUES ON CREDIT AVAILABILITY

SEC. 311. AUDIT COSTS.

(a) IN GENERAL.—Section 36 of the Federal Deposit Insurance Act (12 U.S.C. 1831m) (as added by section 112 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) AUDITOR ATTESTATIONS.—

(A) in subsection (a)(2)(A)(ii), by striking "subsections (c) and (d)" and inserting "subsection (c)";

(B) by striking subsection (c);

(C) in subsection (d), by deleting "(d)" and inserting "(c)"; and

(D) by striking subsection (e);

(2) DUPLICATIVE REPORTING.—in subsection (i), by striking "if—(1) services and functions" and all that follows through "or the appropriate Federal banking agency." and inserting "if services and functions comparable to those required under this section are provided at the holding company level.";

(3) INDEPENDENT AUDIT COMMITTEES.—

(A) in subsection (g)(1)(A), by striking "entirely" and inserting "the majority of which is";

(B) in subsection (g)(1)(C),

(i) by inserting "and" after the semicolon in clause (i), and by striking "; and" in clause (ii) and inserting ".."; and

(ii) by striking clause (iii);

(C) in subsection (g)(1), by inserting the following new subparagraph:

"(D) EXEMPTIVE AUTHORITY.—each appropriate Federal banking agency shall, by regulation, exempt from the requirements of this subsection all insured depository institutions which face hardships in retaining competent directors on their internal audit committees as a result of this subsection. In determining what types of institutions will be exempted, the agency shall consider such factors as the size of the institution and the availability of competent outside directors in the community."; and

(4) PUBLIC AVAILABILITY.—in subsection (a)(3), by inserting at the end the following new sentence—"Notwithstanding the previous sentence, the Corporation and the appropriate Federal banking agencies may designate certain information as privileged and confidential and not available to the public.".

(5) QUARTERLY REPORTS.—in subsection (g)(2), by inserting the following new subparagraph (D)—

"(D) NOTICE TO INSTITUTION.—Upon determining that an institution's quarterly reports shall be subject to the requirements of subparagraph (A), the Corporation shall promptly provide the institution with written notice of such determination.".

(6) by redesignating subsections (f) through (j) as subsections (d) through (h), respectively.

(b) EFFECTIVE DATE.—Section 112(b) of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by striking "December 31, 1992" and inserting "December 31, 1993".

SEC. 312. RECOURSE AGREEMENTS.

Section 37(b) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(b)) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding at the end the following new paragraph (3):

"(3) RECOURSE AGREEMENTS.—Each appropriate Federal banking agency shall require insured depository institutions to use accounting principles consistent with generally accepted accounting principles in determining, for purposes of compliance with statutory or regulatory requirements, the capital required to be held against loans sold with recourse.".

SEC. 313. MARKET VALUE ACCOUNTING.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by striking subparagraph (D).

SEC. 314. REPORT ON CAPITAL STANDARDS AND THEIR IMPACT ON THE ECONOMY.

(a) STUDY.—No later than 90 days after enactment of this Act, the Department of the Treasury, after consultation with the Federal banking agencies, shall report to the House and Senate Banking Committees on the effect that the implementation of risk based capital standards, including the Basle international capital standards, is having on—

(1) the safety and soundness of insured depository institutions; and

(2) the availability of credit, particularly to consumers and small businesses.

The report shall contain any recommendations with respect to capital standards that the Department of the Treasury may wish to provide.

(b) DEFINITION.—For purposes of this section, the terms "Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

SEC. 315. MINIMIZE POTENTIAL IMPACT OF CAPITAL STANDARDS ON CREDIT AVAILABILITY.

Section 305 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(a) in subsection (b)(1)(A)—

(1) by striking clauses (ii) and (iii);

(2) by striking "(A) take adequate account of—(i) interest-rate risk" and inserting "(A) take adequate account of interest-rate risk; and".

(b) by striking paragraph (3) in subsection (b) and inserting the following new paragraph (3):

"(3) TIMING FOR PRESCRIBING REVISED STANDARDS.—

"(A) INTEREST RATE RISK.—No appropriate Federal banking agency shall prescribe final regulations in the Federal Register to implement subparagraph (A) of paragraph (1) of this subsection prior to—

"(i) the implementation of similar standards at an international level; and

"(ii) the establishment of reasonable transition rules, subsequent to the occurrence specified in clause (i), to facilitate compliance with those regulations.

"(B) MULTIFAMILY MORTGAGES.—Each appropriate Federal banking agency shall—

"(i) publish final regulations in the Federal Register to implement paragraph (1)(B) not later than 18 months after date of enactment of this Act; and

"(ii) establish reasonable transition rules to facilitate compliance with those regulations.".

CHAPTER 3—DISINCENTIVES TO RISK-TAKING

SEC. 321. DUE PROCESS PROTECTIONS.

(a) ATTACHMENT OF ASSETS.—

(1) INSURED DEPOSITORY INSTITUTIONS.—

(A) Section 11(d)(19) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(19)) is amended—

(i) in subparagraph (A), by striking "without regard" and all that follows through "immediate";

(ii) in subparagraph (B), by striking "(as modified with respect to such proceeding by subparagraph (A))".

(B) Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended by redesignating subsection (b)(6)(F) as subsection (b)(6)(G), and inserting after subsection (b)(6)(E) the following:

"(F) prohibit such person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property where injury, loss, or damage to such property is irreparable and immediate; and".

(C) Section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)) is amended by striking paragraph (4)(B) and inserting the following:

"(B) STANDARD.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under this paragraph.".

(2) CREDIT UNIONS.—

(A) Section 207(b)(2)(H) of the Federal Credit Union Act (12 U.S.C. 1787(b)(2)(H)) is amended—

(i) in clause (i), by striking "without regard" and all that follows through "immediate"; and

(ii) in clause (ii), by striking "(as modified with respect to such proceeding by clause (i))".

(B) Section 206(e)(3) of the Federal Credit Union Act (12 U.S.C. 1786(e)(3)) is amended by redesignating subsection (e)(3)(F) as subsection (e)(3)(G), and inserting after subsection (e)(3)(E) the following:

"(F) prohibit such person from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property where injury, loss, or damage to such property is irreparable and immediate; and".

(b) STRICT LIABILITY.—Section 18(j)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(4)(A)) is amended by inserting "negligently" after "who," each time it appears.

SEC. 322. CULPABILITY STANDARDS IN PENALTY PROVISIONS.

(a) GENERAL PROVISIONS.—

(1) INSURED DEPOSITORY INSTITUTIONS.—Section 8(i)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(2)) is amended—

(A) in subparagraph (A)(i), by inserting "negligently" after "(i)"; and

(B) in subparagraph (B)(i)(I), by inserting "recklessly" after "(i)(I)".

(2) CREDIT UNIONS.—Section 206(k)(2) of the Federal Credit Union Act (12 U.S.C. 1786(k)(2)) is amended—

(A) in subparagraph (A)(i), by inserting "negligently" after "(i)"; and

(B) in subparagraph (B)(i)(I), by inserting "recklessly" after "(i)(I)".

(b) NONMEMBER INSURED BANKS AND SAVINGS ASSOCIATIONS.—Section 18(j)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(4)) (as amended by section 321(b) of this Act) is amended in subparagraph (B), by inserting "recklessly" after "(i)(I)".

(c) CHANGE IN CONTROL OF DEPOSITORY INSTITUTIONS.—Section 7(j)(16) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(16)) is amended—

(1) in subparagraph (A), by inserting "negligently" after "Any person who"; and

(2) in subparagraph (B), by inserting "recklessly" after "(i)(I)".

(d) NATIONAL BANKS.—Section 5239(b) of the Revised Statutes (12 U.S.C. 93(b)) is amended—

(1) in paragraph (1), by inserting "negligently" after "who,"; and

(2) in paragraph (2)(A)(i), by inserting "recklessly" after "(A)(i)".

(e) MEMBER BANKS.—Section 29(a) of the Federal Reserve Act (12 U.S.C. 504(a)) is amended—

(1) in subsection (a), by inserting "negligently" after "who,"; and

(2) in subsection (b)(1)(A), by inserting "recklessly" after "(1)(A)".

(f) MEMBER BANKS.—Section 19(1) of the Federal Reserve Act (12 U.S.C. 505(1) is amended—

(1) in paragraph (1), by inserting "negligently" after "who,"; and

(2) in paragraph (2)(A)(1), by inserting "recklessly" after "(A)(1)".

(g) BANKS.—Section 106(b)(2)(F) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)(F)) is amended—

(1) in clause (i), by inserting "negligently" after "who,"; and

(2) in clause (ii)(I)(aa), by inserting "recklessly" after "(I)(aa)".

SEC. 323. DIRECTOR AND OFFICER LIABILITY ACTIONS.

Section 11(k) of the Federal Deposit Insurance Act (12 U.S.C. 1821(k)) is amended by deleting the last sentence.

CHAPTER 4—MISCELLANEOUS CREDIT AVAILABILITY PROVISIONS

SEC. 331. REGULATORY APPEALS PROCESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, each appropriate Federal banking agency and the National Credit Union Administration shall establish an independent appellate process within its agency responsible for reviewing material supervisory determinations made at insured depository institutions or credit unions that it supervises.

(b) REVIEW PROCESS.—In establishing this independent appellate process, each agency shall ensure—

(1) that any appeal of a supervisory determination from any insured depository institution or credit union, or any officer, director, employee or other representative of any insured depository institution or credit union, be heard and decided expeditiously;

(2) that appropriate safeguards exist for protecting the appellant from retaliation by agency examiners; and

(3) that the ruling agency officer have the authority, where appropriate and as justice so requires, to stay the supervisory determination pending completion of the appellate process.

(c) COMMENT PERIOD.—Each agency shall provide public notice and opportunity for comment on proposed guidelines for an appellate process not later than 90 days after enactment of this Act.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "agency" shall refer to the appropriate Federal banking agency and the National Credit Union Administration;

(2) the terms "insured depository institution" and appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act; and

(3) the term "material supervisory determination" includes determinations relating to exam ratings, the adequacy of loan loss reserve provisions, and loan classifications on loans significant to the institution.

SEC. 332. AGGREGATE LIMITS ON INSIDER LENDING.

Section 22(h)(5) of the Federal Reserve Act (12 U.S.C. 375b(5)) (as amended by section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(a) by redesignating subparagraph (C) as subparagraph (D);

(b) by inserting the following new subparagraph (C):

"(C) SMALL BANK EXCEPTION.—Notwithstanding subparagraph (A), member banks with less than $100,000,000 in deposits may make such extensions of credit in the aggregate to persons specified in subparagraph (A) in an amount not to exceed 2 times the bank's unimpaired capital and unimpaired surplus."; and

(c) in subparagraph (D), as redesignated, by striking "less than $100,000,000" and inserting "between $100,000,000 and $250,000,000".

SEC. 333. STERILE RESERVES STUDIES.

(a) FEDERAL RESERVE STUDY.—No later than 90 days after enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Federal Deposit Insurance Corporation, shall study and report to Congress on—

(1) the necessity, for monetary policy purposes, of continuing to require insured depository institutions to maintain sterile reserves;

(2) the appropriateness of paying insured depository institutions with a market rate of interest on sterile reserves, or in the alternative, providing payment of this interest into the appropriate deposit insurance fund;

(3) the monetary impact that the failure to pay interest on sterile reserves has had on insured depository institutions, including an estimate of the total dollar amount of interest and potential income lost by insured depository institutions; and

(4) the impact that failure to pay interest on sterile reserves has had on the ability of the banking industry to compete with nonbanking providers of financial services and with foreign banks.

(b) BUDGETARY IMPACT STUDY.—No later than 90 days after enactment of this Act, the Office of Management and Budget and the Congressional Budget Office, in consultation with the Senate and House Committees on the Budget, shall jointly study and report to Congress on the budgetary impact of—

(1) paying insured depository institutions a market rate of interest on sterile reserves; and

(2) paying such interest into the respective deposit insurance funds.

(c) DEFINITION.—For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 334. CREDIT CARD ACCOUNTS RECEIVABLE SALES.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended by adding at the end the following new paragraphs:

"(14) SELLING CREDIT CARD ACCOUNTS RECEIVABLE.—

"(A) NOTIFICATION REQUIRED.—An undercapitalized insured depository institution (as defined in section 38) shall notify the Corporation in writing before entering into an agreement to sell credit card accounts receivable.

"(B) WAIVER BY CORPORATION.—The Corporation may at any time, in its sole discretion and upon such terms as it may prescribe, waive its right to repudiate an agreement to sell credit card accounts receivable if the Corporation—

"(i) determines that the waiver is in the best interests of the deposit insurance fund; and

"(ii) provides a written waiver to the selling institution.

"(C) EFFECT OF WAIVER ON SUCCESSORS.—

"(i) IN GENERAL.—If, under subparagraph (B), the Corporation has waived its right to repudiate an agreement to sell credit card accounts receivable—

"(I) any provision of the agreement that restricts solicitation of a credit card customer of the selling institution, or the use of a credit card customer list of the institution, shall bind any receiver or conservator of the institution; and

"(II) the Corporation shall require any acquirer of the selling institution, or of substantially all of the selling institution's assets or liabilities, to agree to be bound by a provision described in subclause (I) as if the acquirer were the selling institution.

"(ii) EXCEPTION.—Clause (i)(II) does not—

"(I) restrict the acquirer's authority to offer any product or service to any person identified without using a list of the selling institution's customers in violation of the agreement;

"(II) require the acquirer to restrict any preexisting relationship between the acquirer and a customer; or

"(III) apply to any transaction in which the acquirer acquires only insured deposits.

"(D) WAIVER NOT ACTIONABLE.—The Corporation shall not, in any capacity, be liable to any person for damages resulting from waiving or failing to waive the Corporation's right under this section to repudiate any contract or lease, including an agreement to sell credit card accounts receivable. No court shall issue any order affecting any such waiver or failure to waive.

"(E) OTHER AUTHORITY NOT AFFECTED.—This paragraph does not limit any other authority of the Corporation to waive the Corporation's right to repudiate an agreement or lease under this section.

"(15) CERTAIN CREDIT CARD CUSTOMER LISTS PROTECTED.—

"(A) IN GENERAL.—If any insured depository institution sells credit card accounts receivable under an agreement negotiated at arm's length that provides for the sale of the institution's credit card customer list, the Corporation shall prohibit any party to a transaction with respect to the institution under this section or section 13 from using the list except as permitted under the agreement.

"(B) FRAUDULENT TRANSACTIONS EXCLUDED.—Subparagraph (A) does not limit the Corporation's authority to repudiate any agreement entered into with the intent to hinder, delay, or defraud the institution, the institution's creditors, or the Corporation.".

SEC. 335. CHANGES TO THE FEDERAL HOME LOAN BANK ACT TO PROMOTE CREDIT AVAILABILITY.

(a) Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating subparagraphs (4) and (5) as subparagraphs (5) and (6), respectively;

(2) in newly redesignated subparagraph (5) (as redesignated by subsection (a)(1) of this section), by inserting "nonresidential" after the first "Other";

(3) by inserting new subparagraph (4) as follows:

"(4) Other residential real estate-related collateral acceptable to the Bank."; and

(4) in newly redesignated subparagraph (6) (as redesignated by subsection (a)(1) of this section), by striking "(4)" and inserting "(5)".

(b) Section 11(h) of the Federal Home Loan Bank Act (12 U.S.C. 1431(h)) is amended by inserting after "Federal Home Loan Bank System," the following clause: "the purchase of participating interests in residential construction loans that are originated by member institutions and that comply with uniform Federal regulations on real estate lending standards under subsection (o) of section 1828 of title 12 of the United States Code, the authority to enhance the credit quality of any such participation interests in residential construction loans that the Banks resell,".

Subtitle B—Regulatory Micromanagement

SEC. 341. REGULATORY STANDARDS.

Section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as added by section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is hereby repealed.

SEC. 342. PAPERWORK REDUCTION REVIEW.

Not later than 180 days after the date of enactment of this Act, each appropriate Federal banking agency, in consultation with insured depository institutions and other interested parties, shall—

(a) review the extent to which current regulations require insured depository institutions to produce unnecessary internal written policies; and

(b) eliminate such requirements, where appropriate.

For purposes of this section, the terms "insured depository institution" and "appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

SEC. 343. RULES ON DEPOSIT TAKING.

Section 29(g)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831f(g)(3)) is amended—

(1) by inserting "undercapitalized" after "includes any"; and

(2) by inserting "undercapitalized" after "employee of any".

SEC. 344. ADEQUATE TRANSITION PERIOD FOR NEW REGULATIONS.

(a) ADEQUATE TRANSITION PERIOD FOR NEW REGULATIONS.—No new regulation issued by

a Federal banking agency which imposes additional reporting, disclosure or other requirements on insured depository institutions shall be effective prior to 180 days from the date that that regulation becomes final unless—

(1) the agency makes a finding that an emergency exists which requires sooner action; or

(2) explicitly directed by Congress.

(b) DEFINITION.—For purposes of this section, the terms "Federal banking agency" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

Subtitle C—Unnecessary Cost, Paperwork and Regulation

CHAPTER 1—GENERAL PROVISIONS

SEC. 351. ANNUAL EXAMINATIONS.

(a) IN GENERAL.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) (as amended by section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) SMALL INSTITUTION TREATMENT.—In subsection (d), delete paragraph (4) and insert the following new paragraph:

"(4) 2-YEAR RULE FOR CERTAIN SMALL INSTITUTIONS.—Paragraphs (1), (2), and (3) shall apply with '24-month' substituted for '12-month' if—

"(A) the insured depository institution has total assets of less than $250,000,000;

"(B) the institution is well capitalized, as defined in section 38;

"(C) when the institution was most recently examined, it was found to be well managed, had solid earnings, had been profitable for the previous 2 years, and its composite condition was found to be good;

"(D) the insured depository institution is not currently subject to a formal enforcement order by the appropriate Federal banking agency; and

"(E) no person acquired control of the institution during the 12-month period in which a full-scope, on-site examination would be required but for this paragraph.

"The dollar amount in the preceding sentence shall be adjusted annually after December 31, 1992, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics.".

(2) STATE EXAMINATIONS.—In subsection (d), delete paragraph (3) and insert the following new paragraph:

"(3) STATE EXAMINATIONS ACCEPTABLE.—The examination requirement established under paragraph (1) may be satisfied by an examination of the insured depository institution conducted by the state during the 12-month period if the appropriate Federal banking agency determines that the state examination carries out the purposes of this subsection.".

(3) CERTAIN DEPOSITORY INSTITUTIONS WITHIN HOLDING COMPANIES.—At the end of subsection (d), add the following new paragraph:

"(7) CERTAIN INSTITUTIONS WITHIN DEPOSITORY INSTITUTION HOLDING COMPANIES.—The appropriate Federal banking agency may exempt any insured depository institution owned or controlled by a depository institution holding company from the requirements of this subsection where—

"(A) the agency is satisfied that adequate internal controls and examination procedures exist within the holding company structure; or

"(B) the insured depository institutions owned or controlled by the depository institution holding company which hold a substantial majority of the total assets of all insured depository institution assets owned or controlled by the depository institution holding company have been examined pursuant to the requirements of this subsection.".

SEC. 352. COORDINATED EXAMINATIONS.

(a) COORDINATED STATE AND FEDERAL EXAMINATIONS.—Section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)) (as amended by section 351 of this Act) is amended by inserting after paragraph (7) the following new paragraph:

"(8) COORDINATED EXAMINATIONS.—Each appropriate Federal banking agency shall, to the extent practicable—

"(A) coordinate all examinations to be conducted by that agency at an insured depository institution; and

"(B) work with other appropriate Federal banking agencies and appropriate State bank supervisors to coordinate examinations to be conducted at an insured depository institution;

so as to minimize the disruptive effects of such examinations on institution operations.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(r) of the Federal Deposit Insurance Act (12 U.S.C. 1813 (r)) is amended to read as follows:

"(r) APPROPRIATE STATE BANK SUPERVISOR.—The term 'appropriate State bank supervisor' means any officer, agency, or other entity of any State which has primary regulatory authority over State banks or State savings associations in such State.".

SEC. 353. DIFFERENCES IN ACCOUNTING PRINCIPLES.

Section 37(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(2)) (as added by section 121 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding the following new subparagraph (C)—

"(C) MINIMIZE DIFFERENCES.—Notwithstanding subparagraph (B), each appropriate Federal banking agency and the Corporation shall require insured depository institutions to use accounting principles consistent with generally accepted accounting principles to the extent practicable so as to minimize differences between statements and reports, and thereby reduce the compliance burdens and costs on insured depository institutions.".

SEC. 354. REDUCTION OF CALL REPORT BURDENS.

(a) REGULATORY REVIEW OF CALL REPORT BURDENS.—

(1) IN GENERAL.—Within 60 days after the date of enactment of this Act, each appropriate Federal banking agency shall review the regulatory burden and costs incurred by insured depository institutions during their preparation of reports of condition.

(2) FACTORS TO BE CONSIDERED.—In conducting its review, each agency shall consider all relevant factors that it deems necessary to correctly determine the extent of the burden and costs, including—

(A) the actual dollar cost to financial institutions in preparing such reports;

(B) the time and resources expended to meet regulatory directives;

(C) the frequency in which the agency has modified the type(s) of information required to be reported in such reports and the costs and burdens associated with complying with such modifications; and

(D) the extent to which such costs and burdens, viewed within the overall context of the total regulatory burden and cost incurred by insured depository institutions in their day-to-day operations, impact upon the availability of credit.

(3) CORRECTIVE MEASURES.—After conducting its review, each appropriate Federal banking agency shall revise its call report requirements to remove any unnecessary burdens and costs. Prior to any subsequent modification in call report requirements, each agency shall consider the extent to which such modifications impose unnecessary regulatory burdens and costs upon insured depository institutions.

(4) DEFINITIONS.—For purposes of this section, the terms "insured depository institution" and "appropriate Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(b) REPEAL OF PUBLICATION REQUIREMENTS.—

(1) The fifth sentence of section 5211(a) of the Revised Statutes (12 U.S.C. 161(a)) is amended by striking "; and the statement of resources and liabilities in the same form in which it is made to the comptroller shall be published in a newspaper" and all that follows through the period and inserting a period.

(2) Section 5211(c) of the Revised Statutes (12 U.S.C. 161(c) is amended by striking the fourth sentence.

(3) Section 7(a)(1) of the Federal Deposit Insurance Act is amended by striking the fourth sentence.

(4) The last sentence of the sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by striking "and shall be published" and all that follows through the end of the sentence and inserting a period.

(c) AMENDMENT RELATING TO NATIONAL BANKS.—Section 5211(a) of the Revised Statutes (12 U.S.C. 161(a)) is amended by adding at the end the following sentence: "Any change in the form of report of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such change may be effective on a subsequent date or after less notice if the Comptroller makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law.".

(d) AMENDMENT RELATING TO STATE NONMEMBER INSURED BANKS.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

"(10) TRANSITION PERIOD FOR CHANGES IN REPORT REQUIREMENTS.—Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Board of Directors makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law.".

(e) AMENDMENT RELATING TO STATE MEMBER BANKS.—The sixth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324) is amended by adding at the end the following sentence: "Any change in the form of report of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less

notice if the Board of Governors of the Federal Reserve System makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law.".

(f) AMENDMENT RELATING TO SAVINGS ASSOCIATION.—Section 5(v) of the Home Owners' Loan Act (12 U.S.C. 1464(v)) is amended by adding at the end the following new paragraph:

"(9) TRANSITION PERIOD FOR CHANGES IN REPORT REQUIREMENTS.—Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Director makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law.".

(g) AMENDMENT RELATING TO CREDIT UNIONS.—Section 202(a)(1) of the Federal Credit Union Act (12 U.S.C. 1782(a)(1)) is amended by adding at the end the following sentence: "Any change in the form of reports of condition made under this subsection shall be effective only once in a particular calendar year, and only after at least 6 months from the date that notice of the change is published in the Federal Register, except that such a change may be effective on a subsequent date or after less notice if the Board makes a specific finding that an additional change in the form or a shorter advance-notice period is necessary because of an emergency or change in Federal law.".

SEC. 355. REGULATORY REVIEW OF CAPITAL COMPLIANCE BURDEN.

Not later than 180 days after the date of enactment of this Act, the Federal Financial Institutions Examination Council, in consultation with insured depository institutions and other interested parties, shall—

(a) review the extent to which current compliance requirements associated with risk-based capital rules have an unnecessarily costly and burdensome effect on community banks; and

(b) where appropriate, reduce such costs and burdens.

For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 356. BRANCH CLOSURES.

Section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p) (as added by section 228 of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended by adding at the end the following new subsections:

"(d) DEFINITIONS.—For purposes of this section, the term "branch" shall not include:

"(1) automated teller machines;

"(2) a branch acquired through merger, consolidation, purchase, assumption or other method that is located in a local market area currently served by another branch of the acquiring institution;

"(3) a branch that is closed and reopened in another location within the same local market area which would continue to provide banking services to substantially all of the customers currently served by the branch that is closed;

"(4) a branch that is closed in connection with—

"(A) an emergency acquisition under—

"(i) section 11(n); or

"(ii) subsections (f) or (k) of section 13;

"(B) any assistance provided by the Corporation under section 13(c); and

"(5) any other branch closure whose exemption from the notice requirements of this section would not produce a result inconsistent with the purposes of this section. The appropriate Federal banking agency shall, by regulation, determine the circumstances under which such exemptions will be granted.

"(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

SEC. 357. BANK SECRECY ACT AMENDMENTS.

(a) STAFF COMMENTARIES.—Title 31 of the United States Code is amended to add the following new section 5327:

"SEC. 5327. STAFF COMMENTARIES.

"The Secretary of the Treasury shall review all regulations promulgated under this title on an annual basis and seek comment from the public pursuant to this review. The Secretary shall publish all written rulings interpreting this title, as well as a staff commentary to the regulations issued under this title. This commentary shall be issued on an annual basis.".

(b) LOG REQUIREMENTS.—Section 5325(a)(1) of title 31 of the United States Code is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by inserting the following new paragraph (1):

"(1) the individual has a transaction account with such financial institution and the financial institution verifies that fact through a signature card or other information maintained by such institution in connection with the account of such individual.".

(c) EXEMPTION PROCESS.—Section 5318(a)(5) of title 31 of the United States Code is amended—

(1) by inserting "or exception" after "an appropriate exemption"; and

(2) by inserting "only after receiving comments from the entities covered by this chapter. The Secretary must take into account the effect that changes to the exemption or exception process will have on the cost and efficiency of the reporting process." after the words "under this subchapter".

(d) CUSTOMER FILINGS.—Section 5313(a) of title 31 of the United States Code is amended by striking ", the institution and any other participant in the transaction the Secretary may prescribe shall file a report" and inserting "the person who participates in the transaction shall file a report".

(e) INFLATION ADJUSTMENTS ON CTR AMOUNTS.—Section 5313(a) of title 31 of the United States Code is amended by inserting after the second sentence the following new sentence: "The Secretary must review the reporting requirements mentioned above by September 1 of each calendar year to determine if the reporting amount prescribed by the Secretary should be adjusted to account for inflation, cost effectiveness of the requirement or the usefulness for law enforcement purposes. The Secretary must submit a written report to the Congress each year disclosing how the reporting threshold decision was reached. The report must include an analysis of how the change will affect domestic financial institutions.".

SEC. 358. CLARIFYING AMENDMENTS.

(a) DATA COLLECTIONS.—Section 7(a)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(8)) (as amended by section 141(c) of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended to add at the end the following new sentence: "In prescribing reporting and other requirements pursuant to this paragraph, the Corporation shall minimize the regulatory burden imposed upon insured depository institutions.";

SEC. 359. LIMITING POTENTIAL LIABILITY ON FOREIGN ACCOUNTS.

(a) AMENDMENT TO THE FEDERAL RESERVE ACT.—Section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.) is amended by adding at the end the following:

"11. LIMITATIONS ON LIABILITY.—

"A member bank shall not be required to repay any deposit made at a foreign branch of the bank if the branch cannot repay the deposit due to—

"(i) an act of war, insurrection or civil strife, or

"(ii) an action by a foreign government or instrumentality (whether de jure or de facto) in the country in which the branch is located,

unless the member bank has expressly agreed in writing to repay the deposit under those circumstances. The Board is authorized to prescribe such regulations as it deems necessary to implement this paragraph.".

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"( ) SOVEREIGN RISK.—Section 25(11) of the Federal Reserve Act shall apply to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank.".

"(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3(1)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(1)(5)) is amended to read as follows:

"(A) any obligation of a depository institution which is carried on the books and records of an office of such bank or savings association located outside of any State unless—

"(i) such obligation would be a deposit if it were carried on the books and records of the depository institution, and payable at, an office located in any State; and

"(ii) the contract evidencing the obligation provides by express terms, and not by implication, for payment at an office of the depository institution located in any State; and".

(c) EXISTING CLAIMS NOT AFFECTED—The amendments made by this section shall not be construed to affect any claim arising from events (described in section 25(11) of the Federal Reserve Act, as added by subsection (a)) that occurred before the date of enactment of this section.

SEC. 360. REPEAL OUT-DATED STATUTORY PROVISION.

Section 5204 of the Revised Statutes (12 U.S.C. 56) is amended—

(1) in the second sentence, by striking "deducting therefrom its losses and bad debts" and inserting "subject to other provisions of law"; and

(2) by striking the third sentence.

SEC. 361. FLEXIBILITY IN CHOOSING BOARDS OF DIRECTORS.

Section 72 of title 12, United States Code is amended: In the first sentence delete "two-thirds" and replace it with "one-half"; In the first sentence after the phrase, "affiliate of a foreign bank" insert, "whether or not the association is owned or controlled by such foreign bank".

CHAPTER 2—HOLDING COMPANY EFFICIENCIES

SEC. 365. EXPEDITED PROCEDURES FOR FORMING A BANK HOLDING COMPANY.

Section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B),"; and

(2) by inserting before the period at the end of the second sentence the following: ", or (C) with 30 days prior notification to the Board, the acquisition by a company of control of a bank in a reorganization in which a person or group of persons exchange their shares of the bank for shares of a newly formed bank holding company and receive, after the reorganization, substantially the same proportional share interest in the holding company as they held in the bank except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law if, immediately following the acquisition, the bank holding company meets the capital and other financial standards prescribed by the Board by regulation for such a bank holding company and the holding company does not engage in any activities other than those of banking or managing and controlling banks. In promulgating regulations pursuant to this subsection, the Board shall not require more capital for the subsidiary bank immediately following the reorganization than is required for a similarly sized bank that is not a subsidiary of a bank holding company.".

SEC. 366. EXEMPTION OF CERTAIN HOLDING COMPANY FORMATIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933.

Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(7) transactions involving offers or sales of equity securities, in connection with the acquisition of a bank by a company under section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(A)), if the acquisition occurs solely as part of a reorganization in which a person or group of persons exchange their shares of a bank for shares of a newly formed bank holding company and receive, after that reorganization, substantially the same proportional share interests in the bank holding company as they held in the bank, except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law.".

SEC. 367. EXPEDITED PROCEDURES FOR BANK HOLDING COMPANIES TO SEEK APPROVAL TO ENGAGE IN NONBANKING ACTIVITIES.

Paragraph (8) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraphs (C), (D), and (E) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) through (G), and any cross references thereto as clauses (i) through (vii), respectively; and

(3) by striking out all that precedes "purposes of this subsection it is not" and inserting in lieu thereof the following:

"(8)(A) ACTIVITIES CLOSELY RELATED TO BANKING.—In accordance with the limitations and requirements contained in subparagraphs (B) and (C) of this paragraph, shares of any company whose activities the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

"(B) NOTICE REQUIREMENTS.—

"(i) No bank holding company shall engage in any activity or acquire the shares of a company pursuant to this paragraph, either de novo or by an acquisition in whole or in part of a going concern, unless the Board has been given 60 days prior written notice of that proposal and, within that period, the Board has not issued an order—

"(I) disapproving the proposal, or

"(II) extending the time period in accordance with clause (iii) below.

"(ii)(I) An acquisition may be made prior to the expiration of the disapproval period if the Board issues a written statement of its intent not to disapprove the proposal.

"(II) The Board shall publish in the Federal Register notice of receipt of a notice under this paragraph involving insurance and provide a reasonable period for public comment. The Board shall issue an order involving any such notice.

"(III) No notice under this paragraph is required for a bank holding company to establish de novo an office to engage in any activity previously authorized for that bank holding company under this paragraph or to change location of an office engaged in that activity.

"(iii) The notice submitted to the Board shall contain such information as the Board shall prescribe by regulation or by specific request in connection with a particular notice, except that the Board may require only such information as may be relevant to the nature and scope of the proposed activity and to the Board's evaluation of the notice under the criteria specified in clause (iv). If the Board requires additional relevant information beyond that provided in the notice, the Board may by order extend the time period provided in clause (i) of this subparagraph until it has received that information, and the activity that is the subject of the notice may be commenced within 60 days of the date of that receipt unless the Board issues a disapproval order as provided in clause (i). Such an extension order is reviewable under section 9 of this Act.

"(iv) In determining whether to disapprove a notice under this paragraph, the Board shall consider whether the performance of the activity described in the notice by a bank holding company or subsidiary thereof can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. In orders and regulations under this paragraph, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

"(c) The Board shall by order set forth the reasons for any disapproval or determination not to disapprove a notice under this paragraph.

"(C) INSURANCE ACTIVITIES NOT CLOSELY RELATED TO BANKING.—For".

SEC. 368. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK HOLDING COMPANY ACQUISITIONS.

Section 11(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)(1)) is amended by adding before the period at the end of the fourth sentence thereof the following: "or if no adverse comment has been received regarding section 4(c)(8)(C) or section 4(j) of this Act, such shorter period of time as may be prescribed by the Board with the concurrence of the Attorney General, but in no event less than 5 days.".

SEC. 369. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK MERGERS.

Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by inserting before the period at the end of the last sentence thereof the following: "or such shorter period of time as may be prescribed by the agency with the concurrence of the Attorney General, but in no event less than 5 days.".

Subtitle D—Consumer Inconvenience, Paperwork, and Cost; Other Non-Supervisory Reforms

CHAPTER 1—CONSUMER BENEFITS AND LENDING PROCESS IMPROVEMENTS

SEC. 371. STREAMLINED LENDING PROCESS FOR CONSUMER BENEFIT.

(a) FEDERAL RESERVE STUDY.—Within twelve months of enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Department of Housing and Urban Development, shall conduct a study and report to Congress on ways to streamline the credit-granting process.

(b) FOCUS.—In carrying out subsection (a), the Board shall—

(1) identify ways to streamline the home mortgage, small business and consumer lending processes so as to—

(A) reduce consumer inconvenience, cost and time delays; and

(B) minimize cost and burdens on insured depository institutions and credit unions;

(2) take such regulatory action, as appropriate, to meet the objectives of paragraph (1); and

(3) provide Congress with legislative recommendations on changes necessary to carry out the purposes of this section.

(c) COMMENT.—In carrying out the objectives of this section, the Board shall solicit comments from other Federal banking agencies, consumer groups, insured depository institutions, credit unions, and other interested parties.

(d) DEFINITION.—For purposes of this section, the term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

SEC. 372. EXEMPTION FOR CERTAIN BORROWERS.

Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end the following:

"(7) Credit transactions involving consumers who earn more than $200,000 annually or have net assets in excess of $1,000,000 at the time of such transaction.".

SEC. 373. MODIFICATION OF WAIVER OF RIGHT OF RESCISSION.

Section 125(d) of the Truth in Lending Act (15 U.S.C. 1635(d)) is amended by striking ", if it finds that such action is necessary in order to permit homeowners to meet bona fide personal financial emergencies,".

SEC. 374. ALTERNATIVE DISCLOSURES FOR ADJUSTABLE RATE MORTGAGES.

(a) Section 127A(a)(2)(G) of the Truth in Lending Act (15 U.S.C. 1637a(a)(2)(G)) is amended by inserting before the semicolon ", or a statement that the monthly payment may increase or decrease significantly due to increases in the annual percentage rate".

(b) In Section 128(a) of the Truth in Lending Act (15 U.S.C. 1638(a), insert at the end the following new paragraph (14):

"(14) In any variable rate residential mortgage transaction, at the creditors' option, a statement that the monthly payment may increase or decrease substantially, or an historical example illustrating the effects of interest rate changes implemented according to the loan program.".

SEC. 375. EXEMPTION FOR BUSINESS ACCOUNTS.

Section 274 of the Truth in Savings Act (15 U.S.C. 4313) is amended by striking subsection (1) and inserting the following in its place:

"(1) The term 'account' means any account intended for use by and generally used by consumers primarily for personal, family, or household purposes by a depository institution into which a customer deposits funds, including demand accounts, time accounts, negotiable order of withdrawal accounts, and share draft accounts.".

SEC. 376. ELIMINATION OF DUPLICATE DISCLOSURES FOR HOME EQUITY LOANS.

Section 4 of the Real Estate Settlement Procedures Act (12 U.S.C. 2603) is amended by inserting in subsection (a) after the first sentence: "except that for federally related mortgage loans secured by a subordinate lien on residential property subject to section 127A(a) of the Truth in Lending Act (15 U.S.C. 1637a(a)), the disclosures of section 127A(a) of the Truth in Lending Act (15 U.S.C. 1637a(a)) may be used in place of the standard real estate settlement form.".

CHAPTER 2—OTHER NON-SUPERVISORY REFORMS

Subchapter I—Expedited Funds Availability and Electronic Transfers

SEC. 381. AVAILABILITY SCHEDULES.

(a) TREASURY CHECKS.—Section 603(a)(2)(A) of the Expedited Funds Availability Act (12 U.S.C. 4002(a)(2)(A)) is amended—

(1) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively; and

(2) by inserting before clause (ii), as redesignated, the following:

"(i) is deposited in a receiving depository institution which is staffed by individuals employed by such institutions;"

(b) ON-US ITEMS.—Section 603(a)(2)(E) of the Expedited Availability Act (12 U.S.C. 4002(a)(2)(E)) is amended by inserting "is staffed by individuals employed by such institutions" after "branch of a depository institution".

(c) LOCAL CHECKS.—Section 603(b)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002(b)(1)) is amended by striking "1 business day" and inserting "2 business days".

SEC. 382. DEFINITION OF A NEW ACCOUNT.

Section 604(a) of Expedited Funds Availability Act (12 U.S.C. 4003(a)) is amended by striking "30-day period" and inserting "90-day period".

SEC. 383. JURISDICTION.

Section 611(f) of the Expedited Funds Availability Act (12 U.S.C. 4010(f)) is amended in the first sentence by inserting "or other entities participating in the payments system, including States and political subdivisions thereof on which checks are drawn." after "depository institutions".

SEC. 384. UNAUTHORIZED ELECTRONIC FUND TRANSFERS.

Section 909(a)(1) of Electronic Fund Transfer Act (15 U.S.C. 1693g(a)(1)) is amended by inserting "(or in cases where the cardholder has substantially contributed to the unauthorized use, including writing on or keeping with the card or other means of access a personal identification or other security code, $500)" after "$50".

Subchapter II—Amendments to the Truth in Lending Act

SEC. 385. LIABILITY FOR UNAUTHORIZED USE OF CREDIT CARDS.

Section 133(a) of the Truth in Lending Act (15 U.S.C. 1643(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) Notwithstanding paragraph (1), a cardholder shall be liable for the unauthorized use of a credit card if—

"(i) the liability is in excess of $50; and

"(ii) the cardholder fails to notify the card issuer of any unauthorized transaction which appears on the statement of the cardholder's account in connection with an extension of consumer credit within 60 days of the receipt of such statement.

"(B) The liability described in subparagraph (A) shall not apply if the cardholder demonstrates that the failure to timely notify the card issuer of the unauthorized use was due to extenuating circumstances such as extended travel or hospitalization, and notice was provided at the earliest possible time thereafter.

"(C) the liability described in subparagraph (A) shall only apply where the card issuer has provided prior notice to the cardholder of such liability.".

Subchapter III—Homeownership Amendments

SEC. 386. HOME MORTGAGE DISCLOSURE ACT EXEMPTION.

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended in section 309 (12 U.S.C. 2808) by inserting at the end the following new sentence: "The amount of total assets in the preceding sentence shall be adjusted yearly on January 1 by the annual percentage change in the Consumer Price Index reported for the previous June 1.".

SEC. 387. HOMEOWNERSHIP DEBT COUNSELING NOTIFICATION.

Section 106(c)(5) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)) is amended:

(a) by inserting at the end the following new subparagraph (F):

"(F) AFFECT ON FORECLOSURE PROCEEDINGS.—Failure of a creditor to comply with the requirements of this subsection shall in no way affect foreclosure proceedings under State law."; and

(b) in subparagraph (B)—

(1) by inserting "(i)" before "The notification required" and by renumbering clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by inserting the following new clause (ii)—

"(ii) Creditors shall not be required to provide the notification required under subparagraph (A) more than once annually.".

SEC. 388. ELIMINATION OF DUPLICATIVE DATA COLLECTION.

Effective six months after the date of enactment of this Act, no Federal banking agency shall require any institution for which it is the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act) to prepare, file, or maintain any form for the purpose of collection, analysis, or maintenance of appropriate data to further the purposes of, or to fulfill the requirements of, the Fair Housing Act, other than a form for data collection, analysis, or maintenance required under the Home Mortgage Disclosure Act of 1975.

Subchapter IV—Amendments to the Truth in Savings Act

SEC. 389. CIVIL LIABILITY.

Section 271 of the Truth in Savings Act (15 U.S.C. 4310) is amended—

(1) by inserting the following new subsection (c):

"(c) LIMITS TO CIVIL LIABILITY.—In connection with the disclosures referred to in section 268, a depository institution shall have liability under paragraph (a)(2) of this section only for failing to comply with subsections (2) and (4) of section 268. A depository institution has no liability under this section for any failure to comply with section 263."; and

(2) by redesignating subsections (c), (d), (e), (f), (g), (h) and (i) as subsections (d), (e), (f), (g), (h), (i) and (j), respectively.

Subchapter V—Amendments to the Real Estate Settlements Procedures Act

SEC. 391. CLARIFY DISCLOSURE REQUIREMENTS.

Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended—

(a) in subsection (a)(1)(B)—

(1) by inserting "at the choice of the person making a federally related mortgage loan—(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and by striking "and" at the end of newly redesignated subclause (II) and inserting "or"; and

(3) by inserting the following new clause (ii):

"(ii) a statement that the person making the loan has previously assigned, sold, or transferred the servicing of federally related mortgage loans; and".

(b) in subsection (a)(2), by inserting at the end the following new sentence: "Notwithstanding the previous sentences of this paragraph, the Secretary shall also permit any person originating the loan, at the choice of such person, to provide instead of the percentage estimates required to be disclosed under this paragraph a statement that the servicing may be assigned, sold or transferred during the 12-month period beginning upon origination.".

SEC. 392. EXEMPTION OF BUSINESS LOANS.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601) is amended—

(1) by redesignating sections 4 (as amended by section 376 of this Act) through 19 as sections 5 through 20, respectively; and

(2) by inserting the following new section 4:

"SEC. 4. EXEMPTED TRANSACTIONS.—This title does not apply to the following:

"(1) Credit transactions involving extensions of credit primarily for business, commercial, or agricultural purposes, or to government or governmental agencies or instrumentalities, or to organizations; or

"(2) Credit transactions to finance or refinance agricultural property (such as farms, ranches, aquaculture, or vineyards) constituting 25 or more acres regardless of whether the loan in part involves a lien including residential property.".

Subtitle E—Community Investment

SEC. 395. COMMUNITY REINVESTMENT ACT AMENDMENTS.

(a) COMPLIANCE BURDENS.—Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended—

(1) in paragraph (1), by striking "; and" and inserting ";";

(2) in paragraph (2), by striking "." and inserting "; and"; and

(3) by adding at the end the following new paragraph (3):

"(3) minimize the regulatory paperwork burdens and costs associated with compliance with this Act, giving appropriate consideration and recognition to such factors as the nature and scope of the institution's business, its location and area of service, and such other factors as may be appropriate.".

(b) SAFE HARBOR.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.),

as amended by section 242 of this Act, is further amended by adding the following new section:

"SEC. 810. SAFE HARBOR.—Notwithstanding section 804(2), an application for a deposit facility by—

"(a) a regulated financial institution shall not be denied on the basis of such institution's compliance with this Act is such institution received a rating in its last evaluation under section 804 of 'Outstanding' in its record of meeting community credit needs, as provided in section 807(b); or

"(b) a depository institution holding company, as defined in section 3(w) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)), shall not be denied if—

"(1) regulated financial institution subsidiaries representing, in the aggregate, two-thirds of the holding company's regulated financial institution assets received a rating in their last evaluation under section 804 of 'Outstanding'; and

"(2) the remaining regulated financial institution subsidiaries received a rating in their last evaluation under section 804 of at least 'Satisfactory'.".

(c) SPECIAL PURPOSE BANKS.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is hereby amended—

(1) in section 803 (12 U.S.C. 2902), by inserting the following new paragraph (5):

"(5) the term "special purpose banks" means a bank that does not generally accept retail deposits, such as credit card banks and trust banks."; and

(2) in section 804 (12 U.S.C. 2903) (as amended by this section)—

(A) by inserting "(a)" before "In connection with";

(B) by inserting at the end the following new subsection (b):

"(b) In conducting assessments pursuant to subsection (a) at special purpose banks, each appropriate Federal financial supervisory agency shall take into consideration the nature of business such banks are involved in and develop standards under which such banks may be deemed to have complied with the requirements of this Act which are consistent with the specific nature of such businesses.".

(d) STATE EXAMS.—The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is hereby amended by adding after section 809 (as added by this section) the following new section:

"SEC. 811. STATE EXAMS.—The appropriated Federal financial supervisory agency may accept examinations conducted by state supervisory agencies pursuant to comparable state community reinvestment laws in order to satisfy the requirements of this Act.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from Federal agencies on their respective roles in addressing the contemporary needs and management of the Newlands project in Nevada. This hearing will serve as a followup to a subcommittee field hearing held in Reno, NV, on December 11, 1993.

The hearing will take place on Tuesday, April 12, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For more information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on water quality and quantity problems and opportunities facing the lower Colorado River area.

The hearing will take place on Tuesday, April 26, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the implementation of the Central Valley Project Improvement Act and the coordination of these actions with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

The hearing will take place on Tuesday, May 3, 1994, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, (202) 224-4531, or Leslie Palmer, (202) 224-6836, of the subcommittee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 9, 1994, in closed session, to receive testimony on force structure levels in the bottom up review of the defense authorization request for fiscal year 1995 and the future years defense program.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 A.M. on Wednesday, March 9, 1994, in closed session, to receive testimony on force structure levels in the bottom up review in review of the defense authorization request for fiscal year 1995 and the future years defense program; to consider and act on the following pending civilian nominations: Hon. Edwin Dorn to be Under Secretary of Defense for Personnel and Readiness; Dr. Stephen C. Joseph to be Assistant Secretary of Defense for Health Affairs; Ms. Helen T. McCoy to be Assistant Secretary of the Army for Financial Management; Mr. Robert M. Walker to be Assistant Secretary of the Army for Installations, Logistics and Environment; Ms. Deborah P. Christie to be Assistant Secretary of the Navy for Financial Management; Mr. Robert B. Pirie, Jr. to be Assistant Secretary of the Navy for Installations and Environment; Mr. Rodney A. Coleman to be Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment; Mr. Robert F. Hale to be Assistant Secretary of the Air Force for Financial Management and Comptroller; and to discuss the procedures for considering certain pending military nominations and personnel matters, including the nomination of Lt. Gen. Buster C. Glosson, USAF, to retire in grade, and the impending retirement of Adm. Frank B. Kelso II, USN.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 9, beginning at 10 a.m. to conduct a hearing on regulatory consolidation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 9, 1994, to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony on the subject of the Uruguay Round Subsidies Agreement.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, March 9, 1994.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 9, 1994, beginning at 10 a.m., in 485 Russell Senate Office Building on the President's budget request for fiscal year 1995 for the Indian Programs within the Departments of Housing and Urban Development, Education, Labor, and the Administration for Native Americans.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on ERISA preemption of State prevailing wage laws, during the session of the Senate on March 9, 1994, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 9, beginning at 2 p.m., to conduct a hearing on Nuclear Regulatory Commission User Fees.

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

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Patents, Copyrights, and Trademarks be authorized to meet during the session of the Senate on Wednesday, March 9, 1994, at 10 a.m. to hold a hearing on the oversight of the Patent and Trademark Office.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DR. JOHN M. SMITH, JR.

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian who has dedicated more than four decades of service to the people of rural Lee County, KY. Dr. John M. Smith, Jr. will be honored as the Beattyville/Lee County Chamber of Commerce Citizen of the Year this weekend for his outstanding commitment to the community.

When Dr. Smith first practiced medicine in Lee County in 1951, he was obligated to stay 1 year. His first year of medical school at the University of Kentucky was funded with assistance from the rural medical fund of the Kentucky Medical Association. In exchange, Dr. Smith was required to serve 1 year in a county identified by the State as needing a doctor. He chose Lee County, in part because of his own roots in nearby Perry and Jackson Counties. Now, 43 years later, he continues to serve the people of Beattyville and Lee County faithfully and compassionately from his own clinic.

John Smith returned to the eastern Kentucky mountains after a stint as a Navy physician. Although he grew up in the region, he surely was not fully prepared for the unique challenges which face a country doctor. In Beattyville circa 1952, no pharmacy or x-ray machine was available, the nearest hospital was about an hour away, and many homes could not be reached by car.

Legendary Kentucky writer Joe Creason once profiled Dr. Smith in the Louisville Courier-Journal. Mr. Creason wrote of Dr. Smith being transported by tractor and rowboat to reach patients and of his accepting almost any form of payment, including country hams, chickens, and farm produce. Ironically, Mr. Creason's article was published just 1 year after Dr. Smith began his practice in Lee County. I would suspect that he could now write a book on the unusual, yet rewarding experiences of this dedicated physician.

Dr. Smith's early years as a doctor were not the first time he gave selflessly to help others. Prior to medical school, he enlisted in the U.S. Navy as a line officer during World War II. A lieutenant on board the U.S.S. *Weeden*, Dr. Smith participated in the campaign to take back the Philippines and traveled to Nagasaki just after the bomb was dropped to pick up U.S. prisoners there. Dr. Smith also served during the Korean war, as a Navy physician at the Louisville recruiting station.

John Smith also continued his medical education after he established his practice in Beattyville. He attended the Armed Forces Institute of Pathology in Washington, DC, completed a residency in radiology at Memphis Methodist Hospital and the University of Kentucky, and gained experience as a staff radiologist in Morehead, at the Woodford County Hospital and at the Lexington Clinic.

Clearly, Dr. Smith could have pursued countless opportunities to take his practice to a larger city or work in a hospital of national prestige. However, the seventh-generation Kentuckian returned to Lee County where he has truly made a difference in the lives of thousands of rural citizens. His experience, dedication, and compassion make Dr. John Smith a role model for young Kentuckians who are considering a career in medicine.

Mr. President, I congratulate Dr. John Smith for his recognition as Beattyville/Lee County Chamber of Commerce Citizen of the Year and for the many years he has devoted to the people of Lee County and surrounding communities. Please include an October 26, 1952 article from the Courier-Journal in today's RECORD.

The article follows:

BEYOND THE CALL OF DUTY

(By Joe Creason)

(Here's an example of the success of the Medical Scholarship Fund, created to provide more doctors for the rural areas of the state)

The accompanying article from the Courier-Journal magazine section dated October 26, 1952 is the story of a young navy physician who came back to the area in which he was born to practice medicine. He came in 1951, a few months after a long time physician in Beattyville had died; and quickly fit into the community and definitely filled a need. Even though there was no pharmacist in Beattyville at the time the article was written, the Wolfinbarger brothers came soon after and opened a pharmacy. A point of interest—the last baby delivered by Dr. Smith is Lou Anne Akers who is presently living in Beattyville. Dr. Smith's hope of installing an X-ray machine became a reality. He practices medicine in a pleasant clinic which he owns. He continued his medical education—he went to The Armed Forces Institute of Pathology in Washington, D.C.; did a residency in Radiology at Memphis Methodist Hospital and completed it at University of Kentucky. Upon completion, he was staff radiologist at the hospital in Morehead, at the Woodford County Hospital and at the Lexington Clinic. He and his family returned to Beattyville in 1974 where he continues to practice medicine.

John M. Smith, Jr., had a pretty good idea he'd be in for some unusual times when he hung up his shingle and started the practice of medicine in Beattyville, Ky.

After all, he knew beforehand that Lee County was one of some 40 in Kentucky that was critically short on doctors, having then—in 1951—only one for a population of more than 8,000 people.

And he knew six other neighboring counties of mountainous East Central Kentucky—Clay, Owsley, Jackson, Wolfe, Powell and Menifee—likewise were on short rations indeed, so far as doctors were concerned.

So he must have suspected he'd face a lot of situations and experiences not generally covered in medical textbooks.

But, even with all that forewarning, it's extremely doubtful if Dr. John M. Smith, Jr., expected the time would come when a tractor would be the only way he'd be able to get into a remote area to see a patient.

Or that he'd have to cross the rain-swollen Kentucky River in a rowboat in the dead of winter with a half-blind woman at the oars.

Or that he'd ever take country hams—at the exchange rate of $1 a pound—in line of payment for medical services.

Or that a dozen and one other unusual experiences would come his way in less than a year and a half.

For that's just the length of time Dr. John M. Smith, Jr., one of the first 12 products of the Rural Kentucky Medical Scholarship Fund, has been practicing in Beattyville.

The Rural Medical Fund, sponsored by the Kentucky State Medical Association in cooperation with the University of Louisville School of Medicine, was started in the 1946–47 school year. The purpose of the fund, raised by public subscription, was to provide better medical care for the people of rural Kentucky. Medical students needing financial help may borrow from the fund and make repayment on the basis of a year of practice in a doctor-short section of each year of aid.

To translate the intention of the fund into a real situation, John Smith received help from it for one year—1946–47. That was his first in medical school and the year the first of his two sons was born. Having very little he could use for money, he borrowed in order to get started in school. After that he needed no help.

In return for that year of financial assistance, he was obligated to devote one year's practice to a county approved by the State Board of Health as needing doctors. After looking over the field, he chose Lee County.

If John Smith is a fair sample, then the Rural Medical Fund can be pronounced quite a large success. He now has served his year of obligation, owns a home in town and shows no signs of leaving, which is exactly what sponsors of the fund were hoping for. They reasoned that if they could get young doctors into rural areas for a year or so, some of them, at least, would settle down to permanent practice.

During his year-plus in Lee County, Dr. John Smith has given medical help to hundreds of people from a rather populous and mountainous seven-county area who, conceivably, would have had none otherwise.

Moreover, the people he serves are the kind who don't go rushing off to the doctor with every stomach-ache, or some such.

"Most of these folks are stoic and will suffer a long time before coming in," he says.

"Why, I've had patients with pneumonia walk into the office from seven or eight miles away.

"I do all I can for them and send them to the hospital—the nearest one is in Richmond, 52 miles away—only in emergencies," he adds. "After all, many of my patients can't afford to go to the hospital with every ache and pain like city folks."

Sponsors of the fund actually got a more than somewhat rare bargain in John Smith. They didn't get just one rural doctor—they got two. For his wife also is a doctor, a 1945 medical graduate of New York University, and she recently opened an office at Booneville, 12 miles south in adjoining Owsley County.

Although there were two doctors in Booneville, both were old. One had suffered a stroke. Smith was receiving so many patients from that area it seemed a perfect spot for his wife to open an office to relieve some of the strain.

Now that he's settled in Lee County, John Smith has become a family doctor in every sense of the word. He's known as "Doc" everywhere and can call most of the folks he passes on the road by their first names. He can point to children he brought into the world. He is taken into confidences, sought out for advice on every conceivable situation.

Since opening his office, he has been too busy even to attend a single movie. The only days he has been away from work was once during a medical meeting and the couple of days he was out last winter with the flu.

Incidentally, that case of the deep sniffles came in the line of duty. He was called to see a woman in the Oakdale section of the county who was sick with pneumonia. He had to follow a narrow path above an ice-laced creek in reaching the home.

As he inched along the bank, it suddenly caved in and he was dunked, bag, baggage and pill bottles, into waist-deep water. He went on and completed the call before changing clothes, something he'd raise Cain with a customer for doing, and the result was flu.

Smith keeps a pair of galoshes in the back of his car for hiking over terrain not suited even for the most sturdy horseless carriage. And it's quite often that a car can't make it back into a particularly rough, hilly section. As, for instance, when the husband of a sick woman had to ride him in and out on a tractor, the only transportation that could make the trip.

Then there was the boat ride last winter that he—a veteran of three years of destroyer-escort duty in the Navy—never will forget. He had gone to call on a patient who lived on the other side of the North Fork of the Kentucky River some distance about Beattyville. The only way across the river was by boat. The return was long after sundown and in inky darkness. The pilot was a partially blind woman.

"I crouched in the bottom of the boat," he recalls, "and wondered about my life insurance.

"How she hit the tiny landing on the other side of the river in that darkness and pulling into a swift current. I'll never know."

Numerous times he has been called to see patients in parts of the area he doesn't know. In such cases, the family of the sick person will more or less blaze a trail for him. They'll place a forked stick at the place he's supposed to turn off the main road and leave assorted other signs along the way.

He gets night calls, of course, but not as many as might be expected.

"These folks are sturdy, and they'll usually stick it out until morning," he says.

But the night calls do come. This spring he was roused at 1 a.m. He went with the caller to see the man's wife, gave her some pills and returned home to bed.

Less than 30 minutes later, he was brought out of bed again. It was the same man.

"Better come again, Doc," he urged, "she ain't a bit better."

Lots of patients have been unable to pay cash for doctor-work. So Smith has taken almost everything in payment. He keeps well supplied in ham, chicken and farm produce.

"At first my wife had a little trouble understanding what some patients were talking about," he says.

Folks would come in and say, "Take a look at this kid, Doc, he's been daunceyin 'round,' and she'd have a hard time figuring what they meant.

"But since I was born in Perry County and grew up in Jackson County, I knew when they talked about 'daunceying round' or 'punying round' another very descriptive bit of speech, they meant the child was sort of dragging around and showing little life."

Since he opened his office, another young doctor has come to Beattyville. Sam D. Taylor, born there, and also a U. of L. graduate, returned home in August to start practice. The two have worked out of scheme whereby one day a week they take the other's office calls. That allows them to get one day all to themselves.

Smith has his office in what was an old drugstore across the street from the Courthouse. He has divided the gunbarrel-shaped space into a reception room, office, drug room, examination room and delivery room. He delivers babies at homes, but prefers to have expectant mothers come to his office where he has all necessary equipment, including oxygen. He keeps them 10 to 12 hours after the delivery and sends them home in an ambulance.

Beattyville has no pharmacist, so Smith has to dispense his own pills and medicines. Neither is there an X-ray machine in town, although he hopes to install one soon.

Besides his unusual doctoring experiences, Smith has the rather unique distinction of having served as an officer in two different branches of the Navy within a five-year period.

After being graduated from the University of Kentucky in 1942, the 30-year-old Smith went into the Navy as a line officer. Upon his discharge, he entered medical school and was graduated in 1949. Then, following his intern work, along came the war in Korea and he volunteered to go back into the Navy, this time as a medical officer. He served for more than a year in Louisville at the recruiting station.

His second discharge came July 6, 1951. He opened his office 10 days later.

In the nearly seven years since the Rural Medical Fund was set up, 64 students have received $100,450 in financial help. Twelve of those students, including Smith, have served at least one year in rural areas. Nine are still there. Of the three who left the rural field, one is in the Army, one is sick and one moved to another state.

Besides Smith, other fund-helped doctors with at least one year in rural practice are O.C. Cooper, Wickliffe; Carson E. Crabtree, Buffalo; Oscar A. Cull, Corinth; William G. Edds, Calhoun; Clyde J. Nichols, Clarkson; Benjamin C. Stigall, Livermore; William L. Taylor, Guthrie, and Loman C. Trover, Earlington.

Six other doctors who were helped by the fund completed their internship in July and now are practicing in the country.

"Rural practice gets next to a fellow," John Smith says. "You have to make a lot of changes from what they say in the books—you have to be down-to-earth and forget all about dignity and professional manners at times.

"But there's an awful lot of satisfaction in serving people who really need help."

Which pretty nearly describes the country doctor.●

COMMENDING THE ANTI-DEFAMATION LEAGUE FOR THEIR EFFORTS TO COMBAT HATE CRIMES

• Mr. SIMON. Mr President, I rise today to applaud the Anti-Defamation League [ADL] for their continuing work to expose and combat hate crimes, and to bring your attention to their most recent "Audit of Anti-Semitic Incidents." For the past 15 years, the ADL has compiled data about anti-Jewish attacks. Their efforts in the collection of data and the development of programs regarding anti-Semitic acts increase public awareness of this problem, and help generate constructive solutions. I commend the ADL for continuing this important endeavor, and would like to share with you some of their recent findings.

Unfortunately, the Anti-Defamation League's 1993 survey indicates that the number and severity of anti-semitic hate crimes has worsened nationwide. There were 1,867 incidents reported to the ADL from 44 States and the District of Columbia in 1993 alone. This represents an overall increase of 8 percent from 1992, and constitutes the second highest total in the audit's 15-year history.

I was particularly troubled by the dramatic rise in the number of personal assaults against Jews. For the third year, the number of anti-Semitic acts against individuals outnumber the incidents of vandalism against institutions and other property. The number of reported incidents of assault, threat, and harassment totaled 1,079. This represents a 23-percent increase from 1992.

While these numbers make a dramatic statement about the magnitude of anti-Semitic hate crimes, some specific examples more graphically illustrate the sad story of hatred present in our society today. The ADL reports that in Seattle, a man with neo-Nazi tattoos hit his neighbor in the face, pushed his head against a wall, and bit him upon learning he was Jewish. In Massachusetts, anti-Semites spray-painted Happy Birthday Adolf and swastikas on numerous gravestones, and overturned 100 other gravestones.

Tragically, anti-Semitic incidents on college campuses increased by 7 percent from 1992. In the past 6 years, such incidents have more than doubled. The ADL reports that in a men's room at Florida Atlantic University [FAU], anti-Semites spray-painted the message Anti-Semitism is alive and well at FAU—we will hang the Jews in the University Center on Saturday. In December 1993, vandals scrawled Jews burn in Hell on the steps of a predominantly Jewish fraternity at Colorado University.

The ADL's report did contain some encouraging statistics, however. The number of anti-Semitic incidents relating to property dropped by 8 percent. My home State of Illinois, experienced a decline in the number of vandalism incidents. Other declining trends continued as well. The number of skinhead-related anti-Semitic incidents declined substantially, with a 90-percent decrease.

In closing, I again want to commend the ADL for its outstanding and important work. I ask that the following portion of the Anti-Defamation League's 1993 audit be printed in the RECORD.

The excerpt follows:

THE FINDINGS

In 1993, the total number of anti-Semitic incidents reported to the Anti-Defamation League—comprising acts both against property and persons—was 1867. This total, comprising reports from 44 states and the District of Columbia, is the second-highest in the Audit's 15-year history, and represents an overall increase of 8% over the 1992 total of 1730. It should be noted that there was a major rise in acts of assault, threat or harassment—i.e., those of a personal nature—which showed an increase of 23%. At the same time, however, there was a drop of 8% in incidents related to property—i.e., vandalism of synagogues, other Jewish property and public property.

The five states reporting the highest totals of anti-Semitic incidents of all kinds in the past year were: New York (273), New Jersey (234), Florida (195), California (191) and Massachusetts (189).

The 1993 findings maintain several trends noted in ADL's 1992 audit:

(1) For the third straight year, acts of anti-Semitic hostility, mostly against individuals (i.e., the more personalized type of incident, such as threats, assault and harassment)—a total of 1079, or 58% of all incidents—far outnumber incidents of vandalism against institutions and other property—totalling 788 (42% of the overall total). This trend would seem to dovetail with the sense of many observers across the nation that confrontational, "in-your-face" acts of violence, intimidation and incivility have been growing and spreading in recent years. These anti-Semitic acts of personal harassment and assault have risen steadily since 1986; in that 7-year span, such incidents have increased by 245%.

(2) The disturbing upward trend in campus anti-Semitic incidents continued in 1993, although the dramatic rate of increase slowed: such episodes rose 7% over 1992. In the past six years, campus incidents have more than doubled. Since 1990 they are up 28%.

While there are still significant numbers of campus incidents involving anti-Semitic vandalism, many of the most disturbing recent campus events fostering a sense of outrage, intimidation and harassment among Jewish students involved verbal anti-Semitic attacks by such bigots and demagogues as Louis Farrakhan and certain of his followers, who have made such presentations at numerous schools.

(3) Finally, within the vandalism category; the number of incidents (352) committed against public property locations—e.g., on buildings, bridges, sign posts, etc.—in 1993 was more than twice the number committed against synagogues, schools and other Jewish institutional targets (161). This pattern maintains a trend seen over the previous three years. It indicates that in recent years, as hate crime laws have proliferated and law enforcement action has increased, along with better security measures and awareness by Jewish institutions themselves, the latter are becoming better protected against anti-Semitic hate crime perpetrators—who increasingly are targeting the more numerous and harder-to-protect public locations.•

THE MANY OAKS APARTMENT DEVELOPMENT IN LINCOLN, NE

• Mr. KERREY. Mr. President, I would like to recognize an outstanding achievement in my State and the organizations which worked to make the plan a reality.

Many Oaks is a privately owned townhouse rental apartment development, located in the northwest section of Lincoln, NE. It was recently constructed and all of the units leased to lower-income families. This significant achievement was commemorated at a ceremony at the development on December 10, 1993. I was pleased to be able to offer my sincere congratulations.

The developer, the Indian Center, is a local 501(c)(3) neighborhood nonprofit development corporation, which has been developing affordable housing in this community since the mid-1980's; a time when large government subsidies were no longer available.

What makes this development so unusual is that it provides privately owned, affordable, attractive, spacious housing to large families with low incomes who cannot afford to purchase a home of their own and for whom safe, attractive, affordable apartments are not readily available.

Many Oaks contains 30 units in 15 townhouse, split-level type structures with attached garages. The 30 units are comprised of 20 three-bedroom units ranging in size from 1,020 square feet to 1,153 square feet; and 10 four-bedroom units ranging in size from 1,125 sq. ft. to 1,390 sq. ft. Each unity includes a washer and dryer, range, refrigerator, and carpeting. There is also an on-site outdoor recreational space which includes a playground and basketball court.

The rents are affordable on all 30 units for families who earn less than 60 percent of the median family income in Lincoln. The residents represent a cross section of America: 40 percent are white, 40 percent are African-American, 10 percent native American, 7 percent Hispanic, and 3 percent Asian.

I want to acknowledge the leadership of the Indian Center and the organizations which worked in close partnership to achieve this milestone.

The Indian Center had the vision, the organization and the dedication to identify and mobilize the public and private sectors to act together to make available the combined resources necessary to complete this task.

Construction financing was provided by the National Bank of Commerce, located in Lincoln, prior to obtaining a commitment for the long-term financing. This is an unusual act, one which demonstrates respect for the developer and a commitment to the community.

Fannie Mae, the congressionally chartered secondary market company, and the Nation's largest private investor in residential mortgages, provided the long term financing at the attractive rate of 8¾ percent for 25 years in the amount of $855,000. These are very favorable terms for larger investment apartment properties.

The city of Lincoln provided $179,000 in tax increment financing and $99,000 from their community development block grant allocation. These are the actions of a caring and committed city government.

The Mega Corp. raised $770,000 in equity funds under incentives provided by provisions of the low-income housing tax credit; this credit was permanently extended during the 103d Congress.

This is a shining example of how neighborhood organizations, local government and the private companies can work together, utilizing Federal incentives, local resources and private capital, to produce affordable housing.•

SMALL FIXES ARE NOT ENOUGH

• Mr. DASCHLE. Mr. President, as Congress debates various health reform options, it is crucial we give each proposal the same scrutiny and critical analysis we are devoting to the President's plan. With this premise in mind, I would like to call my colleagues' attention to a recent editorial in the New York Times. Written in response to public criticism of the institutional reforms recommended by the President, this editorial points to some of the shortcomings of the small fixes approach advocated by some Members of Congress.

The editorial asserts that tinkering is not enough. It suggests that small-fix insurance reforms would not be easily enforceable, and that if the currently unregulated market is left alone, Congress will remain in the position of responding to specific abuses by passing 13 trillion pages of rules to stop these practices. The Times editorial also suggests that a more effective, less regulatory way to address this issue is to establish mandatory purchasing cooperatives, or health alliances, that would make every policy equally accessible to everyone in their region.

Since even alliances will be unable to stop all insurance discrimination, the editorial asserts that a standard set of benefits must be a keystone to the plan. This means that insurers will have to provide an identical set of benefits to every enrollee. Minimal fixes, on the other hand, cannot achieve coverage of all the uninsured, will allow for exclusion of pre-existing conditions even if only for a limited time period, and cannot achieve real portability.

The Times editorial concludes with the following statement:

Every American ought to have coverage that is portable, community-rated and guaranteed—operating through a system that is fair, dependable, and free of loopholes. Alliances and a standard benefits package look like the best road to those goals. Anything less does not deserve to be called reform.

That conclusion merits the serious reflection of all who are interested in the health reform effort.

I ask that the full text of the New York Times editorial be printed in the RECORD.

The editorial follows:

HEALTH TINKERING IS NOT REFORM

Representative Pete Stark, the California Democrat who heads a House subcommittee on health policy, says that Congress ought to scrap the purchasing cooperatives, or alliances, that lie at the core of the Administration's health care bill. The Senate minority leader, Bob Dole, and another Republican Senator Phil Gramm of Texas, say that Congress ought to gut the other institutional reforms proposed by the President as well—and stick to small fixes. In the next few weeks Congress will decide whether it will overhaul or merely tinker with health care.

Tinkering is not enough. To see why, imagine that Congress takes the go-slow approach and does little more than require insurance companies to make their policies *portable* (workers can keep the policy when they leave their current employer), *community rated* (the chronically ill pay the same premiums as the healthy) and *guaranteed* (insurers are required to sell to applicants regardless of preexisting medical conditions).

These small-fix insurance reforms are not enforceable if Congress leaves the current unregulated—and uncompetitive—market largely in place. The Government would find it difficult, for example, to check whether insurance companies were serving all potential applicants. Did the insurer recruit only in Scarsdale? Did the insurer answer phone calls from potential applicants in Harlem? Did the insurer tailor its benefits package so that AIDS patients would not apply?

Congress could, of course, enact 13 trillion pages of rules to stop these practices. But a more effective, less regulatory answer is to require most individuals or their employers to buy coverage through a cooperative, or alliance. The alliance, not the insurers, would then make every policy equally accessible to everyone in the region. The alliance is also positioned to transfer money from insurers who, through trickery or happenstance, do not enroll many AIDS patients to insurers who do; that is the only effective way to force insurers to serve the chronically ill.

Even the power of the alliance will probably not stop insurers from all discrimination. So Congress will need to insist that insurers provide an identical set of health benefits—known as a standard benefits package—to every enrollee. That way policies cannot be crafted to attract only healthy applicants.

Minimal fixes would leave too many loopholes. If each of us is guaranteed the chance to buy coverage whenever we want at community rates, none of us who have a choice about coverage—who are not automatically insured through work—will buy until we get sick. That would leave only the sick to buy coverage—at what would have to be prohibitively high premiums. Under such rules, 20-something-year-old couples would wait till the wife becomes pregnant before purchasing insurance.

Advocates of small-fix reform would almost certainly have to allow insurers to exclude coverage for preexisting conditions for at least, say, nine months. But that provision would leave millions of Americans temporarily unable to get insurance and would not stop many others from gambling that they could do without insurance—knowing they could always flee to the nearest emergency room largely at public expense. The solution is to make insurance mandatory, as President Clinton proposes, so that no one, when well, can skip paying premiums.

Real portability is another fix that takes more than a flick of the legislative pen. Congress may promise workers that they can continue to buy their old policy after they change jobs; but what good is that promise if their new employer doesn't include the old plan amount available health-care options? Again alliances are an answer. If people get coverage through alliances, rather than employers, they would retain access to their old plans as long as they continued to work in the same region.

Every American ought to have coverage that is portable, community-rated and guaranteed—operating through a system that is fair, dependable and free of loopholes. Alliances and a standard benefits package look like the best road to those goals. Anything less does not deserve to be called reform.•

THE ELECTION OF JUDY OLSON AS PRESIDENT OF THE NATIONAL ASSOCIATION OF WHEAT GROWERS

• Mrs. MURRAY. Mr. President, I would like to congratulate Judy Olson of Garfield, WA, for being elected the first woman president of the National Association of Wheat Growers. Judy has for years made an outstanding contribution to the agricultural community of Washington State, and I know the wheat industry nationwide will be well-served by her leadership.

Judy Olson is a fourth generation wheat farmer who also grows spring barley and lentils in eastern Washington. She was previously the National Association of Wheat Growers vice president and secretary, and has been a member of the association's board of directors since 1989. Judy has a long history of experience in the Washington wheat industry. Eight years ago, she was Whitman County's chapter officer. Then, in 1991, she became the first woman president of the Washington Wheat Growers Association.

Judy and I worked together when I was a member of the Washington State Senate on agricultural and conservation issues. She was an active and reliable spokesperson for the State wheat industry, and now I look forward to working with Judy on national wheat issues as part of the Washington State Congressional delegation.

Soon after Judy was elected president of the National Association of Wheat Growers, they announced a program of leadership development for women in the wheat industry. The association has recognized the major role women play on family farms around the country. As a mother who also works, I am well aware of the role women play in the workplace. There is

no better person than Judy Olson to introduce women wheat producers to the many ways they can make themselves effective beyond the farm, helping their industry and their State and national organizations. Farming communities depend on hard workers, and women have always played a major role in most family farming operations. Because of dedication like Judy Olson's, the wheat industry will have a new source of future leaders. Judy is a true pioneer and role model. She will continue to make us all proud.•

THE BENEFITS OF SKIING ON THE GREEN MOUNTAIN NATIONAL FOREST

• Mr. LEAHY. Mr. President, I want to bring attention to one of the many benefits the Green Mountain National Forest provides to the American people, and especially to the people of Vermont.

Because of the many benefits of public lands, building the Green Mountain National Forest has been a top priority during my 20 years in the Senate. The forest has grown to about 350,000 acres, and we still have a backlog of 25,000 acres of standing offers from Vermont landowners who want to contribute to the effort. I thank all the Vermonters who have helped us build the forest, and I hope to find enough money to finish the task.

The guiding principle in forest management is to guarantee for our children the natural beauty and resources of a healthy forest ecosystem. The Green Mountain National Forest is a commitment we make—in fact, an obligation we fulfill—to our children. We promise to share what we enjoy today with those who come tomorrow.

The skiing industry helps us fulfill the promise. Skiing is one of many uses that allows Vermonters to enjoy economic benefits today while protecting the long-term integrity of the land for tomorrow. In developing ski areas, many innovative and enduring partnerships have evolved. Communities, businesses, and the Forest Service have worked together to build economies based on sustainable natural resource use. In fact, Rutland, VT, was named one of America's "10 most livable ski towns" by Ski Magazine, a publication with 440,000 subscribers.

In the 1992-93 season in Vermont, there were 4.16 million visitor days. Over 3 million of them were out-of-State visitors who spent an average of $76.80 per day for a total of $235 million. During the President's Day Weekend of this year, several all-time records were set at Vermont resorts.

A healthy skiing industry contributes much to Vermont. The ski areas themselves pay approximately $16.5 million in State and local taxes in Vermont. While the development of the industry has not been free of conflict, it is important to recognize the benefits that the skiing industry provides to Vermonters and others as we work together to find the middle ground between resource use and conservation.

The 1994 January-February issue of Snow Country magazine—Volume 7, No. 1, page 79—ran an informative advertisement which described some of the environmental advances that ski areas have made as partners with the Forest Service. In addition, the Burlington Free Press published an article just a few weeks ago summarizing the benefits of the skiing industry. I ask that these articles be included in the RECORD at this point.

The articles follow:

[From the Burlington Free Press, Feb. 24, 1994]

THEY COME; THEY SKI; THEY SPEND—RESORTS COURT VERMONT'S ANNUAL WINTER INVASION BY LAND AND AIR

(By Akl Soga)

They're here.

Like an airborne force dropping behind the lines, a small contingent of fly-in skiers are landing in Vermont and making an economic impact far beyond their numbers.

But their invasion has not gone unnoticed. Some resort operators are betting the skiers will yield an even bigger crop of skies stepping off planes ready to pay top dollar for Vermont's brand of skiing.

"Burlington is the best airport in New England ski country," said Bob Gillan, vice president of sales and marketing for Sugarbush Resort in Warren. "I think there's a real future."

The future might include more people like Dave Roberts and Tom Caouette of Annapolis, Md., who arrived Wednesday at Burlington International Airport in South Burlington toting skis.

Caouette said that with business bringing them to Sugarbush resort, he expected to find some good skiing. "There could be many more trips," he said.

Still, even for resorts within an hour of Burlington, people who fly are among a small minority in the state's ski trade and not everyone is enthusiastic about the market. More than 90 percent of the state's ski business comes from within driving distance in New England, New York, New Jersey and Quebec.

Gary Kiedaisch, president of Mt. Mansfield Co., which owns Stowe Mountain Resort in Stowe, is one operator who sees little future in trying to draw visitors from distant markets.

"The cost of flying into the airport in Burlington is prohibitively expensive," he said. "You can fly into Denver or Zurich for less money than you can fly into Burlington from New York."

Burlington-bound flights aren't quite that expensive, but at least one travel agent concedes East Coast fares to Vermont are high, making trips to slopes in the Rockies more competitive.

"A 14-day advance (ticket) from LaGuardia is $215 round trip," said Mary Ann Woods, owner of Travel Unlimited in Stowe. "Sometimes, you can go for low $300s from New York to Utah or Colorado."

Vermont's real edge is its proximity to East Coast population centers, but if a skier has to plan two weeks in advance to get a plane seat at a reasonable price, he or she is more likely to look West, she said.

"It's not something someone can do on the spur of the moment," she said of the advance-purchase discount fares. "If they could all of a sudden * * * say, 'I'm going to fly up to Stowe this weekend,' it would be very beneficial, but they can't."

Despite disadvantages, some resorts find it tough to ignore the fly-in market, which offers a bigger bang for the marketing buck.

"The destination skier spends more than $150 a day while he's here," Gillan said. "The day skier spends $30 to $40 a day."

Gillan's numbers are above the state's average for out-of-state skiers. A Vermont Ski Areas Association survey taken in the 1991-92 season indicated that the average visitor spent $76.80 a day.

Still, with an average group of four people staying 4½ days, fly-in skiers are an attractive target.

"That's why he's an important person," Gillan said. "He's looking for a quality experience and he's willing to pay for it * * * as opposed to the guy who drives from Boston and looks for the best bargain at the lift ticket window."

Smuggler's Notch Ski Area in Jeffersonville is another resort putting a lot of effort into attracting fly-in vacationers.

"We definitely market to people flying into Burlington," said Steven Clokey, Smuggler's marketing director for group vacations and meetings. "We cater to people who are coming from great distances."

Scott Tobin, the resort's manager of vacation travel, said Smuggler's seeks an edge by targeting a niche and promoting its highly rated programs for children and younger skiers.

Those seeking the fly-in trade might be encouraged to find that Roberts and Caouette saw no problems with the air service to Burlington, despite being forced to drive to Philadelphia when weather closed their local airport.

"It's real easy," Roberts said.

[From Snow Country, Jan.-Feb. 1994]

SKIING IN THE NATIONAL FOREST

It took two summers for Vail, Colorado, to build the Two Elk restaurant that now serves skiers atop the famous Back Bowls. That's because Vail put a hold on chain saws and bulldozers during the prime building months of May and June when pregnant elk migrate to the valley below to bear their calves. With such a beneficent midwife protecting their maternity ward and open pasture created by ski runs, it's no wonder the elk around Vail Valley are flourishing.

The burgeoning elk population is one example of the rewards of the partnership between the U.S. Forest Service and the owners and operators of U.S. ski areas.

The thousands of skiers lifted to the top of a snow-covered mountain, whose spirits soar at the sight of forested peaks spilling into the distance, can thank that same historic partnership. How it benefits Americans is a story told on the following pages.

The first lift in the National Forest popped up in 1937 in Loveland, Colorado. Since then, the Forest Service has joined hands with hundreds of ski area operators to provide access to mountains in California's Tahoe National Forest (for example, Alpine Meadows, Squaw Valley, Sugar Bowl); Colorado's White River National Forest (Aspen, Breckenridge, Copper, Keystone, Vail); Montana's Gallatin National Forest (Bridger Bowl); New Mexico's Carson National Forest (Red River, Taos); New Hampshire's White Mountain National Forest (Loon, Waterville); and Vermont's Green Mountain National Forest (Mt. Snow, Sugarbush).

Of 529 ski areas in the United States, 137 operate on Forest Service land, including most of the major destination resorts.

A skier poised to plunge down Jackson Hole, Wyoming's Corbet's Couloir or Sun Valley, Idaho's Exhibition can sing out literally and figuratively, "This land is my land."

That's because nearly 100 years ago far-sighted public servants—including President Theodore Roosevelt and Gifford Pinchot, the first Chief of the Forest Service—safeguard most of the major peaks in the Rockies, the Wasatch and elsewhere by declaring them public lands and holding them in trust for the American people.

Millions of acres are categorized as Wilderness, secured against further development and limited to backpacking visitors. Other tracts, like Yellowstone National Park (administered by the Department of the Interior), encourage vacationers to camp, hike and explore (but don't feed the bears).

The National Forest System, administered by the Department of Agriculture's Forest Service, goes further still. As stewards of 191 million acres of National Forest land, the Forest Service oversees special uses like logging, mining, grazing, management of water resources, and the more than half billion visitors who visit National Forests in search of recreation.

Recreational activities include hiking, camping, picnicking, fishing, hunting, hang gliding, rock climbing, white-water rafting, mountain biking and downhill and cross-country skiing.

The downhill ski area operators and the Forest Service have established a partnership that is a prototype for the private/public relationship called for by economists and commentators who view with alarm the deteriorating quality of American life.

With their lift systems and summit restaurants, ski areas provide summer and winter access to mountain peaks that would otherwise be out of reach to millions who cannot or do not choose to climb thousands of vertical feet. In 1992, the National Forests welcomed nearly 31 million visits from downhill skiers.

The numbers are all the more remarkable because ski area operators lease less than 1/20th of 1 percent (.05%) of National Forest land.

The 137 ski areas compete head to head with the 4,500 Forest Service campgrounds in the amount of money they return to the agency in fees alone. Last fiscal year, it was $16 million, about 10 times as much as it cost the Forest Service to administer the ski areas. That doesn't count the more than $4 billion in private funds it would cost to replace lifts, buildings and infrastructure.

The fiscal return from ski areas doesn't benefit only Washington, D.C. By permitting the National Forests to be developed for downhill skiers, the Forest Service has punched up the economies of faltering mountain towns, where mining and farming have petered out. Studies by Snow County magazine, the National Ski Areas Association and the Vermont Ski Areas Association confirm the economic lift that comes to communities at or near thriving ski areas.

For instance, during the 1991/92 ski season, more than 17,600,000 lift tickets were sold in the Rocky Mountain region. Combined with the money spent on lodging, meals, entertainment and merchandise by the visitors, as well as dollars laid out by the ski area operators for salaries, supplies and other services, the Rocky Mountain ski areas produced nearly $4 billion in gross revenues and accounted for nearly 110,000 jobs related to ski area operations.

In Vermont, the numbers were similarly positive. One study shows that rural towns in Vermont at or near ski resorts make a positive contribution to the state treasury, while comparable towns without ski areas cost the state. The town of Warren with the Sugarbush ski resort netted Vermont's General Fund $1,563 per person in 1992, Roxbury, a town in the same county but without a ski resort, cost Vermont $608 per person.

Snow Country's survey, a national study conducted by Professor John Rooney of Oklahoma State University, found dramatic growth in counties with major ski areas. For instance, in the decade from 1980 to 1990, 40 skiing counties experienced an average 163 percent growth in retail sales compared to an average 84.6 percent for the U.S. as a whole.

Jobs, revenues and taxes demonstrate that the ski area/Forest Service partnership is an economic multi-vitamin for rural economies.

Says Joe Prendergast, president of the Washington, D.C.-based American Ski Federation, "We're the little engine that drives a big economy."

Assistant Secretary of Agriculture Jim Lyons also applauds the effectiveness of the partnership between ski areas and the Forest Service.

"We're going to be making a major effort to expand recreational partnerships in the National Forests," says Lyons. "We can use the relationship with ski areas as a framework to explain to the public how it can work."

In addition to helping drive the little engine that could, the Forest Service returns 25 percent of the revenues it collects from user fees to states with National Forests.

Because the rebate is considered as payment in lieu of property taxes, the states earmark the money for roads and education, not for recreation. Still, those rebates indirectly benefit skiing communities if the improved highways lead to the mountains and the education helps provide a skilled labor force.

BUILDING A SKI AREA IN THE NATIONAL FOREST

The 1891 Forest Reserve Act first threw a cordon around forest land. Subsequent legislation opened the forest preserves for multiple use. That included timbering, but the emphasis of the early laws was, and continues to be, on conserving America's extraordinary mountain landscapes for its citizens.

With the celebrated rope tow installed at Woodstock, Vermont, in 1934 and the first chairlift at Sun Valley, Idaho, in 1936, skiing began to blossom. The 1960 Winter Olympics at Squaw Valley, California, fanned interest in this exciting—and with medals won by U.S. skiers Penny Pitou and Betsy Snite, newly glamorous—sport.

In the next 15 years, ski area developers worked closely with forest rangers, who had considerable discretion in approving or disapproving development in the National Forests. Together, they oversaw the birth of more than a dozen major ski areas. Here came Vail, Colorado, with its planned pedestrian village; Taos, New Mexico, with its European-style lodges; Jackson Hole, Wyoming, playground for experts; Loon Mountain and Waterville Valley in New Hampshire's White Mountain National Forest.

The National Environmental Policy Act of 1969 put a brake on ski area development—as it did on any development on federal land or funded by the federal government.

And probably a good thing, too.

While ski area developers have always been rated sensitive to the environment, the new laws gave both ski area operators and the Forest Service opportunity to reflect.

Compared to the early years, when cut-and-slash was state of the art, "environmental practices and awareness have evolved," says Vern Greco, president and CEO of Colorado's Purgatory-Durango ski area and chairman of the National Ski Areas Association Environment Committee.

"We were all more naive then," adds a Forest Service veteran. "Now ski areas are far more sophisticated" in managing the environment.

They have to be to cope with more stringent criteria and steps to development that are geometrically more complex. One New England ski area has struggled with an expansion plan for eight years, reducing its original proposal from eight lifts to one, and 33 trails to six in an effort to overcome objections.

While many ski area operators grumble about the expensive, time-consuming and sometimes confrontational process, they comply with and even enhance the specifications for erosion control, wildlife protection, clean air and water, and vegetative management.

Says Jerry Groswold, president of Winter Park, Colorado, which has a four-person planning staff, "We're a better resort because of it."

From afar, the approval process resembles a lively square dance. The Forest Service, with a master plan for each National Forest including potential ski development or expansion, is the caller. The hopeful ski area developer, with a financial partner, is the lead couple.

The first call is for an Environmental Impact Statement. The EIS must account for the development's effects on wildlife (swimming, crawling, walking or flying), on vegetation ranging from indigenous wildflowers to old-growth forest on soil composition and stability, on water quality and quantity, on air quality and more. It must also show the effects of alternative plans, including no development at all.

The EIS is a public document; community groups and other branches of government—state, county, local and federal—are invited to do-si-do in with comments and criticism.

The Forest Service may halt or delay the proceedings at any point on its own or at the behest of agencies like the Army Corps of Engineers (if the issue is one of wetlands), the Environmental Protection Agency (clean air), or Fish and Wildlife (endangered species). Some state laws, like Vermont's Act 250, present their own stiff environmental standards. Citizen groups may raise reasonable—or sometimes unreasonable—concerns.

The local Forest Service representatives corral the pertinent issues and promenade forward a custom-tailored interdisciplinary advisory team. Depending on the site, the team may include not only representatives of local zoning and transportation agencies, but such experts as a biologist, an economist, a landscaper, a sociologist or historian, and even an archaeologist (if, for instance, a dig site is in the potential permit area).

Research in hand, the Forest Service reviews the proposal, along with plans for mitigation of any unresolved problems. If the plan is accepted, a special use permit is issued. All parties must follow through with their responsibilities: local governments with zoning and planning; federal agencies with oversight of pertinent regulations; and ski areas with mitigation of environmental issues.

MITIGATION IS THE MAGIC WORD

Mitigation is 1990's bureaucratise for "let's talk." How can this problem be solved? A ski

area and its Forest Service partners often find creative and far-reaching solutions to stubborn dilemmas.

For example, building lifts. In the past, erecting a new chairlift called for cutting zig-zag roads up the mountain to bring in construction vehicles and materials—bulldozers, lift towers, concrete for footings—and carry out debris, including felled trees. The consequences: soil erosion, uncontrolled water runoff, disturbed wildlife habitat, and ugly slashes up and across the mountain. The solution: helicopters.

Keystone, Colorado, in the early 1970s, pioneered airlifting raw material onto the mountain. Now helicopters are routine for major lift installations.

Cutting trails: Mitigation may require trails to deviate from the original layout to avoid nesting areas or feeding grounds preferred by local wildlife. Esthetics also count. Ruler-straight cuts have been replaced by "feathered" edges on the trails. Islands of trees relieving expanses of wide intermediate terrain are common practice.

Soil erosion: Routinely mitigated by planting grasses and grains on ski trails, erosion control has been elevated a notch by introducing particularly tasty varieties to tempt skier-shy animals and birds to the slopes in spring and summer.

Water run-off: Whether it's natural or man-made, melting snow is channeled to avoid the willy-nilly cascades that pulled silt and debris from ski trails into streams and ponds. Bear Mountain, California, dug a series of ponds below heavily traveled areas on the mountain to capture sediment from crucial run-offs. The ponds do triple duty, filtering water that eventually makes its way to Big Bear Lake and attracting mountain wildlife to abundant vegetation along their banks. Plus, in summer, the rich sediment is recycled as top soil for revegetation projects elsewhere on the mountain.

Avoiding wetlands: Fragile wetlands and riparian zones, which have their own ecology, are most often found at the base of a ski area, bordering streams or ponds or in the vicinity of underground water. To circumvent wetlands, ski area planners may reposition base lodges and parking lots, or as at Keystone, build walking bridges across the delicate zones.

Land exchanges are another tool used effectively in the mitigation process.

According to Jerry Blann, general manager of the Lake Catamount, Colorado, development and chairman of NSAA's Public Lands Committee, the Forest Service can drive a hard bargain. Unable to avoid damage to some of the extensive wetlands in its permit area, Catamount bought hundreds of acres of nearby ranchland and arranged a 10-to-1 exchange with the Forest Service—10 acres for the Forest Service, 1 for Catamount.

Snowmaking: The source of water for snowmaking often rouses stormy debate between environmental groups and ski areas. What's usually at stake is not whether downstream communities will suffer drought, but the quality and quantity of water flow that will ensure a healthy fish population. Computerized snowmaking and arduous analysis of alternative water sources plus efforts to restock streams and ponds have defused some of the concerns.

The Federal Bureau of Reclamation, which oversees dams, has even approached Colorado ski areas for advice on using snowmaking technology as a tool for improving water quality.

Some problems don't require high-tech solutions. For instance, a rancher attended a community meeting to complain that the neighboring ski area's night lights, miles away, kept him awake at night. It turned out that the light, pointed skyward, were deflected off the low cloud cover into his bedroom window. Solution: point the lights down.

SKI AREAS MOVE AHEAD ON THE ENVIRONMENT

Even without the nudge of the Forest Service, ski areas are becoming more innovative and involved in protecting the health and beauty of the mountains.

The windswept ridge at the top of Mammoth Mountain resembles Arctic tundra, not hospitable to vegetation at best. The loose dry pumice soil was a target for erosion, as the winds blew away any seed that might take root in the unfriendly conditions. Mammoth invested heavily in expert advice.

Cocoa matting was the answer. Seeds of indigenous plans like manzanita are secured by the tangled fibers, giving time for seedling roots to find their way to the soil beneath. Ingenious.

Last year, Beaver Creek, Colorado, signed on with the Wildlife Habitat Enhancement Council (WHEC), a not-for-profit organization that works with corporations to seek creative solutions to dwindling wildlife habitat. Beaver Creek's plan is simple. Drill holes in dead trees ("snags") in the forest, providing cosy nests for small animals. Instead of dragging out or burning trees cut in maintaining or developing trails, stack the logs in the nearby woods. They become a condo (no hot tubs) for small animals like squirrels, gophers and ermine.

Larger animals also find ski areas wildlife friendly.

"The elk are smart," reports Copper Mountains's CEO Harry Mosgrove. "They know we don't allow hunting on the mountain, so they start showing up here in October (the beginning of the hunting season).

Recycling is commonplace at ski areas. Many ban styrofoam and paper products altogether, replacing them with ceramic or glass dishes and metal flatware in meal service areas.

Others, like the Aspen Skiing Company, sponsor shuttle services to reduce car emissions.

"Skiers come to the mountains because they are beautiful. It's not good business to damage that setting," comments ASF president Prendergast.

GROWING COMMUNITIES

Although the Forest Service encourages pedestrian villages like Copper Mountain, Colorado, and low-cost employee housing at the base of its permit areas, neither the Forest Service nor the ski areas can control the development of communities on private land. Some were there long before the ski area.

Mountain communities near ski areas, according to John Rooney's Snow Country survey, are among the most rapidly growing in the country. Growth means jobs, a blossoming economy, and welcome amenities. It also means noise, traffic, pollution and at least during high tourist season, overcrowding and overburdened resources. Many mountain communities are moving to restrict development and contemplating their own master plans.

WHAT'S IN THE FUTURE

Four seasons on the mountain: biking, music and film festivals and education are all summer and fall activities that ski areas have explored successfully with the encouragement of the Forest Service.

Snowbird, Utah, hosts a prototype ski naturalist education program, with volunteers trained to offer interpretive tours of high-altitude ecology. Some ski areas are adding environmental messages to their in-house TV networks. Others are inviting school groups to explore the mountain environment.

As for new ski areas: a few are in the planning stages, but most ski area development on National Forest land is likely to be in the nature of expansion.

With that expansion will come new sophistication about environmentally sound construction techniques. Computerized systems will streamline presentation of alternative plans and forecast more accurately their impact on soil, water, animal and plant life as well as on the ski experience.

No computer can graph the pleasure skiers find in the beauty of winter in the mountains. That beauty is accessible to millions—beginners and experts, grandparents and grandchildren, disabled and enabled alike—thanks to the farsighted conservators who preserved the National Forests and the partnership between U.S. skiing and the U.S. government.•

TRIBUTE TO MATT MORRIS: LOUISVILLE NATIVE WINS JEOPARDY TEEN TOURNEY

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a young man for his outstanding recent accomplishment. Matt Morris of Louisville, KY, recently competed in and won the Jeopardy Teen Tournament, and took home $29,601. It gives me great joy to honor this fine young man because not only is he a native Louisvillian, but also attends Manual High School, my alma mater.

Matt utilized a combination of intelligence and savvy to come out on top of the week-long competition. After first being selected from over 1,000 applicants, Matt outlasted 14 other competitors to reach the final round. Although he was second after the first round of the finals, he came back and won with some aggressive wagering on the final question.

This is not the first time Matt has fared successfully in this type of competition. He has guided Manual's quick-recall team to the Jefferson County Public Schools championship several times. He has applied to several top colleges and plans to use some of his winnings to help pay his way through school.

I ask my colleagues to join me in honoring this impressive accomplishment. In addition, I ask that an article from the March 2, 1994, Courier Journal be inserted at this point in the RECORD.

The article follows:

MANUAL'S MATT MORRIS: WHO WON FAME, CASH AND MORE THROUGH "JEOPARDY" TEEN TOURNEY?

(By Gayle Pressman)

Ever since Manual High School senior Matt Morris went on the "Jeopardy" television show in January—even before millions saw him become the 1994 Teen Champion and win $29,601 on last week's taped show—the eastern Jefferson Countian has been a celebrity.

Matt has heard from relatives and strangers nationwide, he's taken some good-natured razzing by the Jeopardy production crew and his friends; and he's been interviewed by radio, television and newspaper reporters.

He's handled it all as he's handled every other academic honor in his life—with incredible cool.

"I was surprised the media made such a big deal about my being on the show," said the state's second-ever Governor's Cup champion in two categories. "I just wanted to give it my best shot and have fun."

That's Matt's approach to most everything, said his father, Jack Morris.

"Judy and I are real proud of Matt, and we get excited. He's always telling us to calm down, even when the phone keeps ringing; and there's a legal pad full of messages" from well-wishers.

Matt, who turned 18 between the "Jeopardy" tournament's taping Jan. 3 and 4 and its airing the past two weeks, said his calm nature helped him win, even after he finished second in the first half of Thursday's and Friday's finals.

"I didn't get rattled when I got behind," he said. "I was excited about being on TV, but I've been a lot more nervous with little competitions without cameras."

In Friday's championship game, Matt risked $12,201 of his $13,800 total for the day on the final question. "It was a once in a lifetime thing, so I wagered a lot."

If talent and luck were his, Matt reasoned, his cumulative total from Thursday's $3,600 score and Friday's outcome would give him the championship by $1.

He figured right, even after all three finalists came up with the right question—'Who is Scopes?'—for the answer "In 1970 he made his first visit to a Tennessee classroom since his conviction 45 years earlier."

"I knew I had won, so I made a poker face," Matt said.

Matt, who was notified by postcard that he'd been chosen as a contestant after he auditioned late last year in Orlando, Fla., was accompanied to "Jeopardy's" Hollywood studios by his mother and his older brother, Jonathan, a former academic scholar at Manual and Matt's No. 1 cheerleader.

His sister Ashley, a Manual sophomore, and father waited anxiously at home, off Brownsboro Road near Zachary Taylor National Cemetery.

Now the family is waiting to find out whether Matt will compete in "Jeopardy's" $100,000 adult Tournament of Champions next fall. His win put him in line for a berth in the 15-seat contest, depending on how many five-time-undefeated champions the show has by then.

But Matt isn't wasting time wondering about that. With help from his winnings, he'll be majoring in math next fall at one of four colleges he still has to decide on—Rice, Duke, Yale or Princeton.

Nevertheless, he'll "always remember the teen tournament. I wanted to be on Jeopardy since I was 13."•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–23

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties with the United Kingdom establishing maritime boundaries between our respective Caribbean Territories (Treaty Document No. 103–23), transmitted to the Senate by the President today; and ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States and the United Kingdom on the Delimitation in the Caribbean of a Maritime Boundary Relating to the U.S. Virgin Islands and Anguilla and the Treaty Between the United States and United Kingdom on the Delimitation in the Caribbean of a Maritime Boundary Relating to Puerto Rico/U.S. Virgin Islands and the British Virgin Islands, with Annex. Both treaties were signed at London, November 5, 1993. I also enclose for the information of the Senate the report of the Department of State with respect to these agreements.

The treaties establish maritime boundaries between the United States and the United Kingdom relating to our respective Caribbean territories. One treaty creates a 288 nautical mile long boundary between the United States territories of Puerto Rico/U.S. Virgin Islands and the British Virgin Islands. The other treaty establishes a maritime boundary 1.34 nautical miles in length situated about 40 nautical miles from the U.S. Virgin Islands and Anguilla.

The boundaries define the limits within which each Party may exercise maritime jurisdiction. In the treaty creating a boundary with the British Virgin Islands, this includes territorial sea, fishing, and exclusive economic zone jurisdiction. The boundary with Anguilla separates fishing and exclusive economic zone jurisdiction.

I believe the treaties to be fully in the interest of the United States. They reflect the tradition of cooperation and close ties the Parties have had in this region. These boundaries have never been disputed. The boundary lines established by the treaties formalize the practice that both Parties have followed since 1977 concerning these maritime limits. In establishing the equidistant boundaries, both sides have worked closely together in applying modern surveying techniques and precise technical calculations. The treaties will permit more effective regulating of marine resource activities and other ocean uses.

I recommend that the Senate give early and favorable consideration to these treaties and advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 1994.*

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1284, a bill to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

(The text of the House message pertaining to S. 1284 will appear in a future edition of the RECORD.)

Mr. FORD. Mr. President, I move that the Senate disagree to the House amendments to the Senate bill and request a conference with the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. KENNEDY, Mr. HARKIN, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. DURENBERGER conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FURTHER MODIFICATION—TECHNICAL CORRECTIONS TO S. 1458

Mr. FORD. Mr. President, on behalf of Senator KASSEBAUM, I ask unanimous consent that the modification of S. 1458 agreed to earlier today be further modified with the changes I now send to the desk.

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

The further modification is as follows:

1. Strike the word "pre-market" in "Sec. 1119 (b)(1).

2. Strike the word "claimant" in "Sec. 1119 (b)(2) and insert "person for whose injury or death the claim is being made."

3. Strike the word "claimant" in "Sec. 1119 (b)(3) and insert "person for whose injury or death the claim is being made."

ORDERS FOR THURSDAY, MARCH 10, 1994

Mr. FORD. Mr. President, on behalf of the majority leader I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m., Thursday, March 10; that following the prayer, the Journal of proceedings be approved to date and the time for two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 9 a.m., with Senator REID permitted to speak therein for the entire period reserved for morning business; that at 9 a.m., the Senate resume consideration of Calendar No. 165, S. 4, the National Competitiveness Act of 1993.

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

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, and if there are no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:18 p.m., recessed until Thursday, March 10, 1994, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 9, 1994:

THE JUDICIARY

BILLY MICHAEL BURRAGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA, VICE H. DALE COOK, RETIRED.

CLARENCE COOPER, OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE RICHARD C. FREEMAN, RETIRED.

DENISE PAGE HOOD, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE GEORGE E. WOODS, RETIRED.

TERRY C. KERN, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

SOLOMON OLIVER, JR., OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE ALICE M. BATCHELDER, ELEVATED.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.