SENATE—*Tuesday, June 20, 1995*

(Legislative day of Monday, June 19, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rabbi George Holland. He is a guest of Senator FAIRCLOTH.

PRAYER

Rabbi George Holland, Beth Hallell Synagogue, Wilmington, NC, offered the following prayer:

God of Abraham, Isaac, and Jacob, we bless Your holy name this day, You who gives salvation to nations, and strength to governments. We thank You for blessing the United States of America and all of her people. Instill in all of us a spirit of love and forgiveness in order to come together as one nation, working toward freedom for all mankind.

Master of all, we pray that You protect and guard our President, Bill Clinton, that You shield our President and all elected officials from any illness, injury, and influence. We beseech You to send Your wisdom, knowledge, and understanding daily to each of them as they guide our great Nation, and that Your angels guide, guard, and direct each elected individual, and those employed by them.

For it is in the name of the King of all kings that we pray. Amen.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. May I make inquiry of the Chair what the business is before the Senate?

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The Senate resumed consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Nevada.

AMENDMENT NO. 1427

(Purpose: To provide that the national maximum speed limit shall apply only to commercial motor vehicles)

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

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1427.

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

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

The amendment is as follows:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED LIMIT TO CERTAIN COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit for certain commercial motor vehicles";

(2) in subsection (a)—

(A) by inserting ", with respect to motor vehicles" before "(1)"; and

(B) in paragraph (4), by striking "motor vehicles using it" and inserting "vehicles driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) using it";

(3) by striking subsection (b) and inserting the following:

"(b) MOTOR VEHICLE.—In this section, the term 'motor vehicle' has the meaning provided for 'commercial motor vehicle' in section 31301(4) of title 49, United States Code, except that the term does not include any vehicle operated exclusively on a rail or rails.";

(4) in the first sentence of subsection (e), by striking "all vehicles" and inserting "all motor vehicles"; and

(5) by redesignating subsection (i) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit for certain commercial motor vehicles.".

(2) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

(3) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

(4) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Mr. President, last weekend, I returned to the State of Nevada to speak at two high school graduations in rural Nevada. One of the high schools is about 80 miles from Reno, a place called Yerington in Lyon County. I spoke there at 10 o'clock in the morning and then that evening proceeded to Lovelock, NV, in Pershing County, which is about 90 miles from Reno.

I traveled to Yerington by automobile and traveled to Lovelock by automobile from Yerington and then back to Reno. It was while I was traveling from Lovelock to Reno that evening that I decided that it was appropriate to offer the amendment which I have just offered.

I was on an interstate traveling at 65 miles an hour, and there were a number of occasions when trucks passed the car in which I was a passenger. There were other occasions during that day, certainly fixed in my mind that night, when we had had difficulty with trucks in many different ways—their loads moving as they proceeded up the roadway, as we tried to pass them on occasion.

Mr. President, as those of us who live in rural America, who spend time in rural America, know, trucks travel at great speeds. It is not infrequent that a truck will pass a car doing the speed limit. We know that it was necessary through Government regulation that there had to be a ban placed on the ability of trucks to determine if there were law enforcement officers in the vicinity with radar to see what their speed was. They all traveled with radar detectors, and that had to be outlawed because trucks drove so fast. There have been a number of programs on national television of how trucks travel, how the drivers are tired, how they have now, with deregulation, a significant number of miles to make, they have loads to pick up, they have loads to deliver.

This amendment is about safety on the highways. That is why, Mr. President, in newspapers all over the country, and certainly illustrated in yesterday's USA Today, the question is asked: "Why are the Nation's highways getting deadlier?" There are a lot of answers to questions like that asked in yesterday's USA Today.

● 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 reason is truck traffic. If a passenger vehicle is in an accident with a truck and there are fatalities involved, there is a 98 percent chance that the passenger in the passenger vehicle is going to lose. Trucks win almost all the time. Almost 100 percent of the time trucks win and the passengers in the cars are killed and the trucks can drive off. Those of us who spend time in Congress are forced to read newspapers from here, we listen to the news here and we know the beltway around the Nation's Capital is deadly. Why? It is deadly because of trucks. I dread my family being on the beltway around Washington because of the trucks—they change lanes, they go fast. It is very, very difficult to feel safe when these trucks are barreling down the road trying to meet deadlines and carrying huge loads.

The amendment I have proposed is to provide that the national speed limit apply only to commercial motor vehicles. What we did in committee—I am a member of the Environment and Public Works Committee—is report a bill to the Senate which, in effect, did away with the speed limit. The reasoning was that States are better able to set speed limits, and I agree with that; that with passenger vehicles, a State like Nevada or a State like Colorado is better able to determine what the speed limits should be. Should there be a speed limit around Las Vegas that is one speed and a speed limit around Winnemucca that is another speed? The question is obviously yes. There should be some discretion left to State and local governments to set speed limits, but as relates to commercial vehicles, we should have a national speed limit. There is no question about that. Most of the commercial vehicles, of course, travel in interstate commerce.

Specifically, this amendment takes issue with the large commercial trucks which travel around our Nation's highways. Why is it critical to maintain a speed limit for this small proportion of vehicles? The reason is because one out of every eight fatalities on our roads today is the result of a collision involving a large truck, a commercial vehicle. In fact, tractor-trailer trucks are involved in more fatal crashes per unit of travel than passenger vehicles. In fact, Mr. President, about 60 percent more passenger vehicles are involved at about 2.5 per 100 million miles. Trucks, commercial vehicles that this amendment applies to, are almost 4. That is about a 60 percent difference. But what is even more striking is the fact that, as I have indicated, a little less than 2 percent of the people who are driving in a passenger car, who are involved in an accident with a truck—whether there are fatalities involved—survive, whereas trucks almost always remain.

Getting into an accident with a large truck is a hazard to a smaller vehicle. This means that the lives of us, our spouses, children and friends, are at risk when on the roads with these large commercial vehicles. It is interesting to note that most of the deaths occur during the daytime. I wondered why that is. Well, the reason is that there are more trucks on the road and certainly more passenger cars on the road. These trucks have places to go, they have time limits to meet, they have loads to pick up and loads to deliver. They are there on the road because they have some place to go and they want to be there as quickly as possible. That is how they make money. We need to set a standardized speed limit for these trucks.

As I indicated in my trip to rural Nevada last week, when I realized that we were doing the wrong thing by having a lifting of the speed limit for all vehicles, most of us have had the same experience of sharing the road with large trucks. They are a fact of life on the highways, and we all recognize that. But many of us have also had the unnerving experience of sharing the road with trucks that either tailgate—we have all had that—and you have to go faster because if you do not, you have the feeling that truck is going to run right over you. We have had the other experience of trucks barreling around us. The road seems too small, too narrow for these large tractor trailers and my little car. And these trucks seem to go too fast. There is good reason for us to be frightened by these unsafe practices. Speed not only increases the likelihood of crashing, of an accident, but also the severity of the crashes. Common sense dictates that the trucks are going to win these battles. Science indicates that trucks always win these battles.

Crash severity increases proportionately with speed. An impact of 35 miles an hour is a third more violent than one at 30 miles an hour. Increasing the energy which must be dissipated in a crash increases the likelihood of severe injury or death.

Mr. President, research has shown that vehicles are more likely to be traveling at higher speeds—that is, more than 65 miles an hour in States which have the 65 miles an hour speed limit. Many studies show that if you have a speed limit of 55, trucks will exceed that by at least 5 miles an hour. If you have a speed limit at 65, they will exceed it by at least 5 miles an hour. So if you have an unlimited speed limit or one of 70 or 75, trucks are going to be going faster. The scientific evidence is that these large trucks—and certainly a car also—but the faster these large trucks go, the more difficulty they have avoiding an accident or the more probability they have of causing an accident. Passenger cars stop more quickly than do trucks.

There is clear evidence that the proportions of vehicles traveling at high speeds are substantially lower in areas where the speed limit is 55. As a result, where there are more cars with increased speeds, there are more deaths. Studies show that States which raised speed limits to 65 miles an hour lose an additional 400 lives annually. So it is of utmost importance to preserve a standardized speed limit for these large trucks. As I have indicated, basic science, and specifically basic physics, tells us that the force of large trucks is already much larger than that of other motor vehicles. And increased speed only escalates the force with which a truck could impact another vehicle or pedestrian.

Also, large trucks have longer braking distances, as I have indicated, than cars. So a lower traveling speed for large trucks equalizes the stopping distances of trucks and cars. Some have asked, not very heartfully, Why do we need a different speed for trucks than cars. There are a number of reasons. One really apparent reason is that trucks take a significantly longer distance to brake, to slow down and to stop than do cars. That is one reason to have different speed limits.

In emergency situations, a shorter braking distance is an imperative to avoidance of impact. Speed limits do have an influence on the driving speeds of these trucks, as I have indicated. Studies have found that the percentage of trucks traveling over 70 miles an hour is at least twice—some studies show at lease six times—larger in States with a 65-mile-an-hour speed limit as in States with 55-mile-an-hour speed limits, the faster the speed limit, the more tendency there is for trucks to drive even faster. The speed of large trucks is truly a national concern. Most of these large commercial vehicles are involved in interstate travel, often passing through numerous States.

When I was a kid—as I am sure many others did—I looked at all the different license plates on the trucks. Some trucks have 10 or 12 license plates on one truck. Almost all of them have at least four. So this is certainly a problem of interstate travel. By maintaining a Federal limit, we will promote uniform truck operations from State to State and there will be more predictable truck behavior for the drivers of passenger vehicles.

From past incidents involving the weaving or tailgating of trucks, we all know how uniformity and predictability means greater peace of mind for all drivers on the highway.

Mr. President, when I came back from Lovelock and indicated to my staff I was going to offer this amendment, my legislative director said, "I was almost killed by a truck when I was in college." He was in a small passenger car with some friends, and there was no alcohol in the car. They were driving safe and sound. In fact, they

were run over by a truck. The truck was going too fast and did not see them. Almost everyone has a comparable experience, where a truck has either nearly killed them or, in effect, they or some member of their family has been involved in an accident with a truck. The really tragic part of this is that most people who are in an accident with trucks, fortunately, live to regret it. Passenger vehicles simply do not do well against a truck. There has been a positive trend in recent years in fatalities, generally, and in truck-related fatalities and injuries.

This amendment is to maintain commercial trucking within the maximum speed limit. Why? Because it is essential in this positive trend. When we have programs and regulations with positive results, we should not retreat.

Mr. President, there are all kinds of statistics. We have one out of the New York Times. In this article, written by Jim McNamara, the fatal accident rate remains steady. Data show a rise in accidents and miles for all vehicles. Specifically, this relates to trucks. Accidents involving large trucks in 1993 was 32,000 people injured, and a significant number of others were killed. Trucks were involved in 4,320 fatal crashes in 1993, up by about 300 in 1992. So, specifically 98. Those accidents killed a total of 4,849 people, up from 4,462 the year before. Truck occupants accounted for 610 of these fatalities. So in this one year, the people in the trucks did not do as well as they had in previous years.

There are questions that people ask. If the trucking industry has to abide by a speed limit, why not apply it to everybody? Well, again, let me answer that question, Mr. President. Trucks provide a unique dimension on the roadways. Their size is both intimidating to passenger vehicles and a hindrance to one's view.

Additionally, by going faster than the established speed limit, the chance of accidents increases because of the weight and size of the trucks and the need for slowing, stopping, and even space.

The next question that is commonly asked—there actually appears to be a trend in truck-related fatalities, positive in recent years—Why do we need to keep them under the speed limit?

The whole point, and I just made it a minute ago, Mr. President, is there is a positive trend as the industry has abided by law. Hence, we should not repeal that which has been doing so well.

I do, Mr. President, indicate that there are some instances where the trend is not favorable. In areas that are more heavily populated, truck-related accidents and deaths are increasing.

The next question that is commonly asked: Why do we need the Federal Government to still be involved? The States are aware of the towns, villages and cities, as are most passenger vehicles who travel on roads in the States. Most of the travel in any State is not interstate, it is intrastate. That is not the way it is with truck traffic. The interstate nature of the commercial trucking and bus industry is inherently interstate. If ever there was a matter of interstate commerce, it certainly would be trucks.

Mr. President, again, why should trucks have a lower speed limit than other vehicles? The Insurance Institute for Highway Safety certainly believes that that is the case. Large trucks require much longer breaking distances than cars to stop. Lower speed limits for trucks make heavy vehicle stopping distances closer to those of lighter vehicles. Slower truck speeds also allow automobile drivers to pass trucks more easily. Crashes involving large trucks not only can cause massive traffic tie-ups in congested areas, but put other road users at great risk.

Over 98 percent of the people killed in two-vehicle crashes involving a passenger vehicle and a large truck are occupants, of course, of the passenger vehicle. The Insurance Institute for Highway Safety studies have shown that lower speed limits for trucks on 65-mile-an-hour highways lower the proportion of travelers faster than 70 miles an hour without increasing variation among vehicle speeds.

In one study, trucks exceeded the speed limit in Ohio about 4 percent of the time; in other studies, for example, in Arizona, 19 percent; in Iowa, 9 percent. So, twice as many trucks exceeded the speed limit in those States. It is important to allow passenger vehicles to have some semblance of comparability with these trucks, to slow down the trucks.

As I have indicated earlier, Mr. President, almost 5,000 people died in large truck crashes in 1993. Large trucks accounted—this is interesting—for 3 percent of the registered vehicles, 7 percent of vehicle miles traveled in the last statistics we had in 1990, but they were involved in over 11 percent of all 1990 crashes.

We start with 3 percent of the vehicles, and you wind up with 7 percent of the miles traveled, but you get up to over 11 percent of the fatal crashes.

We have to be aware that trucks are a problem. The faster trucks go, the bigger the problem. It certainly is not unreasonable, on an interstate highway system, to have a uniform speed for trucks. We do not need it for cars, maybe, passenger cars—and I did not oppose that in the committee.

I think the State of Nevada is an example that States should have the ability to set their own speed limits for passenger cars. I do believe we should have a uniform speed limit for trucks, commercial vehicles.

A risk of a large truck crash, of course, is higher at night than during the day. More crash deaths occur, as I have indicated, between 6 a.m. and 6 p.m. for obvious reasons. There are significantly more passenger cars on the road at that time, and trucks in heavy traffic cause a lot of problems.

It is also interesting, Mr. President, more large truck crash deaths occur on weekdays than on weekends; again, because of the heavy traffic from passenger vehicles.

I repeat, over 98 percent of the people killed in two-vehicle crashes involving a passenger vehicle and a large truck were occupants of the passenger vehicles. Passenger vehicles do not do well when they get in an accident with a truck. Common sense indicates that is the case. And science indicates that is certainly the case. Tractor trailers had a higher fatal crash involvement rate of about 60 percent more than did passenger vehicles.

Mr. President, 24 percent of large truck deaths occur on freeways. The rest are strewn around in other roadways throughout the United States. One of the things we are doing in this highway bill is designating other roadways so they can get Federal funds. There are a lot of important travelways throughout the United States that are not part of our interstate freeway system. That is one of the things this bill will do.

Tractor trailers studied on toll roads—and we have not done any good work on that in almost 10 years—had higher per mile crash rates than passenger vehicles. That is an understatement, Mr. President; 69 percent higher in New Jersey, 23 percent higher in Kansas, and 34 percent higher in Florida.

We know one reason that this provision of the law that we are going to be debating here this morning—that is, dealing with doing away with the speed limit for passenger vehicles—the reason that came about is that it is a States right issue. It is a States right argument. The States do know best.

No such issue exists with relation to trucks and interstate buses. That is what we are dealing with here. These trucks, these commercial vehicles, Mr. President, should have some national standard by which the speed limits are controlled.

A loaded tractor trailer takes as much as 42 percent farther than a car to stop when they are going 60 miles an hour. That is a significant figure. Rounding it off, it takes almost 50 percent longer for a truck to stop than a car when driving 60 miles an hour. Remember what we are trying to stop—a huge vehicle with those huge tires, and the heavy loads that they have.

We have also learned that this distance is the difference between having an accident and not having an accident. By slowing these trucks down, we are going to have less fatalities.

Driver fatigue—Mr. President, we do not have people who are super men and

women driving trucks, no more than we have super men and women driving passenger vehicles. Those driving passenger vehicles get tired driving a car. People also get tired driving a truck. These people do it professionally, but that does not mean they do not get tired. Driver fatigue is something that is available to all. It is nondiscriminatory. That is one of the things we have to take into consideration.

Alcohol and drugs. Truck drivers also abuse alcohol. We have talked about radar detectors.

I repeat, large trucks accounted for 3 percent of registered vehicles, 7 percent of miles traveled, and they were involved in over 11 percent of all fatal crashes. That is an indication that we should do something about these trucks barreling down the road.

Do large trucks pose a hazard on the road? The answer is yes. Almost 5,000 people die each year in crashes involving large trucks. Most of the people who die, again, I indicate, over 98 percent of the people who die in these accidents, are not in the trucks, but are in the cars. They are sharing the road with the trucks. Large trucks, 3 percent of the registrations, 7 percent of the miles traveled, but over 11 percent of the fatal crashes.

I have indicated, Mr. President, we have done some things to try to slow trucks down. Radar detector use now is banned in commercial trucks involved in interstate commerce. The one problem we do have with that is the Federal Government is not enforcing that. It is left up to the States, and the States, most States, frankly, have not done a very good job enforcing that and a large number of truck drivers still use the radar detectors.

As I indicated, for 42 percent of the drivers of large trucks involved in fatal crashes in 1993, police reported one or more errors or other factors related to the driver's behavior associated with the crash. So truck crashes are not caused by passenger vehicles. For 42 percent of them, when investigated by police, it is found there are errors related to the truck driver's behavior associated with the crash. The factors most often noted in multiple vehicle crashes were failure to keep in lane, failure to yield right-of-way, and driving too fast for conditions or exceeding the speed limit. This is what they have found has been the problem with truck drivers.

I think it is important to note that most truck drivers drive safe, sound. But the fact of the matter is they have a tremendous responsibility. They are driving these huge pieces of equipment. I think it is important that we give the other driving public the recognition that trucks should travel no faster than a national speed limit.

So this amendment, I repeat, will simply provide that the national speed limit apply only to commercial motor vehicles. I think this is reasonable. I think it is fair, especially when you indicate, as we have seen in the USA Today, yesterday, "Why are the Nation's highways getting deadlier?" There are a lot of reasons they are getting deadlier, but we should not contribute to that by allowing trucks to travel at unrestricted speeds throughout the United States.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, I would like to ask the distinguished sponsor of this amendment if he defines trucks? Is it by weight?

Mr. REID. Mr. President, I will give the legal definition out of the United States Code; simply out of the United States Code.

Mr. CHAFEE. So the term "truck" is a term of art, a special term?

Mr. REID. It is a specific term. It does not apply to pickups. It applies to commercial vehicles and buses. I appreciate the chairman of the committee bringing that to the attention of the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a definition out of the United States Code, what this means.

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

§ 2503. Definitions

For purposes of this title, the term—

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801–1812), and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act [49 USCS Appx §§ 1801–1812];

Mr. CHAFEE. That will be helpful, because I am sure there will be concerns about whether we are talking about pickups and so forth.

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. REID. 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. REID. Mr. President, I ask for the yeas and nays on the Reid amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I rise to offer my support to the amendment presented by Senator REID to maintain the current Federal maximum speed limit requirement for trucks. In fact, I support the current national speed limit along with the distinguished occupant of the President's chair for both cars and trucks. It is a proven fact that the law will save both lives and money. Unfortunately, the bill before us eliminates Federal speed limits altogether, and I recognize that the total removal of that provision, the abolition of speed limits, is not possible in this Congress though I hope that the amendment that the Senator from Nevada is offering will pass. And I hope that the amendment that I will be offering soon with the distinguished Senator from Ohio also will get favorable attention.

But at the moment, in considering just the speed limit for trucks, boy, I could not be more emphatic in my belief that we do our country a service if we maintain speed limits on trucks. As a matter of fact, there is not anybody, I do not care how barren your State is of population, I do not care how wide the roads are, who has not been upset at a point in his time or in his or her day when a big behemoth comes rolling down the highway, either gets behind you, wants you to move over or pulls up alongside you at what could be described at almost a totally death-defying speed. It is so surprising when it happens. It is unpleasant.

I authored a piece of legislation some years ago and have been involved in safety issues, along with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, and with Senator BAUCUS, the ranking member of the Environment and Public Works Committee, for many years. I was the author on the Senate side of the bill to raise the drinking age to 21. And whether they know it or not, 10,000 families were spared having to sit and grieve and mourn over the loss of a child because they did not experience it as a result of raising the drinking age to 21. Ten thousand kids were spared from dying on the highways in the last 10 years.

Mr. President, I also was a principal author of the legislation to ban radar detectors in trucks. I saw no earthly reason why we would condone the use of a device to thwart the law. What is the difference between saying you can

use cop-killer bullets when in fact they ought to be outlawed, banned wherever the possibility occurs that they could be used because we want to protect people? We ought to make sure that trucks do not exceed proper speed limits on the highways over which they travel.

As a matter of fact, I learned just this morning that in Europe and Australia the crash rates for trucks on some of the roads are far in excess of ours. By the way, the countries in Europe are long known for their excellent highways, high-speed driving, lots of fun tearing down the autobahn at 100-plus miles an hour. It used to be fair game until there were too many deaths, too many injuries for people to stand. So they said enough of that, and they imposed speed limits. They still have roads that do not have speed limits on them, and they are now considering putting speed limits on those roads as well and they do limit truck speeds in most of these countries.

So we have an opportunity here to correct a wrong. I think what we ought to do, and we traditionally do as we consider legislation, is offer amendments to correct what each or any of us thinks is wrong. In this case, I think there is a terrible wrong in lifting the speed limit caps off of our roads.

Senator REID is trying to take care of part of that with his amendment today. And I hope that when the Senator from Ohio and I offer our amendment later on, that we will get the support of the Senate. The evidence is clear. Speed kills. When trucks are brought into the equation, speed is even more deadly.

In 1992, over 4,400 men, women, and children were killed in truck crashes. And every year over 100,000 Americans are injured, many very seriously, in accidents involving trucks. That is true although trucks make up only 3 percent of the vehicles on our Nation's roads and highways and 12 percent of the traffic on interstates. They are, however, involved in 38 percent of motorist fatalities in crashes involving a truck or more than one vehicle.

When large trucks weighing more than 10,000 pounds—and that is not a lot, Mr. President—collide with passenger vehicles, it is the people in the passenger vehicles who are killed most often. Only 2 percent of the deaths in such collisions during 1992—I repeat this even though the Senator from Nevada said it earlier because I think it is worth the emphasis—only 2 percent of the deaths in collisions between a truck and another vehicle were the truck occupants. When it came to the outcome, 2 percent of those killed were occupants of the trucks. The other 98 percent were occupants of the passenger vehicles that collided with the trucks.

In 1947, a truck was 35 feet long and it weighed 40,000 pounds. By 1990, the normal truck on our highways was 70 feet long and weighed 80,000 pounds. And during that same period, cars were getting smaller and continued to retain a much more compact size, indeed.

The general driving public does not like to share the roads with the trucks because it scares them. It scares them because trucks move so rapidly and take so much of the room.

The fact is that trucks play a vital role in our economy. They move vast amounts of goods throughout our country, and we do not want to ban trucks from our highways, but we can and should take responsibility to ensure that trucks are operated in the safest manner possible.

Now, Senator Reid's amendment takes responsibility for public safety as it relates to trucks, and by requiring trucks to follow the current speed limit requirements we are decreasing the potential frequency and severity of truck and car accidents.

According to the National Highway Traffic Safety Administration, more commonly known as NHTSA, the chances of death or serious injury doubles for every 10 miles per hour that a vehicle travels over 50. Why? Because speed increases the distance the truck travels before a driver can react in an emergency situation. Speed also increases the force of the energy released in an accident.

Mr. CHAFEE. Mr. President, I wonder if the distinguished Senator from New Jersey would yield for a question.

Mr. LAUTENBERG. I would be glad to.

Mr. CHAFEE. It is my understanding that the Senator has an amendment dealing with the total speed limit.

Mr. LAUTENBERG. Right, for all vehicles.

Mr. CHAFEE. For all vehicles. It would be helpful if the Senator could bring that up now, if possible, or very soon when he has finished his discussion on the Reid amendment. What we could do is set aside the Reid amendment and go to the amendment of the Senator from New Jersey. We are trying to get these stacked up, if we can, and then the objective would be to have several votes after 12:15.

Mr. LAUTENBERG. I would like to cooperate. I do not mind speeding this portion along.

Mr. CHAFEE. Fine.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

As I was saying, the increased force and energy causes more severe injuries to the drivers and occupants of cars. Now, if professional truck drivers and the trucking industry are going to be allowed to use the public infrastructure, then they should be held to the highest public safety standards.

So I would encourage my colleagues to support the Reid amendment. I hope that it will be successful. I think that its value can be expressed in the number of lives saved, costs reduced, and a more efficient and constructive use of our highway facilities.

I commend the Senator from Nevada for bringing this amendment forward and hope that when the Lautenberg-DeWine amendment comes to the floor, he will be equally enthusiastic about that as I am about his. But we will have to wait and see.

I yield the floor.

Mr. REID. Mr. President, while the Senator from New Jersey is in the Chamber, I wish to extend my appreciation to the Senator for supporting this amendment but also to establish in the RECORD the fact that this Senator, the ranking member of the Transportation Appropriations Subcommittee and a member of the Environment and Public Works Committee, has worked for many years on matters relating to health and safety of the American consumers as it relates to transportation.

I flew across the country yesterday with my wife, and coincidentally reflected on that airplane how much more pleasant the flight was as a result of the fact that we did not have people smoking.

For many, many years while serving in Congress, I inhaled secondhand smoke every time I took an airplane ride. It was as a result of the statements made by stewards and stewardesses on the airplanes, in addition to passengers complaining, that the Senator from New Jersey led the fight—and it was a fight against principally the tobacco industry—to make travel in airplanes certainly more pleasant as a result of not smoking.

I sit next to the Senator from New Jersey on the Environment and Public Works Committee and have for 9 years and have participated in his efforts to make our highways safer. I also am now, for the first time since being in the Senate, a member of the Subcommittee on Transportation Appropriations, where the Senator has worked for many years appropriating money for highways throughout the United States. So I appreciate the support of the Senator from New Jersey on this amendment.

Mr. President, I would like also to state what is in the United States Code defined as a commercial motor vehicle. It is defined as any vehicle with a gross vehicle weight of 26,001 pounds, or greater than 16 passengers, or containing hazardous materials in certain quantities or any explosives. And we will submit, as I indicated to the chairman of the committee and the manager of this bill, to be made part of the RECORD that definition of the United States Code which I will have momentarily.

I certainly have no objection to having my amendment set aside so that the Senate can go on to other matters to move this very important piece of legislation along.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the amendment offered by my colleague from Nevada to keep the current speed limit in place as it relates to trucks.

According to the California Highway Patrol, the State of California has seen a steady reduction in the number of accidents, injuries, and fatalities relating to accidents involving trucks since 1989.

In 1989, 647 people lost their lives and 17,703 people were injured in California as a result of 12,159 truck-related accidents.

By 1994, 451 people were killed and 13,512 injured in California as a result of 9,225 truck-related accidents.

While these figures are nowhere near where we want to be, they do demonstrate that a commitment to truck safety: increased oversight on driver training and hours of operation; regulations on the size and weight of the vehicles; and federally mandatory speed limits. All have significant impacts on the increased safety on America's highways.

In one day this last April, the CHP pulled over 64 big rigs and issued almost 200 violations for everything from bad brakes to violating air pollution rules. That day, police ordered 34 vehicles off the road as a part of a crackdown on the most heavily used truck routes in Los Angeles County.

Now is not the time to begin to turn away from our commitment to make America's roadways safe and I urge my colleagues to support the amendment offered by the Senator from Nevada.

Mr. REID. Mr. President, unless the manager of the bill has something, I would suggest the absence of a quorum.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask unanimous consent that we set aside the Reid amendment and that we vote on that at 12:15.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. Furthermore, Mr. President, I wish to alert people that we are striving to have another amendment voted on immediately following the Reid amendment, and that would occur at 12:30. To do that, we would set aside the order for the luncheons, which would start at 12:30, under the order we have in place.

Also, Mr. President, I ask unanimous consent there be no second-degree amendments to the Reid amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHAFEE. So it would be my hope now, Mr. President, that the Senator from New Jersey would be prepared to go forward with his amendment.

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

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

AMENDMENT NO. 1428

(Purpose: To require States to post maximum speed limits on public highways in accordance with certain highway designations and descriptions)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of myself and Senator DEWINE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. DEWINE, proposes an amendment numbered 1428.

Mr. LAUTENBERG. 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:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. POSTING OF MAXIMUM SPEED LIMITS.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. Posting of speed limits";

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting "failed to post" before "(1)";

(ii) by striking "in excess of" each place it appears and inserting "of not more than"; and

(iii) in paragraph (4), by striking "not"; and

(B) in the second sentence, by striking "established" and inserting "posted";

(3) by striking subsection (e); and

(4) by redesignating subsection (i) as subsection (e).

(b) CERTIFICATION.—The first sentence of section 141(a) of title 23, United States Code, is amended by striking "enforcing" and inserting "posting".

(c) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. Posting of speed limits.".

(2) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

Mr. LAUTENBERG. Mr. President, I yield to the manager of the bill, Senator CHAFEE.

Mr. CHAFEE. Mr. President, I ask unanimous consent that if the Reid amendment is agreed to, it be in order for Senator LAUTENBERG to modify his amendment to make technical conforming corrections to his amendment.

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

Mr. LAUTENBERG. Mr. President, before turning to the specifics of my amendment, I want to explain its relationship to the Reid amendment which is currently under consideration.

The Reid amendment is based on two principles:

First, acknowledging that higher rates of speed are dangerous; second, that the Federal Government has a right to regulate dangerous speeds.

If the Senate adopts the Reid amendment, it accepts those principles. The Reid amendment does not apply those principles universally; its application is restricted to trucks; it does not cover all vehicular traffic.

Mr. President, I would like to argue that the principles that are included in the Reid amendment apply to cars as well as trucks.

When a car travels at excessive speeds, it is as dangerous as a truck. When the Federal Government imposes speed limits on trucks, it can also impose similar limits on cars. The principles in the Reid amendment do not distinguish between types of vehicles; they apply to all such vehicles, trucks particularly in this case—all classes.

That, in essence, is what my amendment does. It applies the Reid principle to cars as well as to trucks.

I would like to provide some background. As my colleagues know, the current Federal speed limit law establishes maximum speed limits at 55 miles per hour or 65 miles per hour depending on the road and the road's location. Current law also requires that States certify a certain level of compliance with posted speed limits. If they do not, States are required to shift part of their construction funding to safety programs. They do not lose it, but they have to use those funds in other areas.

The committee bill abolishes those requirements. It allows States to post any speed limit they want and removes the penalty if States fail to endorse those limits.

Mr. President, I differ with the committee's action, which I think was wrong. I think it will directly contribute to death and injury for thousands of American citizens every year. It will cost our society billions of dollars in lost productivity and increased health care expenditures.

Now, looking at some facts, in 1974, the Federal Government established maximum speed limits. At that time, we were in the middle of an energy crisis and the issue was driven by the need to conserve fuel. We also found an unexpected additional benefit. Maximum speed limits reduced the number of people who died on our Nation's highways.

In fact, as a result of the 1974 law, highway fatalities dropped by almost 9,000, or 16 percent, while the miles traveled decreased by only 2 percent. This was the greatest single-year decrease in highway deaths since World War II.

A total repeal of Federal speed limit requirements will increase the number

of Americans killed on our Nation's highways by some 4,750 each year. Mr. President, 4,750 people each year will die on our highways as a result of the increased speed on our roads. Those are not my numbers, Mr. President. Those are the numbers, the projections, of the National Highway Traffic Safety Administration.

I cannot imagine that 4,700 mothers, fathers, sons, daughters, brothers, sisters killed because they were allowed—some might say encouraged—to drive faster in order to save a few minutes, minutes that will cost them their lives.

If we do not want to look at the issue in human terms, how about from the budget perspective which so many want to adopt? One need not be reminded about the stringency of budget requirements around here these days.

It is estimated that the deaths and injuries caused by a total repeal of Federal speed limit restrictions will cost our country $15 billion in additional expense each year: the loss in productivity, taxes not paid and collected, and, of course, increased health care costs.

If that is not a high enough cost for one, add the $15 billion to the $24 billion that we already are losing from accidents caused by speeders. Now the total cost to American taxpayers will grow to $39 billion. That is more than the Federal Government spends on transportation each year—each year. That is on our highways, it is on our rail systems, on our aviation system. We spend more in repair and damage as a result of deaths due to speeding than we spend on our infrastructure each and every year. And the lives lost, all of the money spent, just to save a few minutes of travel time.

The point I want to make is that this is more than an issue of States rights or individual choice. This is an issue that affects everyone. We mourn for the dead, pay for the injured. We have a right and an obligation to do what we can, therefore, to minimize the loss and reduce the cost.

The American people seem to understand that very well. A recent poll conducted by advocates of highway and auto safety asked people if they favored or opposed allowing States to raise speed limits above 65 miles per hour on interstates and freeways. Only 31 percent of the total respondents favored raising current speed limit standards.

That same poll asked if the Federal Government should have a strong role in setting highway and auto safety standards, and over four out of five—close to 83 percent—said, yes, that the Federal Government—the Federal Government—should have a strong role in setting highway and auto safety standards.

Still, the committee adopted the language which strikes the limits even though a majority of the American people do not support this repeal.

Now, I realize that an amendment to restore current law will not prevail in the Senate. As a result, I sought a compromise.

This amendment recognizes the needs and the concerns of the traveling public. It is designed to address the States rights concerns which have been raised by some Members. It also recognizes the Federal Government's legitimate role and responsibility in not only building and maintaining roads but also in ensuring that those roads are safe.

Mr. President, our amendment would maintain the 55- and 65-mile-per-hour speed limits, but it would leave the issue of enforcement directly to the States. By allowing the States to have responsibility for enforcement, this amendment recognizes that States have their limited law enforcement capability and resources. I know that every day State law enforcement officers must determine how best to allocate these resources with the public's safety in mind.

Mr. President, I believe the Federal Government has a responsibility to protect its citizens. It is clear that repealing the Federal maximum speed limit will, most importantly, cost our citizens their lives. I believe this amendment strikes a balance that we can all live with.

That is why this amendment has the endorsement of the International Association of the Chiefs of Police. They say that there is value to maintaining speed limits on our roads. These are professionals, at the top of the ladder, chiefs of police. The law enforcement community does not want to see a repeal of Federal maximum speed limit requirements.

This amendment is also supported by the National Safety Council, the American Public Health Association, the American Trauma Society, Kemper National Insurance Companies, the American College of Emergency Physicians, State Farm Insurance Companies, GEICO, and the Advocates for Highway and Auto Safety. Additionally, we have the American Trucking Association supporting this amendment.

Mr. President, I ask unanimous consent letters of support from these organizations be printed in the RECORD.

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

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Alexandria, VA, June 19, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: We support your efforts to retain the 55 mph speed limit for cars and trucks.

The American Trucking Associations supported 55 mph when it was temporarily imposed in 1974 and later when the permanent 55 mph National Maximum Speed Limit was established in 1975.

We believe the 55 mph speed limit conserves fuel and results in less wear and tear on our equipment. But the most important reason the American Trucking Associations supports the 55 mph national speed limit is that we are convinced it saves lives.

We are concerned that safety would be reduced if a speed differential were created by raising the speed limit just for cars. This could increase the number of cars hitting the rear of slower moving trucks.

Again, we applaud your continuing efforts to keep the speed limit at 55 mph and stand ready to assist you in achieving that goal.

Sincerely,

THOMAS J. DONOHUE,
President and Chief Executive Officer.

STATE FARM INSURANCE COS.,
Bloomington, IL, June 15, 1995.

Senator FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the support of the State Farm Insurance Companies for your amendment to the National Highway System legislation, S. 440, which would restore the National Maximum Speed Limit Law. This is a public health and safety law that should be preserved.

The National Maximum Speed Limit, 23 U.S.C. §154, has saved tens of thousands of lives on our highways since 1974. Based on National Academy of Sciences' estimates, the national speed limit has saved between 40,000 and 85,000 lives in the past two decades.

The committee reported legislation eliminates the national speed limit. We should proceed with caution in this area, particularly on non-interstate primary and secondary roads which have much higher fatality rates than interstate highways. According to the National Highway Traffic Safety Administration (NHTSA), one-third of all fatal crashes are speed-related and one thousand people are killed every month in speed-related crashes. NHTSA projects that elimination of the national speed limit on non-rural interstates and non-interstate roads will increase deaths by 4,750 annually at a cost of $15 billion. It is important that we have some reasonable speed limits.

For these reasons, we support your efforts to retain the National Maximum Speed Limit law and to continue saving lives on our highways.

Sincerely,

HERMAN BRANDAU,
Associate General Counsel.

GEICO,
Washington, DC, June 15, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: Because excessive speed is a leading cause of motor vehicle deaths and injuries, GEICO advocates maintaining the current law concerning the federal role in setting national speed limits. We believe that giving states the discretion to set any speed limits they want will result in increased deaths and injuries on our nation's highways.

GEICO is the sixth largest private passenger automobile insurance company in the nation, insuring over 3.3 million automobiles. Our assets total $4.8 billion and we have over 8,000 employees. As such we have a vested interest in pointing out the relationship between safety and automobile insurance.

Higher speeds mean more serious injuries and deaths in traffic crashes. From a humanitarian perspective alone, this is solid justification for setting national speed limits. From a business perspective, more speed related crash injuries and deaths mean higher insurance claim costs. Higher claim costs result in higher premiums for our policyholders.

We would like to see the federal government maintain a role in highway safety. Given the reality of the political situation, and the likelihood that S. 440, the National Highway Systems bill, will generate extensive debate, we commend your efforts to restore the federal role in setting national speed limits. In addition, we urge you and your Senate colleagues to oppose the repeal of Section 153, the safety belt and motorcycle helmet incentive program.

JANICE S. GOLEC,
Director, Business and Government Relations.

ADVOCATES FOR HIGHWAY AND AUTO SAFETY,
Washington, DC, June 14, 1995.

Senator FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the support of Advocates for Highway and Auto Safety (Advocates) for your amendment to the National Highway System legislation, S. 440, which would restore the National Maximum Speed Limit Law. This is a public health and safety law that should be preserved.

The National Maximum Speed Limit, 23 U.S.C. §154, has saved tens of thousands of lives on our highways since 1974. The National Academy of Sciences estimated that the 55 mile per hour speed limit reduced fatality totals by two to four thousand each year. Even with higher speed limits on rural Interstates, the national speed limit has saved between 40,000 and 85,000 lives in the past two decades.

As you know, at higher speeds drivers have less time in which to react properly and their vehicles need more distance in which to come to a stop. Since speed is still a factor in one-third of all highway crash fatalities, Advocates continues to support the need for a reasonable and safe speed limit.

President Eisenhower began the federal presence on highways by initiating the Interstate highway system. That federal involvement will continue and expand with the advent of the National Highway System. The U.S. highway system is no longer a loose collection of state and local roads, but a national network on which the entire country depends. It is folly, both in terms of safety and the national economy, to eliminate the federal role in regulating American highways.

For these reasons we support your efforts to retain the National Maximum Speed Limit law and to continue saving lives on our highways.

Sincerely yours,
JUDITH LEE STONE,
President.

NATIONAL SAFETY COUNCIL,
Washington, DC, July 14, 1995.

Senator FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The National Safety Council is extremely concerned that S. 440, the National Highway System bill, contains a provision to repeal the national maximum speed limit law. We strongly support your amendment to restore the 55-mph speed limit.

Speed is a factor in a third of all highway crash fatalities. The National Highway Traffic Safety Administration estimates that repealing the national maximum speed limit would result in 4,750 additional lives lost each year in traffic crashes. It would also increase crash-related medical and other costs by billions of dollars a year.

Returning to the days when states could set their own speed limits would reverse years of progress and jeopardize the safety of all travellers. Experience shows that if speed limits are increased to 65 and beyond, large numbers of trucks and cars will jump to even higher speeds of 75, 80 and 85 mph.

In the interest of public safety, the National Safety Council appreciates and supports your efforts to preserve the national maximum speed limit.

Sincerely,
GERALD F. SCANNELL,
President.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, June 14, 1995.

Senator FRANK LAUTENBERG,
Hart Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American Public Health Association supports the Lautenberg amendment which requires states to maintain current law on posting speed limits of 55 and 65 M.P.H. depending on the road and road's location, but provides a degree of flexibility in enforcement. APHA recognizes the unique role of the federal government in setting uniform standards for the roads that are largely financed with federal funds.

More importantly from our perspective, APHA also recognizes the responsibility of the federal government to protect its citizens. The following statistical information points out the essential need for this amendment:

One third of all traffic accidents are caused by excess speed.

Repeal of the national speed limit will increase the number of traffic fatalities by 4,750 deaths per year at a cost of $15 billion.

We appreciate your efforts and wish you the best of luck.

Sincerely,
FERNANDO M. TREVIÑO, PHD, MPH,
Executive Director.

AMERICAN TRAUMA SOCIETY,
Upper Marlboro, MD, June 13, 1995.

Senator FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American Trauma Society supports your efforts through your Amendment to S. 440 to have posting of maximum speed limits on public highways.

We believe that limiting speed on highways is essential for highway safety.

Sincerely yours,
HARRY TETER, Jr.,
Executive Director.

KEMPER NATIONAL INSURANCE COS.,
Washington, DC, June 14, 1995.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The Kemper National Insurance Companies supports the amendment you plan to offer on the Senate floor to the National Highway Systems legislation to prevent additional deaths and injuries on our nation's highways caused by excessive speed. Under your approach states would still post the 55 MPH or 65 MPH speed limit depending upon the type of highway but enforcement would be left to the states.

As an automobile insurer, Kemper is a long time proponent of highway safety. We saw deaths and injuries from automobile accidents decline when the speed limit was lowered to 55 MPH in the 1970s. Various studies have shown, including a recent GAO study for the Senate Commerce Committee, that speed is a big influence on risk of injury. The National Highway Traffic Administration, based on the increased deaths and economic costs which resulted from raising the speed limit to 65 MPH on rural interstates, estimates that if the national speed limit is repealed, deaths and injuries will increase by 4,750 deaths a year at a cost of $15 billion. Everyone helps pay the economic costs of these deaths and injuries through increased medical care costs, insurance costs, lost productivity and lost taxes.

A nationwide survey conducted this spring for the Advocates for Highway and Auto Safety found that people do support highway safety laws and 64.2% of Americans oppose states' increasing the speed limit to more than 65 MPH on rural interstates.

Sincerely,
MICHAEL F. DINEEN,
Vice President,
Federal Relations.

AMERICAN COLLEGE OF EMERGENCY PHYSICIANS,
Washington, DC, June 14, 1995.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I write on behalf of the over 17,700 members of the American College of Emergency Physicians (ACEP). I want to offer ACEP's endorsement of your proposed amendment to S. 440 regarding the national speed limit. I understand that your amendment will reverse the action taken by the Environment & Public Works Committee when they passed S. 440 and included a repeal of the speed limit. In addition, we strongly oppose any efforts to weaken Section 153—that section of ISTEA that deals with safety belt and motorcycle helmet use, and urge your opposition to any weakening language.

ACEP is a national medical specialty society, and is dedicated to improving the quality of emergency medical care through continuing education, research and public awareness. Emergency physicians are specialists trained to provide care to patients, including medical, surgical, and trauma services. Emergency physicians are the only medical specialists required by law to provide care to all who seek it, regardless of ability to pay. This role as "front-line" providers has positioned emergency physicians as guardians of quality, accessible health care for all populations. We have seen first hand in our emergency departments those who have been involved in vehicular accidents as a result of speeding, and the non-use of safety and motorcycle helmets.

Under the guise of promoting "states' rights" and opposing "unfunded mandates," proponents of eliminating these encouragements to states to adopt safe and same highway laws are risking the lives of thousands of our fellow citizens. These laws save states and taxpayers billions of dollars a year. Specifically, it is estimated that these four safety programs together save over ten thousand

lives and $19 billion taxpayer dollars every year. Repealing or weakening them will result in more deaths and injuries on our nation's roadways, and cost all of us billions of dollars annually in increased insurance and medical costs, higher costs for emergency services, lost productivity and tax revenue, and direct costs to the Federal government in terms of those unable to pay for emergency care.

Without continued Federal leadership in these critical areas of highway safety, we will see a return to inconsistent and less effective state laws. Inevitably, there will be greater loss of life and an increased financial burden on our society. We applaud you, Senator, in your effort to restore a safe national speed limit. If we can be of any assistance to you in this process, please do not hesitate to call upon us.

Sincerely,

RICHARD V. AGHABABIAN,
President.

Mr. LAUTENBERG. Mr. President, I believe this is a reasonable and balanced amendment. All of us lose patience when we sit in traffic or leave late for an appointment and try to make up the time by just stepping on the gas a little bit more. But, if you know any family or in your own family have had a loss on a highway—whether it is from speeding or not the impact is the same at home, but when it is from speeding it is in many cases an avoidable death. And that is a tragedy beyond compare. We lose every year 40,000 people to highway fatalities—40,000 people. Something over 10,000 of those deaths are speed related on our highways.

To repeat, if we continue along the path we are on, the removal of speed limits for trucks and cars, it is estimated that we will have almost 5,000 more deaths a year occurring.

I know my colleagues, who see this as a States rights issue, do not, any more than I do, want to see people killed on our highways, people injured on our highways, or pay the expense for these accidents. But, nevertheless, this action is taken to remove constraints that we have in a lawful society, necessary to maintain our complex way of life. We are, after all—and I do not have to remind my colleagues here because it is part of their daily vocabulary—a nation founded as a nation of laws. That is what we say. We say we have laws so we can accommodate the needs of the majority of our citizens. Over 80 percent of our citizens said they want the Federal Government involved in auto and highway safety issues.

So, Mr. President, I hope in this dash for States rights we continue to focus not just on the States rights but on the individual rights that each of us has to protect our families, our children, our spouses, our brothers and sisters, and say the few minutes time gained is not worth a single life. I hope that is what the conclusion is going to be.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by my colleague from Nevada, Senator REID, to exempt heavy trucks from the repeal of the national speed limit contained in S. 440. In other words, commercial vehicles will continue to be subject to a national speed limit. Given the havoc that one 18-wheeler or cement truck or other heavy vehicle can cause if its driver loses control or is involved in an accident, I believe this is necessary protection for the motoring public. I will vote for this amendment because it will have a real effect on people's lives. Also, and more importantly, it is enforceable. Should States choose to ignore it, penalties will be imposed.

For these same reasons I am unable to support the amendment by my dear friend from New Jersey, Senator LAUTENBERG, whose courageous leadership on this issue I have long respected and followed. His amendment would maintain a nationwide posted speed limit but give the States complete flexibility in enforcing the limits, without fear of suffering Federal funding penalties for failure to do so, as under current law. To me, this provision would be more shell than substance. Either our country should have a nationwide speed limit on interstates and Federal-aid highways that is enforceable, or we should not. What we definitely should not have is a hortatory nationwide speed limit, without teeth. I fear that will only lead to further disrespect for speed limits in particular and law in general, and we cannot afford such further erosion.

I am well aware of the relationship between speed limits and the number and cost of traffic fatalities and injuries to families and to our economy. I certainly believe speed limits make sense in terms of saving lives and the related health and lost productivity costs. Higher speeds also burn more fuel per mile and thereby create more pollution per passenger mile. But speed limits do not make sense if they are not taken seriously because they are not enforced. That is the practical effect of the Lautenberg amendment and why I am reluctantly compelled to oppose the Senator's amendment.

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

Mr. CHAFEE. Mr. President, I wonder if the sponsor of the amendment would mind setting it aside just for a minute or so, while we dispose of some other business here?

Mr. LAUTENBERG. Not at all.

Mr. CHAFEE. Mr. President, I ask unanimous consent we set aside the Lautenberg amendment.

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

AMENDMENT NO. 1429

(Purpose: To express the sense of the Senate regarding the Federal-State funding relationship for transportation)

Mr. CHAFEE. Mr. President, I send an amendment to the desk on behalf of Senator MACK and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MACK, proposes an amendment numbered 1429.

Mr. CHAFEE. 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:

SEC. . SENSE OF THE SENATE REGARDING THE FEDERAL-STATE FUNDING RELATIONSHIP FOR TRANSPORTATION.

Findings:

(1) the designation of high priority roads through the National Highway System is required by the Intermodal Surface Transportation Efficiency Act (ISTEA) and will ensure the continuation of funding which would otherwise be withheld from the states.

(2) The Budget Resolution supported the re-evaluation of all federal programs to determine which programs are more appropriately a responsibility of the States.

(3) debate on the appropriate role of the federal government in transportation will occur in the re-authorization of ISTEA.

Therefore, it is the Sense of the Senate that the designation of the NHS does not assume the continuation or the elimination of the current federal-state relationship nor preclude a re-evaluation of the federal-state relationship in transportation.

Mr. CHAFEE. Mr. President, this is an amendment that has been agreed to. It is a sense of the Senate. I improperly described it as an amendment—it is a sense-of-the-Senate resolution. It has been agreed to by both sides. I ask for its approval.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1429) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. I thank the Chair and thank the distinguished Senator from New Jersey.

I ask we return back to the Lautenberg amendment.

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

AMENDMENT NO. 1428

Mr. LAUTENBERG. Mr. President, we have not sought the yeas and nays on the amendment. I take it, it is proper to register our interest in a rollcall vote? I ask the manager whether it will be in order? The Reid amendment, I understand, is going to be the first amendment voted on. Were the yeas and nays agreed to on that?

Mr. CHAFEE. Yes, the yeas and nays were agreed to on the Reid amendment.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays on the Lautenberg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to speak for a few minutes on the Lautenberg amendment.

Mr. President, all of us in our country want to have safe highways. I do not think there is anybody who even entertains the thought, either in the U.S. Congress or in the States, whoever, of asking for legislation which would have the effect of making our highways less safe. All of us listen to the statistics cited by the Senator from New Jersey about how fatalities on our highways have some relation to speed. There is no doubt about that. Fatalities on highways are also related to alcohol. There are a lot of factors which determine to some degree where the cause falls for fatalities, highway fatalities in our country.

The amendment of the Senator from New Jersey basically strikes a provision in the bill now before us. The bill now before us says: States, you decide what your speed limits should be. Why? The committee made the determination that States have a pretty good idea what conditions in those States are compared with other States. The committee also believes that State legislatures and Governors care about people in their own States and that they are going to set a speed limit which they think makes sense in their own State, taking into consideration the safety of the people in their State as well as conditions in a particular State, what the traffic is, how much space is in the State, what the population density might be.

The Senator from New Jersey comes from a very populous State. I think the population density in New Jersey is about a thousand people per square mile. The Senator from New Jersey will remember when I invited him to visit my State of Montana, which has a population of about six people per square mile. We were up in an airplane, flying at night. We were flying from Great Falls, MT, over to Custer, MT, in a twin-engine plane. The Senator from New Jersey turned to me for an explanation and said, "MAX, where are the people? Where are the lights?"

It was because there were not very many people. There were not very many lights down beneath our plane because there are not very many people in our State compared with the State of New Jersey.

I might say, therein lies one of the major differences between our States. And therein lies the reason for this provision in this bill. And therein lies the basic reason why adoption of the amendment by my very good friend, the Senator from New Jersey, would not be wise.

The argument by the proponents of this amendment essentially has two assumptions. One assumption is that there are not States that will also be able to set speed limits. Just because Uncle Sam decides there is not to be a national speed limit does not mean there is not going to be a speed limit in the States. We still have States. We have State legislatures. We have the governing bodies in States which will determine what the speed limit will be.

There is another assumption in the argument made by the proponents of this amendment, that we do not trust the States. We do not trust the States to do what is right for their own people or for people traveling through the State.

I think in this day and age, State legislatures and Governors have a good idea what makes sense in their States. They are going to want to protect their people. They are going to want to have conditions on the highways that are safe.

I trust the States. I trust the State legislatures to do the right thing for their States, which will, therefore, affect not only the people living in the States but also people traveling through their State.

I would guess, also, that if this bill becomes law—and I very much hope that it does without the Lautenberg amendment—that in all probability State legislatures are going to keep the same speed limit that now exists; that is, in some parts of some States it is going to be 55 miles an hour; in some parts of other States it will be 65 miles an hour. They will probably keep the present law. There will be some instances in the more thinly populated States where there are not a lot of people but an awful lot of miles of highway and not a lot of cars that they may make an adjustment. They may increase, as it should be increased, I think, in some parts of our country. But that is still the State's decision. Under this bill it will still be a State decision. I think the time has come in 1995 where it is proper for the U.S. Congress to trust the States and say, We trust you, you know what is right.

For that reason, I urge Members to not vote in favor of the Lautenberg amendment but rather to vote against it.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today in strong support of the Lautenberg-DeWine amendment which my colleague from New Jersey just offered.

Let us talk for a moment about what this amendment will actually do. Our amendment would retain the current speed limit law while at the same time giving the States the flexibility they need in regard to the enforcement of the law, as the Senator from New Jersey has very well explained. This is really a compromise. It is saying to the States that while we believe the roads are traveled by people from all over the country—all you have to do is to stop at any rest area on one of our interstates in Ohio or any other State and you will see how many cars are from out of State. So, clearly there is a national priority, and clearly this is a national policy issue. But while retaining that, we also say that Congress is not going to micromanage this. We are not going to require these reports from the States. We are not going to look over the shoulders of the States. So it seems to me, Mr. President, it is a reasonable compromise.

The bill, as has been pointed out very well, totally repeals 20 years of history, 20 years of experience, and says that basically we have not learned anything in the last 20 years because for 20 years we have seen on our highways lives saved because of what Congress did originally in 1973. As my colleague from New Jersey has pointed out, it was almost, as we would say, an unintended consequence because the law was originally passed because of the energy crisis that this country faced. But, lo and behold, when the statistics came in the next year on all of the fatalities, guess what? We found that thousands of lives had been saved. We found that numerous families had been spared the agony, the horror, and the tragedy of burying a loved one who had been killed on our highways.

Mr. President, I talked about 20 years of experience. The facts are in. The facts are clear. The facts are conclusive. Let us go back to 1973. In 1973, 55,000 people died in this country from car-related fatalities—55,000 people—which affected 55,000 families. In 1974, Congress established the 55-mile-per-hour speed limit. That year the highway fatalities dropped by 16 percent. Fatalities dropped from 55,000 in 1973 to 46,000 in 1974. In my own State of Ohio, according to the Ohio Department of Public Safety, there was a 20-percent decrease in fatalities on Ohio roads over this 12-month period of time. According to the National Academy of Sciences, the national speed limit law saved somewhere between 2,000 and 4,000 lives every year; as many as 80,000 lives since 1974.

Let us move forward in this history to 1987. When the mandatory speed limit was amended in 1987 to allow the 55-mile-per-hour speed limit on some of the rural interstates, the National Highway Traffic Safety Administration found that the fatalities on those highways were then 30 percent more than had been projected based on historical trends.

According to the Insurance Institute for Highway Safety, increasing the speed limit to 65 miles per hour on rural interstates cost an additional 500 lives every year. Mr. President, those

highways are probably among the safest roads in America. What is going to happen when we extend that speed limit in rural areas to the more dangerous urban interstates in this country? I think we know what is going to happen. History tells us. Statistics tell us. If we were to see the same increase, a 30-percent increase, on the more dangerous urban interstates that we see on the less traveled, less dangerous rural interstates, the U.S. Department of Transportation estimates that an additional 4,750 people would die every year.

I believe this is clearly not the direction we need to go in the area of highway safety. We need to go in the opposite direction because there obviously are far too many Americans dying on America's highways in this country.

In 1993, in Ohio a total of 1,482 people were killed in car accidents. Over 20 percent of those were speed related. Nationwide, it is estimated that one-third of all highway fatalities are caused because of excess speed.

Mr. President the old adage had it right. Speed does in fact kill. Everyone in this Chamber knows that. Even if interstate highways were designed for 70-mile-per-hour travel, people are not designed to survive crashes at that speed. As speed increases, driver reaction time, the time that driver has, decreases and the distance the driver needs if he is trying to stop increases. Excessive speed increases the total stopping distance, the driver's reaction time, plus the braking distance. Say a truck is overturned 290 feet ahead of a driver. A driver approaching it at 65 miles per hour would not have time to stop. It would take that driver so long to react and then to brake the car that he or she would still be going 35 miles per hour when they reached that truck. That is a major crash.

Let us say, on the other hand, the driver is approaching the truck at 60 miles per hour. That driver will have a little more time but still not enough to avoid a crash. They would crash into the truck at 22 miles per hour. Mr. President, let us take a third example. A driver approaching at 55 miles per hour would have time to slow down and to stop. When speeds go above 55 miles per hour, every 10-mile-per-hour increase doubles the force of the injury-causing impact.

Let me say that again. It is a phenomenal figure, I think. When speeds go above 55 miles per hour, every 10-mile-per-hour increase doubles the force of the injury-causing impact. This means that at 65 miles per hour a crash is twice as severe as a crash at 55 miles per hour. A crash at 75 miles per hour is four times more severe.

Mr. President, a speed limit of over 55 miles per hour is a known killer. The awareness of this fact is growing. Just yesterday in my office I received a letter from the executive director of the National Save the Kids Campaign urging the adoption of this particular amendment. We need, I think, to face the facts about the speed limit and to do the right thing. It is this part of this bill.

Mr. President, recently in Ohio the director of the Ohio Department of Public Safety, Charles Shipley, testified on this issue. I would like to read briefly what he said. His words are very simple but very powerful. But before I tell you what Chuck Shipley, the director of our department of highway safety, said, I want to tell you who he is. He is not just some bureaucrat. He is not just some political appointee. Chuck Shipley for many years was a highway patrolman. For many years Chuck Shipley had the duty of investigating crashes. Chuck Shipley had the horrible responsibility, as most members of our patrol ultimately do, of talking to a family informing them that their child or their sister or their brother had died. So Chuck Shipley knows what he is talking about. He has been there. He has seen it.

This is what the Ohio Director of Public Safety had to say. As I said, his words are simple and powerful. He was talking about another piece of legislation in Ohio but similar.

This legislation is not in the interest of safety. The few minutes that could be saved will be paid for with injuries and with lives.

Mr. President, that is the exact truth, and we know it. That is why I strongly support this amendment. That is why I also strongly support Senator Reid's amendment.

In the last few years, one of the things that politicians and people in public office have talked about is the phrase "ideas have consequences." I think that is true. Just as ideas have consequences, votes in this Chamber have consequences as well. There are many times when we come to the floor and cast votes where we think we are benefiting society, where we think we can project in years ahead that something we are doing is going to be of help to people. This is one time where we know, based on the past history, based on common sense, what the results are going to be. We do not know how many more people will die, but statistics clearly show us, history clearly shows us that if we change the law as this bill does, more people will die on our highways, and that is the simple truth.

I believe that the compromise my colleague from New Jersey and I have crafted is, in fact, a reasonable compromise. It is a compromise that takes into consideration the concern every Member has for our loved ones, the people we represent, but also balances that with an understanding of where this country is going, as it should, to return more authority and more power to the States. It is a compromise, but it is a compromise that I submit, if we pass it, will save lives. The evidence is abundantly clear.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I commend my colleague from Ohio for his statements. He comes from a background in law, served as a prosecutor, and I think certainly has the qualifications and the knowledge to understand what happens when speed is permitted to accelerate at the will and the whim of a driver.

My friend from Montana and I often joke about my visit to beautiful Montana, and since I have been for a long time an outdoor person and hiker and spend time out there, I am always attracted, enchanted by the magnificence of the mountains of Montana, the beautiful countryside, and of course I know the sparseness of the population there but remind my colleague, since he always remembers the story about my looking for signs of life on the ground and not seeing them when we flew over Montana, that in New Jersey we have more horses per square acre than any State in the country. So we live with the wild western life as well as our heavy population density.

But, Mr. President, I say this to you, that an incinerated vehicle, whether it is in Oklahoma or Montana or Wyoming or North Carolina, is no less a tragedy than it is in New Jersey or any of those States. The families still feel the same pain when they lose a loved one. The community still feels the absence of that citizen when they hear about it, when they know about it.

I recently lost a good friend up in Maine, a good friend of mine, a very close friend of our former majority leader, Senator Mitchell, when he was hit head on by a car passing at a very high speed on a two-lane road. The other vehicle was so incinerated that they had to take it to the capital of the State, Augusta, ME, so that they could get the remnants of the bodies out of the vehicle and decide who these people were, the driver and his passenger.

Mr. President, we have many responsibilities in this place of ours but none—none—exceed that of protecting life and limb of our citizens. We maintain a huge defense apparatus to do that. We invest—insufficiently in my view, but we invest—large numbers in our infrastructure—highways, rail, aviation. We have the best aviation system in all of the world because we have put money in it. And we have said that even if there is a delay at your airport, too bad, because that takes second position to that of safety. So they spread the distance between flights, and they make sure that airplanes, too many airplanes, are not in the same area in the sky at the same time.

Safety. Safety is the primary concern. And so what we are saying here is that we are interested also in safety.

We talk about raising speed limits, but I have seen in my travels out West or in mountain country runouts for trucks. Now, sometimes it is because there is a failure in the driving system, but other times it is because the driver is going too fast, his judgment was faulty, and he has to seek the high-risk opportunity to go up a truck runout. If you look at some of those things, you know that when it is snowing on the ground or the truck is going too fast, there has to be a prayerful moment for the driver.

Mr. President, I have a report here that is developed by NHTSA. Its source is the fatal accident reporting system. It is a segment of the structure. They project a 30-percent increase in fatalities if we remove the speed limits. When we look at some of the States that are represented in the Chamber at this moment, a State like North Carolina can expect the fatalities within a year to increase by 243 persons if we remove the speed limits as proposed—243 people in the State of North Carolina.

Mr. NICKLES. Will the Senator yield?

Mr. LAUTENBERG. Yes.

Mr. NICKLES. Did the Senator say according to NHTSA there would be a 30-percent increase in fatalities?

Mr. LAUTENBERG. A 30-percent increase in the fatalities that occur from excessive speed right now, yes.

Mr. NICKLES. There are 40,000, 41,000 auto fatalities.

Mr. LAUTENBERG. If the Senator will permit me to respond, 40,000 total fatalities. Some of those, many of those, maybe 30,000, 25,000 are not related to speed but related to other things, perhaps ice, snow, faulty vehicles, other conditions, grade crossings, et cetera. But those attributed to excessive speed range about 14,000 persons a year, and NHTSA, the National Highway Traffic Safety Administration, projects a 30-percent increase if speed limits are removed.

In Oklahoma, for instance, it would go from 388 persons up by 110, with the projected increase of 30 percent.

So I think the case can be made, Mr. President—once again, I want it to be clearly understood I do not think there is anyone in this room, any Senator or any individual in this room who is saying abandon restraint regardless of consequence; not at all. I would never suggest it. My colleagues are too intelligent, too caring, and work too hard to protect the public. But in this case, I think it is an error to simply resort to the States rights argument and say that we ought not to have any Federal restrictions.

I submit, as I said before, the Federal Government is involved in aviation. We have the safest system anyplace on the globe. And so it is with many other parts of our society. But in this case, I think it is essential because the Federal Government makes the investment, the Federal Government does direct taxpayer money to our infrastructure development, and we will assume not only the tragedy and loss of life but can expect an increase of $15 billion a year in cost to the community and the Government as a result of these accidents.

And so, Mr. President, once again, I appreciate the support and the help of my colleague from Ohio and hope that we will be successful.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise in opposition to the Lautenberg-DeWine amendment and urge my colleagues to vote no.

I might ask the sponsors of the amendment, Do we have a time set for the vote on Lautenberg?

I understand from the manager of the bill, Senator BAUCUS, we do not have a time set for that vote, but I would just urge my colleagues when we do vote on it to vote no.

I compliment the committee for taking their position. The committee's position was not to raise speed limits. The bill that we have before us does not raise speed limits.

It allows the States to set the speed limits. There is a big difference. Some of my colleagues are assuming that we will have a national speed limit, if this bill passes as it is, of 65 or 70 miles an hour. That is not the case. The case is which jurisdiction of government should properly make this decision? Should it be decided by the Federal Government and mandated by the Federal Government? Or should it be decided by the States? That is what the vote is: Who should set the national speed limit or who should set speed limits. Should it be a national mandate or should we allow States to make the decision?

To have individuals talking about a 30-percent increase in fatalities due to speeding, I think, is hogwash. What makes you think the States are going to increase the speed limit? Maybe they will if it is strongly supported in their States and the State highway administration thinks it is safe. Maybe they will.

Mr. DEWINE. Will the Senator yield?

Mr. NICKLES. Let me make some more comments and then I will. They say, if this bill passes, 4,750 people are going to die every year. I think that comment is absurd. Are we taking a position that we need to have the National Government mandate speed limits because States do not care about safety, States do not care about fatalities? Again, I find that absurd.

I go back to the Constitution on occasion, and I read in the 10th amendment, it says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Why not allow the States and the people to make this decision? Our forefathers, I think, would be shocked to find out that we have national speed limits, we have the Federal Government making all kinds of constraints and saying, "Well, if you don't comply, you don't get your money."

The money was raised within the States from a State-generated tax on gasoline primarily to fund the highway program. That money is sent to Washington, DC, and before Washington, DC, will send it back, you have to comply and if you do not comply, you do not get the money. Uncle Sam is putting the strings in, Uncle Sam, big Government, saying, "States, you must do this, and if you don't, you won't get your money back or we are going to withhold some money." We are telling the States, the State legislatures and State Governors, "Well, we don't care, we're going to mandate, we're going to tell you exactly what you have to do."

To get to this figure of 4,750 people I think is just ludicrous. Look at the statistics. In 1965, we had over 50,000—about 51,000—fatalities on our highways. In 1974, when we imposed the national speed limit, it had already dropped to 45,000. It declined fairly consistently throughout, and today the number of fatalities is a little over 40,000. There has been a consistent decline for a lot of different reasons: automobiles are built safer, we have airbags, we have more divided highways—there are many different reasons. Some people are driving slower; some people are driving faster.

The real issue we are going to vote on today is not what the national speed limit should be but if the States should make the decision or should we have it mandated by the Federal Government. That is the decision. The committee properly recommended that the States should make the decision.

Mr. President, I am going to have printed in the RECORD an article from the Washington Times by Stephen Chapman entitled "Clocking the 55-Mile-an-Hour Debate." It mentions that opponents are going to say, "We are concerned about safety." I am concerned about safety. I have children who are driving on the highways. I want those highways to be safe. I just happen to think the State of Oklahoma or the State of Virginia is just as concerned about safety as the Federal Government, and maybe those States will want to increase the speed limits, if they think it is safe and prudent to do so, if the highway is built well. Or maybe they will not. Maybe they will be convinced that if we have increased speed limits, we will have an increased number of fatalities.

If they do not want to increase the speed limit, that is their decision, and

I can abide by it. For people to say we did have over 50,000 fatalities in the sixties and then 45,000 in 1974 and now it is 40,000, but if we do not have a national speed limit, we assume it is going to jump up to 45,000, makes no sense whatsoever. That is not sustainable. For the national highway transportation people to make that kind of allegation I think is ludicrous. It shows they are against the amendment. Well, this administration is for more Government. They like the idea of the Federal Government making decisions instead of the States making decisions.

Many Governors do not agree, Democrat and Republican Governors. Mr. President, I have numerous letters from Governors, from a variety of States, Democrats and Republicans, who are supportive of allowing the States to make these decisions.

Lawton Chiles, a former Senator and now Governor of the State of Florida, says:

> Recognizing the national maximum speed limit is one of 19 mandates in current Federal law which threatens to sanction States with the loss of transportation funds, the State of Florida would clearly prefer an incentive approach over mandated activities.

What we have right now is a mandated activity.

I have a letter from the Governor of the State of Maine, Angus King, who says:

> As Governor, I am striving to not only gain empowerment for the State of Maine from Federal restrictions but to pass that right to Maine's citizens who truly know best what their needs are. Therefore, I do support your proposed legislation and would recommend its passage.

The proposed legislation is to allow the States to set the speed limits.

Governor Engler of the State of Michigan says:

> My administration is a strong proponent of States rights and an active opponent of unfunded Federal mandates.

This is an unfunded mandate.

Continuing with Governor Engler's letter:

> Speeding is a factor in one-third of all fatal crashes. I believe, however, that speed variance and violators are the major causes, not the setting of higher speed limits.
>
> In addition, I believe that individual States are better prepared to identify safe speeds for the roadways than the Federal Government.

That is the point I am making. I know the Governors are just as concerned with safety and fatalities on their roadways as this body is, as the Federal Government is.

I have a letter from the State of Montana, Governor Racicot. He talks about Montana being a large, sparsely populated State with hundreds of highway miles through rural areas:

The Governor writes,

> The diverse terrain and widely varying population across our State make enforcing a single speed limit based solely on the type of highway difficult, if not impossible. And a speed limit set with large eastern cities in mind often doesn't make sense in Montana.

I think he is correct.

I have additional letters from the Governor from the State of South Carolina, Governor Beasley and the Governor from the State of New Hampshire, Governor Merrill. I will just read this one paragraph from Governor Merrill:

> In addition to feeling the States should set their own speed limits, I also believe motorist compliance, or noncompliance, with those speed limits should not be related to the withholding of construction funds awarded to individual States.

I think he is correct.

I have a letter from Fife Symington, Governor of the State of Arizona, a letter of support from the Governor of the State of Tennessee, Governor Sundquist. I will read one comment:

> I agree with you that authority regarding speed limits should not be imposed by the Washington bureaucracy, but should be regulated by each State who understands their own transportation needs and who knows what restrictions are best for their citizens.

I have a letter from Governor Keating of my State of Oklahoma. He goes on:

> As you know, Federal mandates and penalties for noncompliance are a constant threat to Oklahoma's ability to build, maintain and manage highways effectively.

Also, a letter from Governor Glendening of Maryland:

> Sanctions which reduce critically needed transportation funds are counterproductive.

Again, I think he is right. I happen to think the Governor of Maryland, the Governor of Oklahoma, and the Governor of Montana are just as concerned—frankly, I think they are more concerned—than we are with highway safety within their States.

Again, I want to make clear that all of my colleagues are aware of the fact this bill we have before us, reported out of the committee, does not raise the national speed limit to 65, does not raise it to 70, does not raise it to 80. It says, "States, you make the decision." We have a little bit of confidence in the States. We think that is a decision that is more properly reserved to the States than the Federal Government. Very plain, very simple.

The people who are proposing this amendment obviously feel the Federal Government should make the mandate and enforce the mandate and say, "If you do not comply with posting, we are going to take your money away. If you do not comply with enforcement"—now under the proposal before us, under the Lautenberg proposal, it says you have to post the speed limit at 55, the national speed limit, but you do not really have to comply with it, we are going to leave compliance to the States.

I think that is going to create a contempt for the law. Why not allow the States to set the speeds limits, post the speed limits, and enforce the speed limits? To end up saying we are not going to have any sanctions on enforcement but you are going to have to post limits I think is a mistake. Therefore, if the State of Montana wants to have a speed limit of 65 they could legally have zero fine or penalty for exceeding the speed limit. That is going to create contempt for the law.

Maybe it is an effort to compromise, I do not know. I think it is a mistake. I think it is defying States saying, we do not think you can do the job; we are going to do it for you. We are going to tell you that you must do that. I disagree with that. I think the forefathers and the 10th amendment of the Constitution says all rights and powers are reserved to the people and the States. Our forefathers are right.

Why do we come in and micromanage and dictate what they must do to get their money back, money that came from constituents in those States? I might also mention that many States do not get their money back. A lot of States are so-called donor States: They pay $1 in taxes to Washington, DC, and get 90 cents back. They are shortchanged from the start and then with the 90 cents they get back, they must comply with a lot of Federal regulations. Complying with the Federal speed limit is just one such mandate.

I might also mention that it is a national speed limit law that is not complied with. I am not shocking anybody by saying that. But if you drive 55 on a lot of our highways around the country today, you will find that you are not going with the prevailing speed. Again, I am not one that says the speed limit should be higher; I am one who says the States should make that decision. The States should make that decision, not the Federal Government.

So I urge my colleagues, when we vote a little later, to vote "no" on the Lautenberg-DeWine amendment.

Finally, Mr. President, I want to print one additional article in the RECORD. The article is in today's Washington Times entitled, "Why Do We Still Have to Drive 55?"

I will just read this one paragraph:

> For example, after Congress gave the States the authority to raise the speed limit on selected rural interstates to 65 mph in 1987, a study done by the American Automobile Association in 1991 found that the fatalities in these regions fell by 3 percent, to 5 percent overall—thus belying the conventional wisdom that "speed kills."

The author states in a further paragraph:

> "Fifty-five" is almost universally despised, fosters contempt for legitimate authority and, paradoxically, probably increases the number of accidents because frustrated drivers tailgate, swerve and pull other maneuvers to get around the car ahead that's dawdling in the fast lane.

I ask unanimous consent the two articles, as well as the letters from several Governors in support of allowing the States to make the decision, be printed in the RECORD.

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

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, May 19, 1995.

Hon. DON NICKLES,
U.S. Senator,
Washington, DC.

DEAR DON: Thank you for your letter concerning legislation you have introduced to repeal the National Maximum Speed Limit.

Recognizing that the National Maximum Speed Limit is one of the 19 mandates in current federal law which threatens to sanction states with a loss of transportation funds, the State of Florida would clearly prefer an incentive approach over mandated activities. With regard to the mandates referenced above, for the most part Florida would not alter appreciably our practices if these mandates were rescinded. Notably exceptions would be outdoor advertising and control of junk yards. Also, the Intermodal Surface Transportation Efficiency Act (ISTEA) Management System requirements could become very costly and should be made optional, or certainly less rigid.

Concerning the National Maximum Speed Limit mandate, one additional option not altogether unlike your approach, would be to set one national maximum—say 65, 70 or 75 mph. States would then be free to set speed limits as they best determine based on traffic and safety analysis with an upper cap already established. The urban/rural split between speed limits contained in the existing mandate is somewhat arbitrary and inconsistent with accepted methodology for setting speed limits, and should be dropped. Turning to a slightly broader subject, it is my view that the transportation funding needs of donor states like Florida and Oklahoma must inevitably be addressed. One solution worthy of possible consideration is a modified turnback, whereby only a limited federal highway role would be maintained. The federal gas tax would be reduced accordingly and individual states given the option of passing a replacement state gas tax. Form a variety of standpoints, this concept would seem to be attractive.

Again, thank you for your correspondence and I would welcome the opportunity to have our two states work together in the future for our mutual benefit.

With kind regards, I am

Sincerely,

LAWTON CHILES.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, ME, May 3, 1995.

Hon. DON NICKELS,
Oklahoma City, OK.

DEAR SENATOR NICKLES: Please allow me to apologize for the delay in getting back to you. Thank you for your letter concerning the introduction of a bill to repeal the National Maximum Speed Limit.

It has been our experience in the State of Maine since the increase in the maximum limit from 55 MPH to 65 MPH, that compliance is no longer an issue. However, as you noted, the potential loss of highway funds is indeed a penalty which would severely impact our ability to properly fulfill our responsibility to Maine citizens and their transportation needs.

As Governor, I am striving to not only gain empowerment for the State of Maine from Federal restrictions but to pass on that right to Maine's citizens who truly know best what their needs are. Therefore, I do support your proposed legislation and would recommend its passage.

Thank you for giving me an opportunity to respond to your request for Maine's views on this matter.

Sincerely,

ANGUS S. KING, JR.,
Governor.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, April 21, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: This is in response to your letter requesting my support and views on your bill to repeal the National Maximum Speed Limit. My administration is a strong proponent of states rights and an active opponent of unfunded federal mandates.

Speeding is a factor in one third of all fatal crashes. I believe, however, that speed variance and violators are the major causes, not the setting of higher speed limits.

In addition, I believe that individual states are better prepared to identify safe speeds for their roadways than the federal government. If the National Maximum Speed Limit restrictions are repealed at the federal level, all states must consider increasing fines and banning radar detectors wherever the higher limits are allowed in order to give law enforcement the tools necessary to mitigate any potential increase in deaths and injuries. Persons who violate the higher speed limits do present a substantial public safety hazard.

Given the above reasons, I support your efforts with reservation. Thank you for the opportunity to share my thoughts with you.

Sincerely,

JOHN ENGLER,
Governor.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, MT, May 5, 1995.

Hon. DON NICKLES,
U.S. Senator,
Oklahoma City, OK.

DEAR SENATOR NICKLES: I agree with your position that a nationally-imposed maximum speed limit is inappropriate in many states, including Montana.

Montana, as you know, is a large, sparsely-populated state with hundreds of highway miles through rural areas. In addition, our population is greater in mountainous western Montana than in the prairie areas of the eastern half of the state. But even our most populated areas are rural when compared to cities in the eastern part of our country.

The diverse terrain and widely-varying population across our state make enforcing a single speed limit based solely on the type of highway difficult, if not impossible. And a speed limit set with large eastern cities in mind often doesn't make sense in Montana.

I agree with you, Senator Nickles, that the role of assigning reasonable speed limits should be returned to the states and I support your legislation.

Sincerely,

MARC RACICOT,
Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, April 3, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for your recent letter regarding your bill which would repeal the National Maximum Speed Limit and return to the states the authority to regulate their own speed limits. I appreciate the opportunity to provide input regarding this legislation.

I believe the federal government should empower states with more responsibility and allow more control to make decisions affecting our futures. Should your legislation become law and we are given the authority of regulation, we will carefully assess our present speed limits to determine if changes may be necessary.

Again, thank you for sharing this information. Please do not hesitate to contact me if I may be of assistance in the future.

Sincerely,

DAVID M. BEASLEY.

STATE OF NEW HAMPSHIRE,
OFFICE OF THE GOVERNOR,
Concord, NH, May 9, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: I am pleased that you have introduced legislation to repeal the National Maximum Speed Limit. I am in agreement that states should be empowered to set speed limits that are appropriate for their highways, and the responsibility to dictate speed limits should not reside at the federal level.

In addition to feeling that states should set their own speed limits, I also believe motorist compliance, or non-compliance, with those speed limits should not be related to the withholding of construction funds awarded to individual states. Furthermore, states should not be penalized by withholding their construction funds because they have neither a universal seat belt use law, nor a motorcycle helmet use law. This currently exists under the provisions of the Section 153 transfer funds. My feelings on this subject are further stated in the attached letter dated January 27, 1994 to Frederico Pena, Secretary of Transportation.

We in the Granite State are very proud of our highway safety record which is possible only through the united efforts of local, State and county entities. In 1994, the lowest number of people died on New Hampshire highways in over 30 years, and we are striving to improve that record.

In closing, let me say that I support your legislation, as well as any efforts which have the goal of returning to the states the power to actively manage their own affairs.

Very truly yours,

STEPHEN MERRILL,
Governor.

STATE OF ARIZONA,
EXECUTIVE OFFICE,
Phoenix, AZ, April 13, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Your legislation repealing the National Maximum Speed Limit will be a step in restoring the ability of states to set and maintain speed and safety standards without having to fear sanctions from Washington, D.C. You have my full support in your endeavors to restore responsibility to state governments.

If you need any help, do not hesitate to contact me.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF TENNESSEE,
STATE CAPITOL,
Nashville, TN, April 18, 1995.

Senator DON NICKLES,
Washington, DC.

DEAR DON: Thank you for your letter advising me about the legislation that you have introduced that will repeal the National Maximum Speed Limit and return to the states the authority to regulate their own speed limits.

I strongly support this legislation that will further empower states with the responsibility to make their own decisions with regards to speed limits. The National Maximum Speed Limit is a part of federal law which threatens states with the loss of their badly needed highway funds. I agree with you that authority regarding speed limits should not be imposed by the Washington bureaucracy, but should be regulated by each state who understands their own transportation needs and who knows what restrictions are best for their citizens.

I agree with and support this important legislation. If there is anything else that I can do, please do not hesitate to contact me.

Best regards,

DON SUNDQUIST.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, OK, March 31, 1995.

Hon. DON NICKLES,
U.S. Senator,
Washington, DC.

DEAR SENATOR NICKLES: I applaud your recent introduction of legislation proposing the repeal of the National Maximum Speed Limit. As you know, federal mandates and penalties for non-compliance are a constant threat to Oklahoma's ability to build, maintain and manage highways effectively.

There are twenty federal mandates that affect highway funds which carry significant cash penalties for non-compliance. I appreciate your dedication to removing one of these obstacles from Oklahoma's path, and encourage you to address other mandates that threaten the prosperity of our state.

Thank you for your distinguished leadership and your dedication to Oklahoma's success. The legislation you are presenting will provide our state with the freedom to grow and prosper, and I wholeheartedly support this effort.

I look forward to seeing you at the state convention April 8.

Sincerely,

FRANK KEATING.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
Annapolis, MD, May 24, 1995.

Hon. DON NICKLES,
U.S. Senate,
Washington, DC.

DEAR SENATOR NICKLES: Thank you for your letter informing me of your introduction of S. 476, a bill to repeal the National Maximum Speed Limit. I agree with your opposition to the sanctions that are required by existing law. Instead of punishing states for lack of adequate compliance, it would be better to reward those states which enforce speed limits, perhaps in the form of bonus funding for transportation programs.

Sanctions which reduce critically needed transportation funds are counterproductive. I would not, however, abandon the concept of a national speed limit, which can serve a useful purpose, especially in regard to traffic fatalities. Thank you again for informing me of your proposal.

Sincerely,

PARRIS N. GLENDENING,
Governor.

[From the Washington Times, June 7, 1995]

CLOCKING THE 55 MPH DEBATE

If you want to get a debate going among legal scholars about the meaning of federalism, ask them about the Supreme Court's recent decision limiting the reach of the Constitution's interstate commerce clause. But if you want to get a debate going among ordinary people, ask them abut the 55 mph speed limit, which strikes some Americans the same way the Stamp Act struck Patrick Henry.

The 55 mph speed limit was mandated by the federal government in 1973 at the behest of President Nixon, who proposed it as a way to conserve fuel during the Arab oil embargo. States, which had always set the speed limits on their highways, suddenly found they had lost their authority. They may finally get it back, though, as a result of the GOP takeover of Congress. Republican Sen. Don Nickles of Oklahoma has introduced a bill to repeal the federal maximum. Other bills in Congress would simply deprive Washington of the money to enforce it.

The issue that arouses car buffs is speed. Prior to the federal intrusion, states set the limits anywhere from 65 mph to 80 mph—and Montana and Wyoming had no limit at all. Drivers with lots of pent-up horsepower have yearned for years to be able to open the throttle without fear of the highway patrol.

The passion on the other side of the issue is safety. One unforeseen result of the lower speed limit, defenders say, was a sharp decline in traffic fatalities, and one inevitable consequence of raising it will be more carnage on the roads.

The opponents of 55 are not entirely without arguments. They insist that everyone ignores it because it is ridiculously low and that higher limits would bring the law into closer conformity with the prevailing practice. Besides, they say, plenty of highways are engineered for much higher speeds than those now allowed.

The case amounts to more than just determined rationalization of dangerous behavior, but not a lot more. The defenders of 55 say that when Washington let states raise the limit to 65 on rural interstates in 1987, the death toll on those roads jumped by 20 percent.

This validates the common-sense assumption that if people drive faster, they are more likely to get killed. "It's possible to design cars and roads for high speed, but we haven't been able to design people for high speed," says Chuck Hurley of the Insurance Institute for Highway Safety. If posted maximums rise, I somehow doubt today's speeders will start obeying the law. Higher limits may or may not mean less speeding; they will definitely mean more speed.

But to get caught up in the issue of where to set the speed limit is to miss the more important issue, which is who should set it. There are plenty of good reasons to support 55, but none to insist that it be imposed by Washington.

On this, the left and the right should have no trouble agreeing. Conservatives have always wanted to decentralize power. But last year, during the debate on the crime bill, it was liberals who opposed Congress' grandstanding federalization of crime by noting that public safety and order have always been the province of local and state governments. If you're waiting for liberals to apply that logic to the speed limit issue, though, you'd better make yourself comfortable.

In fact, there is no reason on Earth that states should not be free to decide for themselves whether the danger of more auto accidents outweighs the advantages of faster travel. In a country that has highways as congested as New Jersey's and as empty as New Mexico's, we should be able to recognize that different places and that locals are best situated to make the judgment.

Nothing about the issue warrants federal intervention. If a state ignores pollution, the state next door will suffer harm to public health; if a state slashes welfare, its neighbors may be flooded with paupers. But if Illinois chooses to let people drive 70 mph on its highways, no one in Iowa will be at risk.

Iowans who venture eastward, granted, may be exposed to more adventure than they prefer on the highway. But Iowans who set foot in Chicago endure a greater likelihood of being murdered, which doesn't give them the right to dictate the number of cops on the street.

If states and cities are competent to set the speed limits everywhere from quiet residential streets to busy six-lane boulevards, they can certainly handle highways. Those who support keeping the 55 mph maximum should make their case to state legislatures, which are not indifferent to the lives and limbs of their constituents. Legislators may not always arrive at the right policy, but one of the prerogatives of states in their proper responsibilities is the right to be wrong.

[From the Washington Times, June 20, 1995]

WHY DO WE STILL HAVE TO DRIVE 55?

(By Eric Peters)

Make sense of this if you can: Prior to the great oil price shocks and shortages of the 1970s, speed limits on American highways were typically set at 70–75 mph. Now in those days, cars were great lurching behemoths riding on skinny little bias-belted tires that needed more room than an incoming 747 to come to a stop. No antilock brakes (ABS), no air bags—and suspensions that weren't worth a hoot in a corner.

Jump forward to 1995. All new cars have radial tires, superb brakes (and almost all have ABS), offer excellent road-gripping suspensions, air bags and superior body structures that, when combined with today's state-of-the-art powertrains, make for automobiles that can safely loaf along on a modern interstate highway at 80, 90—even 100 mph—in the hands of any competent driver.

Yet the federal government adamantly clings to the 55 mph "national speed limit"—citing "safety" and the need to conserve fuel.

The second rationalization—energy conservation—is easily dispensed with. Proven reserves are sufficient to supply our needs into the foreseeable future—and new oil fields are being discovered all the time. As proof of this abundance, one need only take note of fuel prices at the pump, which have remained constant or declined over the past 15 years.

If the supply of oil was in danger of drying up, prices would be skyrocketing in anticipation of impending shortages. Yet a gallon of unleaded premium today is typically sold for $1.35–$1.40—which is less than what it cost in 1980.

Besides, thanks to overdrive transmissions, fuel injection and computerized engine management systems, today's cars are much more efficient than their crude forebears of the mid-1970s. Simply driving a late

model car—even at 80 mph—is a fuel-saving measure all by itself.

The safety issue is the toughie. Pro-55 people recite the mantra that "speed kills"—an allusion to their belief that the higher your rate of travel, the less time you will have to react; ergo, you are more likely to have an accident when driving fast—and more likely to die or be seriously injured when you do have one.

There's a certain logic to this, but it fails to take into account the improvements in vehicle design that have occurred over the past two decades. Today's cars are so much better, so much safer (thanks to "crumple zones," side-impact beams in the doors, air bags, etc.) than cars built just 20 years ago, that they're generally less likely to be involved in accidents, and if they are, the occupants are less likely to be seriously hurt.

For example, after Congress gave states the authority to raise the speed limit on selected rural interstates to 65 mph in 1987, a study done by the American Automobile Association in 1991 found that fatalities in these regions fell by 3 percent to 5 percent overall—thus belying the conventional wisdom that "speed kills."

There's also a wealth of information derived from crash studies done by the automobile manufacturers themselves, all of which indicates that people in modern cars equipped with air bags and other safety features have much better odds of surviving a serious accident than occupants of older vehicles lacking such features.

I know, for example, that if I slam on the brakes in my ponderous and poorly designed 1976 Pontiac Trans-Am (a state-of-the-art, "high performance" car back then) at 100 mph, I'm going to go into a skid and will probably wreck the car. If I tried the same thing in a 1995 Trans-Am—which has high-capacity, 4-wheel disc brakes and anti-lock—I wouldn't even spill my drink.

A front end collision 20 years ago at 40 mph was usually fatal; today, thanks to air bags, you stand a very good chance of walking away. Just ask the National Highway Traffic Safety Administration. Or the insurance companies—which offer more favorable rates to drivers of new cars equipped with air bags, ABS and the other safety gear mentioned earlier.

Humdrum mass-produced cars can outbrake, outhandle—and sometimes out-accelerate—the finest exotic and high performance machinery of 20 or 30 years ago. It's ludicrous to throttle their ability by making them go 55. Most people understand this and recognize that the hated "double nickel" is in place mainly for revenue collection—the bounty provided by ticketing motorists for "speeding" at 65 or 75 mph on a modern highway.

"Fifty-five" is almost universally despised, fosters contempt for legitimate authority and, paradoxically, probably increases the number of accidents because frustrated drivers tailgate, swerve and pull other maneuvers to get around the car ahead that's dawdling in the fast lane.

For now, it looks like we'll have to live with this. So while we're waiting for saner—and more equitable—traffic laws, a lighter foot and keener eye will have to suffice to keep us all out of trouble with the law.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio. The Senator from Oklahoma still has the floor.

Mr. DEWINE. I thought he yielded the floor.

Mr. NICKLES. I yield the floor.

Mr. DEWINE. Mr. President, let me try briefly to respond to the very eloquent comments of my colleague from Oklahoma. My friend talks about the fact that our forefathers would be shocked at amendments such as this. I think our forefathers would be shocked by the Interstate Highway System. I think they would be shocked by over 40,000 deaths every single year. So I am not sure that that really has, at least from this Senator's perspective, a great deal of validity.

The Senator talked about the figures that were cited—that I cited, that my colleague from New Jersey cited. Those were not our figures. They were national experts, respected, who gave those figures.

He talked about those arguments and figures being hogwash, ludicrous. Let me assure him that I am not attempting on this floor today to extrapolate or speculate or predict in any way, shape, or form the number of auto fatalities that there will be. I think it is important to cite what the experts tell us.

I am not pretending to project that. I would ask my friend from Oklahoma to find me one expert—one expert—in this whole country on highway safety who will say that there is not a direct relationship between speed and number of fatalities. It is an accepted fact.

If we want to talk to the real experts, go to any State in the Union and talk to the law enforcement officers who literally have to scrape people up off the roads. The law enforcement officers who study this, the law enforcement officers who have to deal with it every day, and have to talk to the families, and ask them if, in their opinion, speed does not matter, and speed does not kill. It does.

That is what we are saying. It is all we are saying. But I think it is a lot to say. I agree with my colleague from New Jersey. No one is saying that anybody on this floor does not care about human life and does not care about the welfare of people. I think the evidence is abundantly clear what will happen if, in fact, this bill as written is passed without this amendment.

The evidence is clear. We saw the statistics in 1973 and 1974. We saw what happened when this Congress allowed more flexibility at the State level. We saw what happened. We saw that the States did jump in. We saw the tremendous pressure. We saw the fact that speed limits were increased. Then we saw the auto fatality rate change. We saw it go up from what it should have been and was expected to be.

I do not think it is too big of a step of the imagination—I think, the opposite. The evidence is abundantly clear what will happen. That is, that speed limits will, in fact, be increased.

It is true that this bill does not do it directly. It will do it indirectly. The consequences are very clear.

I want to assure my colleague from Oklahoma I am not saying that we can predict exactly how many people will die, how many families will be crushed. But we can pretty well predict this: more will be—with this bill as it is written—than would be if the amendment were passed. I think that is very, very, significant.

I know there are other Members on the floor who would like to talk. I would end by saying that this is a compromise. I think it is a rational compromise.

It is rational that when you drive on the Interstate Highway System there be uniformity. But it is also rational, as we turn power back to the States, as we are sensitive as we should be to where the enforcement should take place and who has to really do the job every day, that we not try to micromanage things from Washington, and not tell the States how to enforce the law, allow the States the flexibility to do that.

That is what this bill does. It eliminates the reporting. It eliminates the looking over the shoulder. What it does say is that there is still a national standard.

Mr. FAIRCLOTH. Would the Senator from Ohio yield?

Mr. DEWINE. I am happy to yield to the Senator.

Mr. FAIRCLOTH. Does the Senator from Ohio not feel that the Ohio Legislature is not competent to set the speed limit for the State of Ohio?

Mr. DEWINE. My colleague would make the point of States rights, and my colleague from Oklahoma made the point about States rights.

For this Senator, it is a balancing test, as I think most things are in Congress, most things are in the Senate. It is a balancing test of how much we send back to the States, how much we need to have some national uniformity.

I think what we are doing in this amendment is, in fact, a balancing test. It is not a question of do we know best here? Do people know best in Columbus or Indianapolis? I think it is simply a balancing test. That would be my response to my friend.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, the proponents of two amendments are desirous of getting fixed time agreements and a set time for the vote.

I would like to propose for a discussion a unanimous-consent request that, at the hour of 12:15, there occur a vote on the amendment of the Senator from Nevada [Mr. REID] that would be for a period of 20 minutes, the normal time for a vote; at the conclusion of that, there would be a vote; then, on the Lautenberg amendment, or in relation to, for a period of not to exceed 10 minutes; and that the time remaining between the end of this colloquy discussion now be equally divided between

the Senator from New Jersey and the Senator from Oklahoma.

Mr. LAUTENBERG. Will the Senator yield? In the earlier unanimous-consent request we had an agreement that a technical change to the Lautenberg amendment would not affect the structure of the amendment, but would reflect the response to whatever the outcome is on Reid would be acceptable. I would like to have that in there.

Mr. WARNER. Mr. President, I so amend the unanimous-consent request to reflect that.

The PRESIDING OFFICER. Is there objection?

Mr. FAIRCLOTH. How much time do I have to speak to the amendment, since I introduced it in the committee?

Mr. WARNER. Mr. President, that would be up to the discretion of the two individuals that have been assigned the allocation of the time.

The PRESIDING OFFICER. Is there objection to the request?

Mr. WARNER. Mr. President, further to inform the Senate, at the conclusion of the second vote, the Senate would stand in recess for a period of time determined by the leaders which I presume would be until 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Our colleague from North Carolina did want some time, and in the remaining 20 minutes, if we had 5 minutes to wrap up, I would agree for the Senator from North Carolina to have 15 minutes.

Mr. FAIRCLOTH. I will not need 15 minutes.

Mr. LAUTENBERG. Such time as the Senator desires.

The PRESIDING OFFICER. Without objection, that will occur.

Mr. WARNER. Mr. President, I suggest since we have now adopted the unanimous consent that the Chair restate it for the benefit of all Senators.

The PRESIDING OFFICER. The time between now and 12:15 be equally divided between both sides, and the Senator from North Carolina be recognized for 10 minutes.

Who yields the time to the Senator from North Carolina?

Mr. NICKLES. I yield 5 minutes.

Mr. FAIRCLOTH. Mr. President, hearing the eloquent rebuttal from the Senator from Oklahoma does not leave a lot to say. A few things occur to me.

The one thing we have said repeatedly is that the bill does not set or raise speed limits. It does not lower them, it does not raise them. I would have thought by osmosis, it would have gotten through to most people, if by no other method. However, it does not seem to have done so.

The press is adamantly insisting that we are raising speed limits. We are simply saying what the amendment and bill says, and that is the States will have the right to do it. The States.

As was read by the Senator from Oklahoma, Senator NICKLES read the 10th amendment. It is clear. This is the prerogative of the States. Yet we have taken it. We do everything. The Federal Government can do it all.

The amendment, as proposed, is complete hypocrisy. It says you post a speed limit but you do not enforce it. You post it. You have to put the sign up, but you do not do anything about it. It becomes a joke, a facade. But you have to post it.

If that does not breed contempt for the law, I do not know what would. It is precisely the kind of proposal that you would expect out of Washington. To propose something, put up the sign, but, really, it is kind of wink at it, ride by and give it a little wave.

Senator LAUTENBERG could post 35 miles per hour on the New Jersey turnpike and allow 80, but it would look good. This thing is totally crass politics.

What we are doing here today is simple, common sense. That is to let the States do it. I do not think anybody believes that Rhode Island needs the same speed limit on most of its roads as Arizona or the wide open States. We, in North Carolina, do not need the speed limit that they need. We cannot drive as fast as a person probably could in Arizona or Nevada or some of the other States.

This is the worst example of Washington knows best, or the worst example of our attempt to compromise.

I said one time that if somebody put in a bill to burn the Capitol down we would not tell him he was an idiot, we would compromise with him and burn a third each year. That is about what this amounts to. We are simply saying that we do not want to really face up to giving the States the authority, and yet we do not want to force them to enforce a law.

Senator NICKLES read a number of letters from Governors and heads of departments of transportation all around the country. I have several. One I have is from North Carolina. It says, just one brief paragraph of it I will read. This is from Sam Hunt, the head of the department of transportation from North Carolina.

> States are capable of establishing speed limits within their individual borders on the basis of sound engineering practice and the specific circumstances involved. Federal involvement is not required. Every State is different, and a "one size fits all" approach is totally inadequate and inappropriate.

Mr. President, I do not know much more you can say on this except to reiterate repeatedly that this is not a bill to raise the speed limit. This is a bill to give the States the authority to set whatever speed limit they see fit.

Mr. NICKLES. Mr. President, I yield the Senator an additional 2 minutes.

Mr. FAIRCLOTH. We had an election in November in which the people stated clearly that we wanted less rules, less regulations and less authority from Washington. They wanted the right to set their own rules and regulations where it was reasonable and practical.

In this instance it is totally reasonable and totally practical that the States should be setting the speed limits. If a State legislature is not capable of setting the speed limit within the State then what is it capable of doing?

I submit to you, Mr. President, this is another intrusion of the Federal Government into a State right, a law the States should be handling and passing at whatever speed they want it to be. And it is not an attempt to increase the national speed limit. The States have the right to set their own.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Senator FEINSTEIN be included as a cosponsor of this amendment.

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

Mr. LAUTENBERG. Mr. President, I listened with interest to the debate coming from the opponents of my amendment, and, frankly, I am perplexed. I am sorry my good friend from North Carolina left the room because he and I have engaged in friendly differences before and I wanted to have a chance for this friend to respond. But he is out of the room.

I will, nevertheless, respond to a couple of comments that both he and our distinguished friend from Oklahoma made. Here we are, robbing the States of their opportunity to make decisions, and, by eliminating sanctions, by eliminating reporting requirements, by getting the so-called burden off the States so they do not have to respond to Uncle Sam.

They said, "No, that is not good. Are we not responsible citizens who run our States? Governors and legislators and all that?"

Of course. I agree to that. I think they are intelligent people. And I said earlier I do not think one part of this debate wants more people dead on the highways than the other. I just think it is a terrible error to remove the speed limit rules we presently have. But it is up to the States. It is up to the States to enforce it. So, on one hand, the States are intelligent enough to do it if we just let it go. On the other hand, they are not intelligent enough to do it if we say, "Here are the rules. You decide how the rules are played."

Mr. President, I wrote the law on the Senate side to raise the drinking age to 21. We had a strong debate and it happened. It is said, by the National Highway Traffic Safety Administration, that 14,000 kids are alive today who would not have been.

I point out to my friend from Oklahoma, there is not one demand by the

Federal Government that they do anything. We are relying on the intelligence of State governments to administer these programs. Mr. President, 14,000 families spared of mourning, spared of the pain and anguish of the loss of a loved one.

We wrote the law and the law stood and we did not have to tear down the Federal Government or burn the building to make it happen.

I hear these arguments all the time about how foul the Federal Government is, and I do not understand it. We built the greatest Nation on Earth. People will kill to get here—will die to get here. But we criticize this place as if it is some foreign body. This is the Government of the people, by the people, and for the people. We ought not to forget that.

We constantly make derogatory remarks about what it is, what bad things we do here. "We pick the pockets of our citizens and throw the money away." What nonsense.

This is about saving lives and it is yes or no. That is the way it is. We have an amendment here that tries to strike a compromise. It says to the States we understand you are intelligent people, caring people. We all wept when Oklahoma City saw that terrible explosion. We all shared the grief and the sympathy for the people there. This is a caring body. No matter how our opponents try to paint it, we give a darn about what happens out there. This is not just Big Brother. We are trying to do the right thing. If we disagree we disagree, but it is not hypocrisy and it is not crass politics. It is not any of those things. It is human beings.

When I think about people out there I think of my four children and my two grandchildren and I say God willing, I want to protect them any time I can. So it is with other people's children and grandchildren as well.

Mr. President, we have had a lot of talk about this. Frankly, I hope sense will prevail, we will be able to put up signs that say: Remember, these roads were built for safety at 65 and 55 miles an hour. If it has a chilling effect on the driver's foot on the accelerator pedal it is OK with me. All of us know that few people in this world are exactly tuned in to the speed limit. Mr. President, 65 in most States, whatever the dialect, whatever the intonation, says 75. And when it says 55, it really says 65. So we are kidding ourselves.

We keep hearing from our opponents that we want no speed limits. But they are objecting to the fact that we are saying they ought not remove the speed limit. Removal is OK, as far as the opponents are concerned. But I do not understand what they mean when they say: But that does not mean we simply raise the speed limits willy-nilly. Of course they can. And that is what we would like not to see happen.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma controls 3 minutes and 44 seconds.

Mr. NICKLES. Mr. President, we have heard a lot of discussion, primarily on the part of the proponents of the Lautenberg-DeWine amendment, talking about saving lives. I can sincerely say I want to save as many lives as anybody else in this body. I think the States are just as interested, if not more interested, in saving lives than we are in the Federal Government. I know if a person is the Governor of Missouri or the Governor of Montana or Governor of New Jersey, he wants to save lives in his State, probably, maybe more than we do as a collective body. It is very close. It is personal. Those are their constituents.

To be perfectly clear, we are saying the States should make that decision, not the Federal Government. We should not have this Federal mandate.

Some people say if you increase the speed limits—we are not increasing the speed limits. We allow the States to make that decision. If the State of Virginia decides they want to have a uniform rate they can have a uniform rate. If the State of Virginia wants to have it at 55 they can have it at 55. If they want to have it at 40 they can have it at 40. They should have that right. It is a question of who makes that decision, the Federal Government or the State government.

Our forefathers, in the 10th amendment of the Constitution, clearly said all other rights and powers are reserved to the States and to the people. Yet we have this national speed limit. What is right for New Jersey may not be what is right for Oklahoma or Montana or Nevada.

I might mention, too, if you want to be ludicrous—people say we can save lives. You can pass a speed limit and say the national speed limit is going to be 20 miles an hour and you might be able to save 30,000 lives. We have 40,000 fatalities per year. If you set the national speed limit at 15 miles an hour you might not have any fatalities. Maybe some people would not comply with the law. They are not complying with this law.

There is a lot of contempt right now for the law because people are not complying with it. Under the Lautenberg proposal you would have even more contempt because we are telling the States you must post what we think is in your best interests. We are telling you, you must post 55 miles per hour in your areas except for rural interstates and then you can post 65 mph limits. I was the sponsor of the amendment that allowed the States to go to 65. I do not hear anybody saying we should repeal that.

What about lives? If you want to make a real change, come up with an amendment that allows us to set the national speed limit at 30 miles an hour or 20 miles an hour and we will really save lives. At what expense? What loss of freedom? Again, who should be making this decision? That is what the real issue is about, which group will make that decision? Are we going to allow the States to have the decision or are we going to mandate, as under the present law, that the Federal Government makes the decision?

Under the Lautenberg amendment we tell the States you must post national speed limits and we do not care whether you comply with them or not, or enforce them or not. That is going to breed contempt for the law. That makes very little sense. I do not like the States enforcing a national speed limit, but I do not like the Federal Government setting a national speed limit. Those are two things the Federal Government really should not do, and we are going to confuse the situation even further. You must impose limits but not enforce them, so you are going to have contempt for the law. That is the Lautenberg amendment. That makes no sense.

The committee came out with the right approach. The committee said, "Let us let the States make the decisions. We have confidence in States." Many of us have worked in State government. We have many Members of this body who are former Governors who have every bit as much concern over the health and safety of their constituents as we do on the Federal level. Let us allow them to make the decision, as I believe our forefathers would have wanted us to. This should not be mandated by the Federal Government.

So I hope we will give the States that opportunity to set the limits.

I yield the floor.

Mr. LAUTENBERG. Mr. President, just to be sure, I ask how much time we have left?

The PRESIDING OFFICER. The Senator has 2 minutes and 30 seconds.

Mr. LAUTENBERG. I will take 30 seconds and yield 1 minute to my colleague and 1 minute to the Senator from Ohio. I would say, what I have just heard on this floor astounds me. When the Senator from Oklahoma—and I know he means no malice—suggests if we reduce the speed limit enough we could save more lives, in turn what he is saying is that it is not worth keeping it where it is to save the lives that we can save. I wonder whether that message could be delivered in Oklahoma from a platform where a youngster has died on the highway, and say, "Listen, in the interests of speed and expediency, we had to do it this way."

I yield the floor. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, since 1987, when States were allowed to raise the speed limit on rural interstates to 65 miles per hour, Virginia has had a differential speed limit. On rural interstates in Virginia the speed limit was raised to 65 miles per hour for automobiles but at the same time the 55 mile per hour speed limit was retained for commercial vehicles. Based on these 6 years of experience, Virginia determined in the latest session of the general assembly that it was a matter of safety to have vehicles traveling at different speeds. In other words, it did not work.

As a consequence, we went to the consistent speed for both vehicles, and therefore I will have to oppose the Reid amendment. I am, however, in favor of the Lautenberg amendment to maintain a national maximum speed limit for the following reasons:

One-third of all fatal crashes are speed-related.

1,000 people are killed every month in speed-related crashes.

The current level of traffic fatalities at 40,000 people each year is intolerably high. The economic cost of these fatalities does not include the many thousands of people who have suffered serious injury from speed-related crashes.

The economic cost is $24 billion every year, or $44,000 per minute—one-third of which is paid for by tax dollars.

The health care costs of speed-related crashes is $2 billion per year.

Mr. President, some 70 percent of speed-related crashes involve a single vehicle.

Crash severity increases based on the speed at impact, the chances of death or serious injury double for every 10 mph over 50 mph a vehicle travels.

Rural roads account for 40 percent of all vehicle miles traveled but 60 percent of all speed-related fatal crashes.

Police report that in more than one-third of all fatal crashes, the driver exhibited unsafe practices such as speeding, following too closely, improper lane use, unsafe passing, and reckless operations.

IMPACT OF REPEALING THE NATIONAL MAXIMUM SPEED LIMIT

Repealing the NMSL would allow higher limits on noninterstate 55 mph roads. These roads already have a severe speed problem—43 percent of the Nation's speed-related fatalities are on these roads.

Noninterstate roads are not built to interstate standards.

If fatalities on 55 mph noninterstates increased by 30 percent—as occurred on rural interstates where speed limits increased to 65 mph—that would mean 4,750 additional deaths and $15 billion annually.

The National Academy of Sciences estimates that since 1974 compliance with the speed limit has saved between 2,000 and 4,000 lives each year.

Mr. NICKLES. Will the Senator yield to me just to respond?

Mr. LAUTENBERG. I have no time. I have a minute.

Mr. CHAFEE. I yield 20 seconds to the Senator from Oklahoma.

Mr. NICKLES. I thank my friend.

Mr. President, let me state that I have been in Oklahoma and I have been asked repeatedly at community meetings, Should the State set the speed limits, or should the Federal Government set the speed limits? It has been strongly supported that the States should make that decision, not the Federal Government.

Mr. CHAFEE. Mr. President, I support the Lautenberg amendment. And people say this is a States rights issue. I would remind everyone that Medicaid, a Federal program, pays for probably the great majority of the injuries that arise from excessive speed and terrible accidents.

So I hope that we will go forward with the speed limit as suggested by the Senator from New Jersey.

Mr. DEWINE. Mr. President, let me talk for a moment about the enforcement issue. Enforcement has always been local enforcement and State enforcement.

What this amendment is going to do is say, while we have a national standard, Congress is no longer—Washington is no longer—micromanaging the enforcement of it. This has always been local, and it will remain local. Predictions: I have only one prediction that I will make. While we cannot guess how many lives will be lost, the prediction is this: If this amendment does not pass, and if the bill goes into effect as written, the speed limits will go up and more people will die. That is what the facts are. That is what the evidence shows us. That is what history shows us. That is the bottom line of this bill.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—51

Akaka	Dorgan	Kennedy
Biden	Exon	Kerrey
Bingaman	Feingold	Kerry
Bond	Feinstein	Kohl
Boxer	Ford	Lautenberg
Bradley	Glenn	Leahy
Breaux	Gorton	Levin
Bryan	Harkin	Lieberman
Bumpers	Hatfield	Lugar
Byrd	Heflin	Mikulski
Chafee	Hollings	Moseley-Braun
Conrad	Inouye	Moynihan
Daschle	Jeffords	Murray
DeWine	Johnston	Nunn
Dodd	Kassebaum	Pell
Pryor	Rockefeller	Simon
Reid	Sarbanes	Wellstone

NAYS—49

Abraham	Graham	Packwood
Ashcroft	Gramm	Pressler
Baucus	Grams	Robb
Bennett	Grassley	Roth
Brown	Gregg	Santorum
Burns	Hatch	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Kempthorne	Specter
Coverdell	Kyl	Stevens
Craig	Lott	Thomas
D'Amato	Mack	Thompson
Dole	McCain	Thurmond
Domenici	McConnell	Warner
Faircloth	Murkowski	
Frist	Nickles	

So the amendment (No. 1427) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that the Senate will now proceed to a rollcall vote on the Lautenberg amendment. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

AMENDMENT NO. 1428, AS MODIFIED

Mr. LAUTENBERG. Mr. President, in the unanimous-consent agreement that we had before, it said that I would have an opportunity to send a technical modification of the amendment to the desk, and I do that, and then the vote will take place.

Mr. NICKLES. Mr. President, we have no objection to the modification, and I move to table the Lautenberg amendment, as modified.

The PRESIDING OFFICER. Pursuant to the previous order, the amendment will be so modified.

The amendment, as modified, is as follows:

On page 28, between lines 9 and 10, insert the following:

SEC. 1 . POSTING OF MAXIMUM SPEED LIMITS.

(a) IN GENERAL.—Section 154 of title 23, United States Code (as amended by section 115), is further amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit";

(2) in subsection (b)—

(A) by striking "(b) MOTOR VEHICLE.—In this section, the" and inserting the following:

"(b) DEFINITIONS.—In this section:

"(1) MOTOR VEHICLE.—The"; and

(B) by adding at the end the following:

"(2) PASSENGER VEHICLE.—The term 'passenger vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) that is not a motor vehicle."; and

(3) by adding at the end the following:

"(g) POSTING OF SPEED LIMITS FOR PASSENGER VEHICLES.—The Secretary shall not approve any project under section 106 in any State that has failed to post a speed limit for

passenger vehicles in conformance with the speed limits required for approval of a project under subsection (a), except that a State may post a lower speed limit for the vehicles.".

(b) CERTIFICATION.—The first sentence of section 141(a) of title 23, United States Code, is amended by inserting before the period at the end the following: "with respect to motor vehicles, and posting all speed limits on public highways in accordance with section 154(g) with respect to passenger vehicles".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit.".

Mr. NICKLES. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1428, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—65

Abraham	Feingold	Mack
Akaka	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Nunn
Bond	Grassley	Packwood
Breaux	Gregg	Pressler
Brown	Hatch	Reid
Bryan	Helms	Robb
Burns	Hutchison	Roth
Campbell	Inhofe	Santorum
Coats	Inouye	Shelby
Cochran	Jeffords	Simpson
Cohen	Johnston	Smith
Conrad	Kassebaum	Snowe
Coverdell	Kempthorne	Specter
Craig	Kerry	Stevens
D'Amato	Kyl	Thomas
Dole	Leahy	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	

NAYS—35

Biden	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Harkin	Moynihan
Bumpers	Hatfield	Murray
Byrd	Heflin	Pell
Chafee	Hollings	Pryor
Daschle	Kennedy	Rockefeller
DeWine	Kerrey	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Warner
Exon	Levin	Wellstone
Feinstein	Lieberman	

So the motion to lay on the table the amendment (No. 1428), as modified, was agreed to.

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

Mr. ABRAHAM. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15.

Thereupon, at 1:01 p.m., the Senate recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

The PRESIDING OFFICER. The Senator from Massachusetts.

THE FOSTER NOMINATION

Mr. KENNEDY. Mr. President, yesterday, the majority leader met with Dr. Henry Foster, President Clinton's nominee for Surgeon General. After that meeting, he proposed a cloture vote on the nomination to take place at some point in the near future.

While I am pleased about this progress, the proposed cloture vote is only the first step to clearing the way for a real vote on the floor. Supporters and opponents alike who agree that Dr. Foster deserves a vote by the entire Senate, will vote to invoke cloture, so that we can finally give this nomination the fair vote it deserves.

Cloture is a step on the road to fairness, but it is only the first step. I hope that my colleagues will vote to invoke cloture, giving us the opportunity to take the second step—the step that counts—the up-or-down vote on the nomination by the entire Senate.

Throughout this nominations process, several Republicans have stated that, in fairness, the nomination should go before the entire Senate for a final vote. Some Members have suggested that by allowing a cloture vote, the majority leader will be giving the nomination the fair consideration it deserves. They have suggested that a vote on cloture is the same as a vote on the nomination. Obviously, that is not the case.

I believe that some Senators who feel strongly about the issue of fairness intend to vote for cloture, even if they intend to vote against the nomination itself.

Although I disagree with their position on Dr. Foster, they at least agree that it is wrong to filibuster this nomination. They refuse to let a minority of the Senate block the will of the majority.

Dr. Foster is well qualified to be Surgeon General. He has endured this confirmation process with dignity and grace. He has fully and forthrightly answered all the questions raised, and he deserves to be confirmed. And if the Senate treats him fairly, I am confident he will be confirmed.

We all know what is going on here. Republican opponents of a woman's right to choose are filibustering this nomination because Dr. Foster, a distinguished obstetrician and gynecologist, participated in a small number of abortions during his long and brilliant career.

From the beginning, the only real issue in this controversy has been abortion. All the other issues raised against Dr. Foster have disappeared into thin air. They have no substance now, and they have never had any substance. Dr. Foster has dispelled all of those objections, and he has dispelled them beyond a reasonable doubt.

The only remaining question is whether Republicans who support a woman's constitutional right to choose will vote for their principles, or pander to the antiabortion wing of their party by going along with this unconscionable filibuster.

The vote will tell the story. If the Senate is fair to Dr. Henry Foster, this filibuster will be broken, and Dr. Foster will be confirmed as the next Surgeon General of the United States.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I notice the Senator from Rhode Island is on his feet. I was intending to seek unanimous consent to speak for a minute as in morning business.

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

WELFARE REFORM

Mr. DORGAN. Mr. President, many of us are interested in the subject of welfare reform. I have now had an opportunity to hear a discussion of the scheduling that has been proposed for the Senate for the remainder of this week, next week, and in the weeks following the July 4 recess. I would say, as one Member of the Senate, I hope very much that we will see a welfare reform bill brought to the floor of the Senate by the majority party. We are ready, willing, and waiting to debate the welfare reform issue. We have produced, on the minority side, a welfare reform plan that we are proud of, one we think works, one we think will save the taxpayers in this country money, and one that will provide hope and opportunity for those in this country who are down and out and who need a helping hand to get up and off the welfare rolls and onto payrolls.

It is our understanding that the majority party, after having come to the floor for many, many months talking about the need and urgency for welfare reform, and their anxious concern about getting it to the floor, have run into a snag. They are off stride because they apparently cannot reach agreement in their own caucus on what constitutes a workable welfare reform plan that would advance the interests of this country.

We hope very much they find a way in their caucus to resolve their internal problems. Democrats have a welfare reform bill that will work, that is

good for this country, and that we are ready to bring to the floor immediately. The question for them, I suppose, is what is wrong with the Republican welfare reform bill?

The problem Democrats see and the reason that we have constructed an alternative is that the welfare reform bill they are talking about, but apparently cannot yet agree on, is that it is not a bill about work. We believe that welfare reform must be more than a helping hand; it must also be about work.

In our bill, we call it Work First. We extend a hand of opportunity to those in need. Those who take advantage of the opportunities that this system gives them also have a responsibility. We will offer a helping hand. We will help you step up and out when you are down and out. You deserve a helping hand. But you have a responsibility in return. Your responsibility is to get involved in a program which will provide the training to lead to a job.

Welfare is not a way of life and cannot be a way of life. People have a responsibility. We are going to require them to meet that responsibility.

A good welfare reform bill is about work. The plan that has been proposed, but apparently not yet agreed to because of internal dissension in the other caucus, the caucus of the majority party, is unfortunately not about work. It is about rhetoric. It is about passing the buck. It is about saying let us send a block grant back to the States with no strings attached. If they require work, that maybe is OK. But they do not require work so their plan is not about work. It is about passing the buck. It is also not really about reform. It hands the States a pile of money and requires nothing, nothing of substance from them in return.

It does not protect kids. As we reform the welfare system, let us understand something about welfare. Two-thirds of the money we spend for welfare in this country is spent for the benefit of kids. No kids in this country should be penalized because they were born in circumstances of poverty. Welfare reform must still protect our children.

Finally, the proposal the majority party is gnashing its teeth about does nothing really to address the fundamental change that helps cause this circumstance of poverty in our country—teen pregnancy and other related issues. Their piece of legislation really takes a pass on those issues. We have to be honest with each other. We have to address the problem of teen pregnancy in a significant way.

The problem of teenage pregnancy is not going to go away. It does relate to poverty and it does relate to circumstances in which children live in poverty. The annual rate of unmarried teen mothers has doubled in this country in just one generation, and it continues to rise. There are a million teen births every year in this country now—1 million teen births, 70 percent of whom are not married. In fact, nearly 1 million children will be born this year who, during their lifetimes, will never learn the identity of their fathers. You cannot call a welfare reform plan true reform if it does not address that issue.

We hope we will soon see legislation on the floor of the Senate that is meaningful welfare reform legislation. Senator DASCHLE, Senator BREAUX, Senator MIKULSKI, and others have helped construct a plan I am proud of—a plan that will work, a plan that says "work first," a plan that will not punish children born in circumstances of poverty.

Now the question is, Where is the welfare debate? It has been postponed. Why? Because the majority party, so anxious to deal with welfare reform, now tells us for one reason or another, it is not on the horizon for the legislative calendar. I think that is a shame. I hope we will see it on the Senate agenda very soon.

Mr. President, if I might take 1 additional minute, not in morning business—on this bill?

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

OPEN CONTAINERS OF LIQUOR IN VEHICLES

Mr. DORGAN. Mr. President, I intend to return to the floor this afternoon with an amendment. I would like to describe it in no more than 1 minute to my friends in the Senate.

I am going to offer an amendment in the Senate that deals with the issue of open containers of liquor or alcohol in vehicles. We now have in this country 26 States in which it is perfectly legal to have open containers of alcohol as you move down the road. We have six States still remaining—I thought there were more—but there are six States still remaining in which it is perfectly legal in most parts of the State to drink and drive.

In my judgment, no one in this country ought to put the keys to the car in one hand and put them in the ignition and start the engine and wrap the other hand around a fifth of whiskey and start driving down the street. Alcohol and automobiles do not mix.

No one in this country ought to drive down the street in a strange State and not know that there is not another car coming where the people who are in the car, either driving or traveling, are drinking. We ought to have a uniform prohibition against open containers of alcohol in vehicles. It ought to be a national goal to see that happen.

Yesterday, there were eight people killed—six children killed in California, again from a drunk driver in one accident; six children killed, slaughtered on the highways. It is murder. Every 23 minutes in this country, it happens. It has happened to, I will bet, everyone in this Chamber, that someone they know or someone in their family has been killed by a drunk driver. There is no excuse for the States to access the billions of dollars of highway money but then to resist the need to prohibit open containers of alcohol in vehicles all across this country. I intend to offer an amendment on that this afternoon, and I do hope Members of the Senate see fit to support it.

I see the Senator from Louisiana is waiting. Let me at this moment yield the floor.

WELFARE REFORM

Mr. BREAUX. Mr. President, let me applaud the Senator from North Dakota for his comments and his statement on the open-container legislation but particularly on the remarks that he just made about the welfare reform debate that is now underway in this country and, hopefully, soon to be underway in the U.S. Senate.

I really believe that welfare reform should not be a partisan issue. I think it is clear that, if we make it a partisan issue, we will not get anything done. We as members of the minority party do not have enough votes to pass a welfare reform bill without our Republican colleagues' participation. I would suggest to my Republican colleagues that they do not have sufficient votes to pass Republican-only welfare reform without the participation of Democrats, certainly not one that can be signed into law or perhaps even one that can pass the Senate.

So I think it is certainly clear that we have to work together if we are going to get anything done. To insist on a political issue is insisting on failure as far as welfare reform is concerned. We as Democrats have worked very hard to come up with a bill that makes sense, that is true reform, that recognizes that the problem is big enough for the States and the local governments to work together in order to solve the problem. It is not a question of whether the Federal Government should solve it or the States should solve it. The real answer is the Federal Government and the States and local governments have to work together if welfare reform is ever to occur. It will not be done just by the States or just by the Federal Government.

So those who argue that we should give all of the problems to the States I would suggest miss the real solution to this very large problem. I have called the so-called block grant approach analogous to putting all the welfare problems in a box and shipping that box to the States and saying, Here. It is yours. And when the States open up that box they are going to see a whole

lot of problems and not enough money to solve those problems. That is not reform. That is shirking the responsibility that we have as legislators who raise the money for welfare in this country. To just shift the problems to the States is not reform. It does not solve anything. It just says that we are so confused and we are so incapable of coming up with a solution that we are going to send the problem to the States, and maybe they will not resolve the problem.

The States are starting to recognize and the mayors of this country are starting to realize that the plan that has been reported out of the Senate Finance Committee by the Republican majority will freeze the amount of money available to the States at the 1994 level for 5 years and will tell all of the States that you are going to get the same thing you got in 1994. If you are a fast-growing western State or a low-income State like mine in the South, you are going to be frozen at the 1994 levels and not take into consideration any growth and people moving to your State or any increase in poverty problems that may occur in your State. That makes no sense whatsoever, and it certainly is not real reform.

The Republican plan, in addition, says that for the first time we are going to break the joint Federal-State partnership. We are going to tell the States you do not have to spend any money on it if you do not want to. You can take the money that you were spending on welfare reform and you can use it to build bridges or build roads or to give everybody in your State a salary increase if you would like to use it for that purpose.

Where is the partnership? Where is the sense of those States and Federal officials working together to solve the problem?

In addition, it is not reform if you are weak on work and tough on kids. One of the deficiencies I see in the Republican plan is that it says we are going to measure the success of the plan based on how many people get put into programs. That is the last thing we should measure our success by in welfare reform. The real solution to welfare is the standard by which reform must be judged, not how many people we put in programs, but how many people we are able to put into jobs. Our suggestion is that we should measure the success and reward States that put people in private sector jobs, not by putting people in more programs run by bureaucrats.

The bottom line on all of this is that I am calling for our colleagues on the Republican side to be willing to join with us in a bipartisan fashion to craft a welfare reform bill that does not focus on which party benefits but whether we can jointly find long-term solutions. It is clear, if we continue on the present track, that what we will have done is to produce perhaps short-term political gains but long-term guaranteed failures for the people of this country.

Why should we be afraid to meet together and talk about this problem and come up with solutions that are bipartisan in nature?

I think what we have crafted makes sense. I think it is a good plan. It is not to say that it cannot be modified or improved. We are willing to listen to our colleagues' suggestions in this particular area. It is clear, in my opinion, that the only way we come up with welfare reform that is real reform is to do it in a bipartisan fashion, and I would suggest that is something that the American people want us to do. If we do that, there would be enough political credit for everyone. If we fail to do that, there will be more than enough blame to go around. And this should be something that we do as quickly as possible.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask for 2 minutes as if in morning business.

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

WELFARE REFORM

Mr. FORD. Mr. President, let me associate myself with the language and the words of my distinguished friend from Louisiana. Having been a Governor, I understand what the Federal Government can do to you or for you.

What we are trying to do now is to dump this problem off onto the States. It is the biggest unfunded mandate that I have seen in all the time I have been here. Just send the package down there minus 20 or 30 percent and say we have cut the budget and we sent all our problems to the States. The States now can do whatever they want to. And I can see a Governor out there having an opportunity to use some of this money that would be very politically helpful to him or to her. The welfare and the welfare program in the various and sundry States would not be helped.

This is a question that everybody has read. People want welfare reform. They want it done sooner than later. But the idea of sooner, of just saying we are going to send it all down to the States and we are going to cut 20 to 30 percent of the funding and let the States have at it, I think, is the wrong attitude.

We all need to sit down because I think all of us, both Democrat and Republican, would like to come up with a reasonable solution to welfare reform. If we can do that, that will be, I think, a star in the crown of the 104th Congress.

I urge my colleagues to sit down with us and try to work out something that would be acceptable. I think we have a good package. If it is passed, I think it would be helpful to the future. There would be other good ideas. So let us put them in the same basket.

I thank the Chair.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate resumed with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Erica Gumm, an intern from Senator DOMENICI's office, be granted floor privileges during the Senate's consideration of S. 440, the highway bill.

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

AMENDMENT NO. 1432

Mr. CHAFEE. Mr. President, on behalf of Senator INHOFE, 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 Rhode Island [Mr. CHAFEE], for Mr. INHOFE, proposes an amendment numbered 1432.

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

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) title 23. United States Code, is amended by adding at the end the following new subparagraphs:

"(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of the Code of Federal Regulations.

"(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect costs rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rare data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to an other firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law,

such cost and rate data shall not be disclosed under any circumstances.

"(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act, provided, however, that if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraph shall not apply in that State."

Mr. CHAFEE. Mr. President, this amendment by the Senator from Oklahoma would require that any contract awarded with Federal aid funds accept overhead rates established in accordance with Federal acquisition rules. We are currently in a situation where we have duplication on the audits on these highway situations. The amendment of the Senator from Oklahoma would provide that the Federal System would prevail as to what is proper overhead rates.

So, Mr. President, this is an amendment that has been cleared with the Democratic side. I believe it is acceptable to all.

Mr. BAUCUS. Mr. President, I have looked at the amendment. I have examined it. I support it. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

So the amendment (No. 1432) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1433

(Purpose: To clarify the intent of Congress with respect to the Federal share applicable to a project for the construction, reconstruction, or improvement of an economic growth center development highway on the Federal-aid primary, urban, or secondary system)

Mr. CHAFEE. Mr. President, on behalf of Senators JEFFORDS and LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. JEFFORDS, for himself and Mr. LEAHY, proposes an amendment numbered 1433.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking "and" at the end and inserting "or"; and

(2) in paragraph (3), by striking "section 143 of title 23" and inserting "a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title".

Mr. JEFFORDS. Mr. President, this amendment is a technical correction to the current law regarding highways in Economic Growth Centers [EGC]. The amendment simply allows programs already approved for EGC funding to continue to receive this level of support.

The EGC program was authorized by title 23, United States Code [USC], section 143, for projects on the Federal-aid systems other than the Interstate System. Under 23 USC 120(k), the Federal share for EGC projects financed with regular Federal-aid funds were 95 percent. However, in 1991, Congress passed the Intermodal Surface Transportation Efficiency Act [ISTEA], which eliminated the Federal-aid systems and replaced it with National Highway System, which we are debating today. In addition, ISTEA eliminated 23 USC 120(K).

During debate over the Department of Transportation's Appropriations Act of 1993 my amendment to restore the 95 percent Federal funding ratio for previously approved EGC projects was accepted. However, because of the change ISTEA made in referring to Federal-aid systems, the amendment, as interpreted by the Department of Transportation, did not apply.

The amendment I am offering today will grandfather those EGC projects that have already been approved for EGC ratio funding. My understanding is that there are roughly 19 projects in the State of Vermont, all located in the Barre/Montpelier area or in Burlington.

In discussions with the Department of Transportation, we have been assured that this language will guarantee 95 percent Federal funding for these few EGC projects in Vermont.

Mr. LEAHY. Mr. President, I rise today to speak on behalf of a small program that has a large impact in my home State of Vermont. Federal economic growth centers are designated by Vermont's Agency of Transportation as areas that receive Federal funds with a reduced local matching requirement.

This program allows various small communities in Vermont to upgrade roads, sidewalks, and bridges that would otherwise be unaffordable. Most transportation projects are funded with an 80-percent Federal share, and a 20-percent State and local share. Economic growth centers are funded with a 95-percent Federal share, a 3-percent State share, and a 2-percent local share. This low local contribution allows communities such as Barre, VT, to undertake the North Main Street project, which upgrade roads, improve pedestrian facilities, handicapped accessibility, and enhance traffic signals.

Today there are 18 other similar projects across my State that are either receiving EGC funding or are scheduled to. From Burlington to Rutland, this program benefits Vermont.

However, if the National Highway System bill is approved in its current form, then many of these Vermont projects will revert to the less generous Federal funding formula. This would be disastrous for projects like the one in Barre. That is why I am offering an amendment with Senator JEFFORDS that maintains the current funding status. I urge its adoption.

Mr. CHAFEE. Mr. President, this Jeffords-Leahy amendment deals with economic growth center cost sharing. This amendment is a technical correction which amends title 23 by striking the words "Federal-aid system" each place they appear and inserting the words "Federal-aid highways." Section 143 of ISTEA contains outdated language referring to the Federal-aid system which ISTEA failed to amend. The term "Federal-aid system" limits use of the 95 percent Federal share and 5 percent State share to economic growth projects on the National Highway System.

Mr. President, this amendment has been cleared with the other side, and I believe it is acceptable to all.

Mr. BAUCUS. Mr. President, as the distinguished chairman mentioned, this is a technical amendment. It clarifies that the Federal share be applied to economic growth centers. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1433) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1434

(Purpose: To permit the full implementation of a border city agreement by exempting vehicles using certain routes between Sioux City, IA, and the borders between Iowa and South Dakota and between Iowa and Nebraska from the overall gross weight limitation applicable to vehicles using the Interstate System and by permitting longer combination vehicles on the routes)

Mr. BAUCUS. Mr. President, I have an amendment which I offer on behalf of the distinguished minority leader, Senator DASCHLE, Senator HARKIN, and Senator KERREY. It would allow South Dakota, Nebraska, and Iowa to update what are called border city agreements. These were agreements that were first reached in early 1970's allowing certain trucks from North Dakota and Nebraska to travel on a 3- to 5-mile stretch of interstate highway to enter Sioux City, IA.

Due to restrictions on weight and truck configurations in the current Federal law, however, Iowa is no longer allowed to honor existing agreements or to enter into new updated ones. This amendment does not require any State to change its current policies. Rather, it waives the Federal provisions that prevent these States from entering into agreements they consider to be in their mutual best interests.

I see no reason to oppose this amendment, Mr. President. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DASCHLE, for himself, Mr. HARKIN, and Mr. KERREY, proposes an amendment numbered 1434.

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

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION FOR SIOUX CITY, IOWA.

(a) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking "except for those" and inserting the following: "except for vehicles using Interstate 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for".

(b) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of title 23, United States Code, is amended by adding at the end the following:

"(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State of Iowa may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and Interstate 129 between Sioux City, Iowa, and the border between Iowa and Nebraska."

Mr. BAUCUS. Mr. President, this is the amendment I just described. I think it has been agreed to by the majority side. I urge its adoption.

Mr. CHAFEE. Mr. President, the distinguished ranking member of the committee is exactly right. This amendment permits Iowa to continue allowing bigger and heavier trucks coming from South Dakota and Nebraska to enter Sioux City, IA, on I-29 and I-129, even though these trucks are bigger than are permitted on the general highways of Iowa. This has been cleared and has the approval of the Senators from Iowa. Apparently, Sioux City, IA, is just over the border in some fashion so that the trucks from South Dakota pull in there.

So, Mr. President, indeed, it has been cleared by this side.

Mr. DASCHLE. Mr. President, this amendment is offered on behalf of Senators from the three States affected by it: the Senator from Iowa [Mr. HARKIN], the Senator from Nebraska [Mr. KERREY], and myself.

This amendment repairs a breakdown in Federal highway laws that prevents the free flow of trade between our three Midwestern States, allowing South Dakota, Nebraska, and Iowa to update border city agreements that were first reached in the early 1970's. These agreements allow certain trucks from South Dakota and Nebraska to travel on a 3- to 5-mile stretch of interstate highway to enter Sioux City, IA.

Due to restrictions on weight and truck configurations in current Federal law, Iowa is no longer allowed to honor existing agreements or to enter into new, updated ones. These Federal policies impede the flow of interstate commerce between our States.

The governments of each of our three States support the approach taken in this amendment to free up the open market for trade with each other. Yet, the U.S. Department of Transportation has indicated that it does not have the authority under the law to waive Federal restrictions, even though it may be appropriate to do so.

Our amendment does not require any State to change its current policies. Rather, it waives Federal restrictions that prevent these States from entering into agreements they consider to be in their mutual best interest.

Businesses in all three States have paid the price since the border city agreements were disrupted by Federal regulation. One example is the movement of livestock into Sioux City, IA, stockyards from Nebraska and South Dakota. Vehicles that exceed Iowa's legal weight limit of 80,000 pounds must either light-load their vehicles or truck their livestock to terminals farther away. This increases the costs for ranchers and hurts the Sioux City stockyards.

In addition, longer combination vehicles that are permitted to operate in South Dakota but not in Iowa cannot cross State lines for the short trip to the Sioux City stockyards. They are instead forced to uncouple and leave part of their load at the South Dakota border, only to later return and make another trip to complete delivery to Sioux City.

The Daschle-Harkin-Kerrey amendment would permit our States to update their border city agreements. It places a simple waiver in statute so that trucks can once again travel unimpeded from the Siouxland tristate area into Sioux City, IA.

This problem stems from Federal regulations that require most States to prohibit divisible loads with a gross weight limit in excess of 80,000 pounds on interstate highways. States that authorized heavier loads in effect in 1956 were grandfathered, or allowed to keep those rights.

While Iowa did not allow heavier loads in 1956, South Dakota and Nebraska did. This was not a problem, however, because border city agreements were reached in the area that allowed for heavier trucks from South Dakota and Nebraska to drive into Sioux City.

The ISTEA of 1991 added a similar restriction on longer combination vehicles that contained a grandfather clause that did not take into account these border city agreements.

The Federal Government should not disrupt the free flow of trade between these States. The State legislatures in both South Dakota and Iowa approved resolutions calling on Congress to correct this problem. These agreements are supported by the departments of transportation in all three States. The U.S. Department of Transportation does not oppose restoring these agreements—it simply claims to lack the authority to do so.

Mr. President, our amendment addresses a classic example of Federal overregulation of business. It corrects the kind of problem that makes people fed up with the Federal Government, and we should correct it today. Truly, the Federal Government was established in 1789 to promote commerce among the States, not to impede it. This amendment is needed to provide a commonsense solution to a real problem, and to restore public confidence in our ability to reduce overregulation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1435

(Purpose: To revise the authority for a congestion relief project in California.)

Mr. BAUCUS. Mr. President, I have another amendment which I send 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 Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1435.

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

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . REVISION OF AUTHORITY FOR CONGESTION RELIEF PROJECT IN CALIFORNIA.

Item I of the table in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2029) is amended by striking "Construction of HOV Lanes on I-710" and inserting "Construction of automobile and truck separation lanes at the southern terminus of I-710".

Mr. BAUCUS. Mr. President, this is another technical amendment. This one clarifies that the State of California use previously authorized funds for construction of automobile-truck separation lines. This is a very technical amendment. I do not think it needs further explanation. I urge the Senate to agree to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, the Senator from Montana is exactly right. It has the approval of those on this side. We are supportive of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1435) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1436

(Purpose: To provide that if a certain route in Wisconsin is designated as part of the Interstate System, certain vehicle weight limitations shall not apply)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senator KOHL of Wisconsin, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KOHL, proposes an amendment numbered 1436.

Mr. BAUCUS. 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 appropriate place in title I, insert the following:

SEC. 1. APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.".

Mr. KOHL. Mr. President, I rise today to offer a brief explanation of the amendment offered on my behalf by my colleague, Senator BAUCUS. The amendment that was accepted by the managers of the bill addresses a problem that is critical to north central Wisconsin, but it does so in a way that does not upset the balance and symmetry of this important piece of legislation.

Specifically, my amendment relates to a 104-mile portion of U.S. Highway 51—also known as Wisconsin State Highway 78. Highway 51 connects population centers and industries located in north central Wisconsin with markets to the south. Wisconsin has recently completed the improvements necessary to bring Highway 51 up to interstate standards, and interstate shields will soon be erected.

However, a Federal exemption to insert weight requirements is required to allow continued operation of overweight commercial vehicles that currently use Highway 51. Overweight vehicles currently operate on this stretch of highway under State permits, but they would be forced off the road once the highway is designated as an interstate.

U.S. 51 is the only four lane north-south road serving this area. All other roads are secondary two lane State highways. Forcing large trucks onto these narrower—and more winding—secondary roads raises greater safety—and durability—concerns. The secondary roads that would be affected are small country roads that have never had large truck traffic. Who knows what sort of damage these huge vehicles could do?

Highway 51 has handled large truck traffic safely and efficiently for many years and a weight exemption would allow continued use of this safe and efficient route.

The weight exemption is also critical to a number of industries that contribute to the continued economic development of north central Wisconsin, including the manufacturing, pulp and paper, farming, food processing, dairy, livestock, refuse, garbage, recycling, and coal industries. Many Wisconsin communities and businesses, both small and large, will benefit from the adoption of this amendment.

Mr. President, before I yield the floor I would like to thank the bill managers—chairman CHAFEE and Senator MOYNIHAN—for their assistance and consideration. Let me also express my gratitude to Senator BAUCUS for his advice and assistance in offering the amendment. Finally, I thank my good colleague from New Jersey—Senator LAUTENBERG—for his guidance in this matter. Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, this amendment, offered by the Senator from Wisconsin [Mr. KOHL], would grandfather the current truck size and weight limitations on a segment of a Wisconsin highway that will shortly become part of the interstate system.

We have done this in a couple of other parts of our country. It is only appropriate that this section of interstate highway in Wisconsin also receive the same treatment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this side supports the amendment. I had a call from the Governor of Wisconsin yesterday in support of the amendment, and there is no objection to it, that I know of, on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1436) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. Mr. President, I guess this is for the purpose of an inquiry. It is my understanding that the amendment we had that would change the procedure and offer more latitude in terms of avoiding duplication in

preaward audits has already been taken up.

Mr. CHAFEE. The Senator is correct, his amendment went flying through.

Mr. INHOFE. I thank the Senator very much. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1437

Mr. SMITH. Mr. President, I have an amendment, which I send 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 New Hampshire [Mr. SMITH], for himself, Mr. GREGG, Ms. SNOWE, Mr. CAMPBELL, Mr. KEMPTHORNE, and Mr. THOMAS, proposes an amendment numbered 1437.

Mr. SMITH. 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 appropriate place in the bill, insert the following:

SEC. . ELIMINATION OF PENALTIES FOR NON-COMPLIANCE WITH MOTORCYCLE HELMET AND AUTOMOBILE SAFETY BELT REQUIREMENTS.

Section 153 of title 23, United States Code, is amended—

(1) by striking out subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

Mr. SMITH. Mr. President, section 153 of the Intermodal Surface Transportation Efficiency Act, better known by the acronym ISTEA, penalizes States that refuse to enact mandatory motorcycle helmet and automobile seatbelt laws. In other words, if a State chooses not to enact a mandatory seatbelt or mandatory motorcycle helmet law, they are penalized and they are penalized very substantially.

The amendment that I am offering, along with Senators GREGG, SNOWE, CAMPBELL, KEMPTHORNE and THOMAS would simply repeal the penalties on the States. It does not affect any State that has already adopted these laws. It does not interfere with that in any way. It has no effect on any State whatsoever that has adopted a mandatory helmet or seatbelt law.

But what it does do is repeal the penalty on any State that has not enacted such a mandatory use for its riders, either in automobiles or on motorcycles. So, again, lest the debate get misdirected, this does not affect any State law whatsoever.

This section of current law sanctions States, or penalizes States, that do not enact mandatory motorcycle helmet and seatbelt laws by—this is how it is done—diverting scarce highway maintenance and construction funds to their safety funds, even if that does not make any sense to do because they are already spending money into safety programs.

So, in other words, the penalties are assessed regardless of whether your State already has a safety program that is adequately funded toward both helmet and seatbelt usage, irrespective of your State's safety record. So if your State spends more than an adequate amount on training, on safety for the use of seatbelts and/or helmets, has a good safety record, it still gets penalized because it does not have a mandated helmet or seatbelt law. In fact, 28 States suffered this penalty, this current fiscal year.

Twenty-five States will suffer a doubling of this penalty, come October. In the State of New Hampshire, for example, we were penalized nearly $800,000 this year. That will double to $1.6 million next year. That is almost $1 for every man, woman, and child in the State of New Hampshire.

Nationally, this penalty translates into $48 million not spent on needed highway improvements this year, and $97 million that will not be spent next year and every year thereafter.

I think it is fiscal blackmail. If we look at the list of these States and look down the list, in many cases, the penalties double. They are very substantial. Some run as high as over $4 million. For example, in the State of Ohio, the current penalty is $4.6 million and that doubles to over $9 million in 1996.

I would just ask a question. In this era of where we are trying to provide for more States rights, more individual freedom, why would we want to penalize a State by taking away several million dollars—$97 million in total of all the States, $800,000 in New Hampshire, $9 million in Ohio, to use two examples. Why would we want to do that and insist they spend money for safety, or not get the money at all, when they already have the safety program that is necessary?

A person might say, it would be reasonable to allow those States to spend and to fix roads, to repair potholes, to repair bridges. That might be worth the effort. That is true. But that is too reasonable. That does not happen. If they do not spend it on the safety programs that they do not need, they do not get the money, and they are penalized.

Mr. President, I am not here to debate the merits of whether you wear a seatbelt or a motorcycle helmet. I do not ride a motorcycle. One of my colleagues does and he will be speaking to that in a moment. I do wear a seatbelt. That is my choice.

In fact, I am a strong supporter about educating the public on the benefits of wearing a seatbelt and a motorcycle helmet. The State of New Hampshire already requires seatbelt usage for children up to 12 and motorcycle helmets for passengers up to 16 years old. The sanctions still apply, unless the State has a mandatory law for everyone.

The argument has been made that taxpayers should be concerned about the amount of money spent on Medicare and Medicaid for injuries related to motorcycle accidents. This argument assumes a higher percentage of motorcycle riders are covered by Medicaid than the average citizen. I know Senator CAMPBELL will speak to that shortly.

I would just say at this point that is not true. On average, motorcycle riders have no great reliance on Medicaid than anybody else. I think that is a misnomer.

Furthermore, I would be happy to join any of my colleagues who are interested in reforming Medicare and Medicaid programs in order to save the taxpayers' dollars and maintain their solvency for future generations. I do not think that is the issue.

The administration has tried to make a case for maintaining the sanctions for the benefit of society and taxpayers. What next? Will we decide that convertible cars are more dangerous and therefore we should ban them? Should small cars such as Miatas or Alfa Romeos be banned because they are less safe in accidents than, say, a pickup truck or a van? Should the Federal Government limit Medicare and Medicaid to individuals who smoke? Who are police officers? Who are firemen? Bridge builders? Window washers? Should we limit Medicare and Medicaid to those people that lead a riskier life? I do not think so.

All we are talking about here is a person's voluntary right to wear a seatbelt, and voluntary right to wear a helmet. Maybe I am exaggerating to make a point which is how far should the Federal Government be allowed to reach into people's lives, or tell States what laws they will have on their books?

Frankly, this could cost lives, Mr. President. If we took the State of New Hampshire, the $800,000—and the Senator who is sitting in the chair at the moment, my colleague from New Hampshire, knows full well some of the rural roads we have in our States are full of potholes, and $800,000 could fix a lot of them.

Now, how many accidents happen because somebody loses control of an automobile, hitting a bad pothole or hitting some other portion of a road that needs repair? The truth of the matter is that New Hampshire cannot spend that $800,000 on the pothole repairs, because they have to use the $800,000 to create additional personnel for safety that they do not need because they already have an adequate safety program, more than adequate, more than the demand even calls for.

The whole thing is ridiculous. Again, it is the paternalistic attitude of Big Brother.

The real issue is whether Washington's micromanagement, of what should be dealt with at the State and local level, should continue. That is the issue. States should have the flexibility to devote the highway funds where they think they make the most sense, whether it be protecting public safety by improving those roads and bridges and traffic flow or through highway education. Frankly, in most cases, it is both. Let the States make that determination.

In fact, in the State of New Hampshire, which does not have a mandatory helmet or a seatbelt law, it has one of the best highway records in the Nation. One of the most safe, as far as fatalities per million miles traveled.

The New Hampshire legislature recognizes the need for improving motorcycle safety, and as a result, the Motorcycle Rider Education Program was enacted in 1989. Since then, more than 4,000 riders have gone through the program.

Educational programs like this certainly play an important role in increasing highway safety, and I believe the States have the expertise and know-how to develop their own programs, thank you, without the Federal intimidation or Federal intervention or Federal heavy hand. States will say they are in a better position to address safety concerns. They are.

During a hearing in the Environment and Public Works Committee, we received testimony from such States as Florida, Idaho, Montana, South Dakota, New Hampshire, and Wyoming, all with the same message: Let the States decide how to address highway safety. They all oppose the use of Federal sanctions to pressure States to enact laws against their will.

Furthermore, dictating how States spend their highway funds infringes on their ability to control their own budgets, resulting sometimes in misdirected and wasted resources.

Let me just give an illustration. Our New Hampshire highway safety coordinator has complained as a result of the mandated transfer of funds to his existing $550,000 budget, he has more money than he knows what to do with. He cannot spend it for safety. More there than he needs. It is hard to imagine that a government official is actually complaining about having too much money, but we are pretty independent in New Hampshire. Frankly, we tend to tell the truth when the truth needs to be told.

That is the reality. They do not want to go out and create another level of bureaucracy in the safety department in the New Hampshire Highway Department because they do not need it. Not because they do not care about safety, not because they do not want to promote safety, but because they do promote safety adequately and they want the funds to go into repairs.

Scarce resources could end up being wasted in these education projects while a section of the road falls in disrepair and somebody loses a life as a result of a pothole or some other urgent need.

It does not make any sense, which is why this constant dictating at the Federal level causes problems with our States and with our citizens.

It is this kind of action by the Federal Government that brought our Governors and our local officials to a state of rebellion, frankly, and led to this year's enactment of the unfunded mandates relief bill, one of the first pieces of legislation passed in this Congress.

Last year, the American people also voted for great local control and for relief from heavy-handed Federal mandates. With that in mind, let me conclude for the moment on this point, Mr. President. We should continue the trend of ridding this Washington-knows-best attitude around here, and allow our States, governments, communities, to make the kinds of decisions that they need to make for themselves. A vote for this amendment does not cure everything, but it is a step in the right direction.

I will point out before my critics point it out, we are not about to say here, by passing this amendment, that we are not in favor of safety, that we want people to go out on the motorcycles and not wear helmets and injure themselves and be wards of the State for the rest of their lives, or we want people to go out and not wear seatbelts and cause permanent injuries to themselves.

What we are saying is, we have adequate safety programs in our States, education programs, that indicate to these people that it is unsafe, that it would be better to use a seatbelt and to use a helmet. But if you choose not to, if you choose not to, that is your decision. Your State should not be punished by not receiving dollars that could be used to repair roads and bridges, which is the purpose of the legislation in the first place.

I know my colleagues here wish to speak. At this time I will yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I rise also in support of the amendment proposed by my friend and colleague, Senator Smith. This legislation will provide for a full repeal of the financial penalties established under the Intermodal Surface Transportation Act of 1991 and will provide relief to the 25 States, as he has mentioned.

There are, as my colleagues know, probably going to be three amendments, depending on how the vote goes on the SMITH amendment. But I am just going to make some general statements. If we go on to the next amendments, I will make some others dealing specifically with helmets. But this is not only a burdensome Federal mandate placed on the backs of State legislatures but also an erosion of States rights.

This amendment, by the way, does not require States to repeal any mandatory laws they now have in effect, not seatbelt laws or helmet laws. Strictly speaking, 25 States have refused to be blackmailed by the Federal Government. They have refused to comply with the Federal mandates. In accordance with ISTEA, they are required to transfer very scarce transportation and construction dollars to section 402 safety programs. This shift forces States to spend 10 to 20 times the amount they are currently spending on section 402 safety programs.

As Senator SMITH mentioned, it is money that is not even needed in one program and is badly needed in another, yet they are forced to transfer it from one to another. These penalties are assessed regardless of whether the State already has the funds dedicated to safety programs or not.

This year, these States had to divert 1.5 percent of their Federal highway funding to safety programs. This transfer affects the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program. Those States which did not enact seatbelt or helmet laws by September 30, 1994, are required to shift 3 percent of their Federal highway funds from these important programs into safety.

This year $48 million will not be spent on highways and bridges because of this section 153, as Senator SMITH has mentioned. Clearly, this is a punitive action by the Federal Government against States. The amendment Senator SMITH offers repeals that section.

I, like many people, believe the Federal Government has blackmailed States long enough and forced them to pass laws which may or may not be in the best interests of their citizens but certainly has taken away the right for them to choose what is best for them in their own States, in sort of a one-case-fits-all scenario.

It should not be a question of whether you should or should not wear helmets or whether you should or should not wear seatbelts. The question is who decides, you or the people in your State as elected legislators? Or the Federal Government, which is far removed from many of the people who have to comply with these laws?

The question is, What level of Government regulations becomes too absurd? In my view, that mandate has already reached that point. When the Federal Government starts requiring what you wear for some recreational pursuits, as it is now doing, it has gone too far.

Let us just say for the sake of argument that those on the other side of the issue are right, that in fact seatbelts and motorcycle helmets make people safer. You can find many personal accounts to support either side of the issue. There is no question about that. But clearly neither one prevents accidents. Does that give the Federal Government the right to force people to wear them? Most people agree that too much exposure to the Sun can cause cancer. Should the Federal Government require all sunbathers to wear sunscreen and threaten the States with withholding Federal money in case people get cancer?

I might also say I come from a State where over a million Americans ski, the State of Colorado. It is a big industry. I would like to point out we have had about five skiers killed on the slopes of Colorado this year. None of them was wearing a helmet. I am a skier and I tell you I would be concerned if the Federal Government decided here in Washington to require everybody who skis to wear a helmet. I think we see the same kind of general direction taken for people riding bicycles or horses or young people who use skateboards or rollerblades. Should we have a Government that dictates what you can wear and what you cannot with your recreation?

There is a thing called a public burden theory that often people use to defend the use of seatbelts and helmets, too. That public burden theory says if you are injured and do not have an insurance policy and do not have the money to pay for your hospitalization, then you become kind of a ward of the Government. That money has to be taken from the taxpayers to provide for your medical services.

There is no study I know of in the United States that says people who do not wear helmets become public burdens any more than anyone else, skiers or bicyclists or rollerbladers or ski boarders or anyone else. When you talk about the public burden I think you can use the same logic for anyone. There is an element of risk in any form of recreation. The question is how many individual rights do we take away in the name of the public burden theory?

In my view, the helmet law mandate has reached that point. We have talked on the floor many times this session about Federal mandates. I think if the voting public said anything to us last fall, it was to relieve them of some of the unfunded mandates, some of the things the Federal Government requires without setting the finances to implement the requirement. The last election certainly was about that.

While it can be argued that mandating these things may be good for American citizens, is it right to have the Federal Government intrude in our lives to that extent? And, where do we draw the line?

In closing, I strongly encourage my colleagues to support the amendment of Senator SMITH and I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am very pleased to be able to join Senator SMITH as well as Senator CAMPBELL in support of this amendment. I commend Senator SMITH for offering it because I do think it underscores a very important point. In fact, as I recall, this Congress and this Senate, when we began in January, the very first issue we addressed was banning unfunded Federal mandates. I cannot think of another issue that represents unfunded mandates more than the one we are currently addressing with this legislation that would take away the mandate on States to enact mandatory seatbelt and helmet laws, and, if they do not, they are penalized by losing 1.5 percent of their transportation funds in 1995 and 3 percent in 1996.

What is unprecedented about that approach, and something that I certainly object to, is saying that States are going to lose existing transportation funds, which will happen this October, if they do not enact both laws. It is not saying if the States enact these laws we will give you additional funds and create an incentive, which has generally been the approach taken by the U.S. Congress in the past on a number of issues, but rather we are penalizing those States with existing transportation funds, which certainly are needed in terms of repairing roads and bridges.

We allow States to determine minimum driving ages for their residents. States have the authority to determine when the driver education courses are required. They determine the difficulty of the written as well as the practical tests. They determine many of the speed limits for various areas. And they determine the various penalties for violations such as driving while intoxicated.

In nearly every aspect of day-to-day driving we trust the individual States to determine the motor vehicle laws that govern the majority of vehicles that are on our highways. In short, the States control every aspect, for the most part, of our driving experience, with one exception. And that is, of course, when the Federal requirements state that States must pass laws to adopt seatbelts and helmet laws.

I do not believe that seatbelt and helmet laws are any different than any other motor vehicle law. We are creating these mandates from a paternalistic attitude, as Senator SMITH indicated. It is certainly outdated. I think the arrogance of that attitude manifested itself in the last election. Somehow we always think Washington knows best, and what Washington knows best and what is good for the States generally can be two different objectives.

I believe these differing perspectives were a critical reason we did address banning unfunded mandates as our very first legislative initiative in this Congress.

No matter how you package this issue, sanctions or penalties or whatever, the truth is it is a Federal requirement that is an unfunded Federal mandate. If you look at the helmet laws—and that is a good example—the States, as Senator SMITH indicated, 25 States will lose almost $49 million in 1995, and in 1996 they will lose close to $97 million because they did not adopt seatbelt and helmet laws.

In fact, it is interesting to note that many States already fund rider education programs with respect to riding motorcycles. My State is a very good example.

Yet, I am under these penalties. My State will double the motorcycle rider education safety program from $500,000 to more than $1 million. Yet, my State certainly needs these transportation funds for other things. It already has a well funded rider education program. It does not need to have it doubled. That is what the penalty will be under section 153.

It is interesting to note that those 44 States that have rider education programs with respect to motorcycles have very high rates of safety. And they do not have mandatory helmet laws. My State again is a good example. We ranked 49th out of 50 States in terms of the number of fatalities with respect to motorcycles in 1993. We are next to the lowest in the country. Yet, we do not mandate a helmet law, but have a very active motorcycle education program. We know that these education programs work. The State knows that they work.

It is hard to believe that we are saying somehow that the Governors of each and every State and every State legislature somehow are unconcerned and unresponsive to the statistics in what might be happening on their roads and their highways.

As we all know, State governments are even more close to their people and to their constituencies, and somehow we are saying that they cannot possibly understand the implication if they do not enact seatbelt and helmet laws.

The question here today is not whether we believe wearing a seatbelt or a helmet is a good thing. What we are saying is who should decide? And it clearly should not be the Federal Government.

As I said earlier, much of our driving experience is governed and dictated by States. In 1993, there were 2,444 motorcycle fatalities. That same year, there were 5,460 young people between the ages of 16 and 20 that were the victims of traffic fatalities.

So if you apply the logic of section 153 of ISTEA, that it is a safety issue, then one should suggest that penalties should be imposed on those States for allowing individuals to drive a car or ride a motorcycle under the age of 21.

The fact of the matter is there are many dimensions to our personal and social behavior that do have implications for health care expenditures. And I know opponents of Senator SMITH's amendment, or an amendment which I might offer or one which Senator CAMPBELL might offer, are saying that this really has an impact on our health care expenditures. Well, I have to say that there are many aspects of social behavior in this country that have an impact on our health care costs. Low-fat diet, lack of exercise—if people do not engage in having a good diet or engage in daily exercise, that can be a contributing cause of heart disease, which is a major cause of death in this country.

What should the Federal Government do—dictate a change in behavior in that regard? We could go on and on with some of the numbers of examples that we could offer as to what the Federal Government should get involved in because it has impact on health care. The point is that this legislation that was passed in 1991 really intervened in an area that has traditionally been a State issue.

I hope that we can recognize here today in light of what happened in the last election, in light of what I think people strongly feel about what should be traditionally a Federal issue and what should be consistently a State issue, that we reverse what occurred in 1991.

It is interesting to note that motorcycle fatalities, as well as motorcycle accidents, were reduced by 53 and 54 percent respectively between the time period of 1980 and 1992 before the penalties of ISTEA were put in place. It is because of motorcycle rider education programs that it made a difference in terms of reducing the number of accidents and fatalities.

Applying the logic further, we could say, "Well, the fatality rate on rural interstates is almost twice that of urban interstates." Does that mean we should penalize States with rural interstates because they have more accidents and more fatalities? Of course not.

In 1993, before the Massachusetts seatbelt law went into effect, that State was one of only two States in the country that showed a consistent drop in motor vehicle fatalities for the prior 6 years. Another State which showed a consistent drop was Arizona, which does not have a mandatory helmet law.

All combined, the 28 States that will face penalties if they do not enact both the helmet and seatbelt law will lose a combined $53 million in needed highway maintenance and improvement funding.

When my State officials were asked exactly how they felt about the loss of money in the State of Maine, which is $800,000 that we will lose in 1995 and $1.7 million that we will lose in 1996, the State officials replied that, "We could be spending it on our ailing highways and bridges, where it is desperately needed."

So I hope that we recognize that we should reverse the position that was taken in 1991. We know the States are responsive to these issues, and to these concerns and what occurs on their highways.

My State, for example, is sending to our people the question as to whether or not to enact a seatbelt law. I think that is perfectly consistent with the rights and the interests of the people of my State. If they make a decision that we should enact a seatbelt law, that should be their decision. But it should not be the Federal Government dictating that approach to the people of my State.

So again, I want to thank Senator SMITH for offering this amendment. I think it is a good amendment. I think it takes the right approach. It is a States rights issue, and it is an issue of unfunded mandates in the State, and every State has a right to determine its own motor vehicle laws.

I yield the floor, Mr. President.

Mr. CHAFEE. Mr. President, I vigorously oppose the amendment that has been offered by the Senator from New Hampshire. I really think it is very, very unfortunate that this amendment has been brought forward because a study that has been conducted on the efficacy and effectiveness of safety belts and motorcycle helmets has come to the conclusion that they are effective.

I have here a letter from the Eastern Maine Medical Center. This is what the physician there has to say about the use of seatbelts.

At Eastern Maine Medical Center here in Bangor, where I am a physician, we have completed a study of the issue of seatbelt use and hospital charges of area Maine patients injured in car accidents with and without seatbelts. Our study shows that patients injured without seat belts had hospital bills almost $10,000 higher on average than patients injured while wearing seatbelts. We estimate that seatbelts would have saved $2.4 million in hospital bills for the 256 unbelted patients in our study. Those unnecessary bills were paid by all of us, of course. In the last 2 years of our study, we were able to identify the insurance status of patients admitted after car accident injuries. The medical bills for Medicaid and Medicare patients alone amounted to more than $2 million. Of the 73 Medicare and Medicaid patients in our study, only 10 were wearing seatbelts at the time of their injuries. We estimate seatbelts would have saved these patients alone $599,000, nearly $600,000. This saving of almost $600,000 would have been in just one hospital, in 2 years, and just 63 patients.

Maine has a seatbelt use of 35 percent, the lowest in the United States. Our low-use rate, which then results in more injuries and higher costs, as we have identified in our study, then forces taxpayers in other States who are required to wear seatbelts, to pay for our freedom to be unbelted in Maine.

Mr. President, a lot of discussion this afternoon has been about unfunded mandates and the Federal Government dictating what takes place.

The answer is twofold. I think as Senators we have a responsibility to do what we can to preserve lives and prevent injuries of American citizens. And it is not enough to say, oh, leave it to the States; let them take care of it.

I will show you a chart in a few minutes that shows what happens when we do leave it to the States.

In 1966, we passed a law in the Federal Government that mandated motorcycle helmets and seatbelts, and in this chart you will see that once that occurred the number of deaths declined dramatically. Then 10 years after that, in 1976, we repealed that, and up go the deaths. Will the States pass all these laws? Will these wonderful legislators, bold and brave, step up and face up to the motorcyclists who do not want this?

Well, the answer frequently is no.

Now, there is another point I would like to make, Mr. President. That is that the wrong approach here is to have sanctions. The way this law works—and I was instrumental in the writing of the so-called ISTEA legislation, the highway bill of 1990, this portion of it, and what we did was we said you pass a mandatory seatbelt and motorcyclist helmet bill by such-and-such a year, and if you do not, you will have to devote some small portion of your highway money to education and safety features, such as the three Senators have been discussing here this afternoon.

And it was pointed out that that is the wrong way to go; we ought to have inducements, benefits paid, rewards. Well, we do not do that. We have, as you know, a minimum drinking age bill that passed the Senate, and it says you must enact a law that says you cannot serve liquor to those under 21, and if you do not you lose 5 percent of your highway funds, and the next year you lose 5 percent more, making it 10 percent. That is the law.

Now, nobody is advocating repealing that. That is not a benefit that is thrown up: That is the wicked Federal Government coming in and dictating what you have to do. That is Big Brother, as we are accused of being here.

But there is no question that has saved hundreds of lives of the young people of our Nation.

Now, you might say, what right do we have to say anything about motorcyclist helmets or seatbelts. We have a right because we pay the piper. We are

the ones who pay Medicaid. And do not tell me that these motorcyclists, when they end up in comas because they do not have helmets, have wonderful insurance policies that take care of them. Those are not the facts. The facts are that very, very frequently they do not, and particularly if they are in a coma for a long period. There is a Rhode Islander in our State hospital who has been there 20 years in a coma, all being paid for by the State, the cost now exceeding over $2 million to take care of him during the 20 years. And so, Mr. President, I just very, very strongly hope that this amendment will not be adopted.

Now, I would just like to talk a little bit about what are the benefits of safety belt and motorcycle helmet laws. There have been a slew of studies done by the National Highway Traffic Safety Administration, the States, the medical community, the safety groups, the Centers for Disease Control, the General Accounting Office, for example. They reached the same conclusion. They are as follows: First, safety belts and motorcycle helmets save lives and prevent serious injury.

Everybody knows that. We do not have to be in every emergency room to know that. We know it. We have seen it.

Over the past 10 years, safety belts and motorcycle helmets have saved over 60,000 lives and prevented 1.3 million serious injuries. If everyone used the safety belt, an additional 14,000 lives and billions of dollars could be saved every year. There are 40,000 people killed every year in our country. That could be cut to 26,000—14,000 lives saved if safety belts were used. If every motorcyclist wore a helmet, nearly 800 lives could be saved every year.

Unhelmeted motorcyclists involved in collisions are three times more likely than helmeted motorcyclists to incur serious head injuries that require expensive and long-lasting treatment. I think the motorcyclists would acknowledge that, and indeed in the sanctioned meets of the American motorcycle clubs you have to wear a helmet. That is a mandate. You cannot be in those meets, those hill climbs, and so forth, without a helmet. That is what they think of wearing helmets.

Now, the second point. The cost of motor vehicle crashes are staggering. Each year, as I say, 40,000 people die on our Nation's highways. Another 5.4 million—that is not thousand, that is million—5.4 million people are injured each year. These fatalities and injuries cost us over $137 billion every year for medical care, lost productivity and property damage. This represents a $50 billion annual cost to employers. The lifetime costs of one serious head injury sustained because no helmet or safety belt was used can reach the millions of dollars.

Now, who foots the bill? When somebody is injured in a motorcycle or an automobile accident, a police officer, who is a public employee, responds. The municipal ambulance carries the injured party to a hospital. Medical specialists provide emergency treatment without regard to costs. And if the victim is on welfare or unable to pay, Medicaid pays, and we all know that.

Now, the third point I would like to make is that mandatory laws are the most effective way to ensure that safety belts and motorcycle helmets are used. The States that have enacted mandatory safety belt-helmets have an average of a 20 percent increase in use. In other words, it is not enough to have an education program. You have to mandate it by law or it will not be followed.

In the early 1980's, before safety belt laws were enacted, the use rate was 11 percent. Now, with laws in 48 States, some version of safety belts, the use rate is 66 percent.

Now, I would like to read—we had hearings on this. We had doctors and others come in—what Dr. Rosenberg from the Centers for Disease Control said. Listen to what he said.

> We are unaware of any evidence that demonstrates that testing, licensing, or education alone leads anyone near the improvement in helmet laws that mandatory laws produce.

In other words, education does not do the trick. You have to have a law. And finally:

> Effective safety laws require a Federal-State-local partnership. Our history shows that when Federal requirements are eliminated, safety laws are weakened or repealed and deaths and injuries increase.

In other words, what they are saying there is the Federal Government really has to step in and do the trick. If we, the Federal Government, back off from this legislation, you can bet your bottom dollar that many of the States that have enacted motorcycle helmet and seatbelt laws will retreat because the pressures are so strong.

I have been a legislator. Many of us here have been legislators. The pressures that can come from one group, particularly if it is not something that the individual is deeply interested in himself—he might be interested in improving the economic climate of his State or doing something about unemployment compensation. And when a host of motorcyclists come after him day after day after day to repeal a law, then the individual frequently gives way. That is what happened in the different States when the Federal law mandating the helmet use or mandating seatbelts was repealed.

Now, what happens when the State does pass the law pursuant to the efforts that we have made here? California enacted its all rider motorcycle helmet law and motorcycle fatalities dropped by 36 percent. That is a remarkable figure. Maryland's helmet law resulted in a 20-percent fatality drop; 20 percent fewer people were dead as a result of the Maryland law. Both States realized direct taxpayer savings in millions of dollars. Both States enacted these laws with the encouragement of the Federal law.

There has been a great pressure in both States to repeal their motorcycle helmet laws. Can they maintain their laws if the Federal requirements are removed? I believe it will be difficult.

I come from a State that has not enacted either of these laws. We have no motorcycle helmet law in our State. We have no mandatory seatbelt law. We have to give up money, as pointed out by the distinguished Senator from New Hampshire. We have to put extra money into education and safety costs that we do not want to put in. And so I say then, if you do not want to put it in, pass the law. "Oh, we do not want the law. We think people have freedom to drive their motorcycles without helmets. If they end up on the public assistance rolls, and particularly through Medicaid, well, that is just one of those things."

We had a State senator from Illinois talk about this business of what the pressure is on the States. This is what the State senator said:

> So even though there is no doubt in my mind that a motorcycle helmet law is something that would be favored by an overwhelming majority of the citizens of the State of Illinois—

The people would be for it.

> the mechanics of passing a law are such that the more vocal opponents have had their way in the general assembly. The Federal Government has played a critical role in enacting safety legislation throughout the years. The original helmet law would not have passed but for Federal action. We all know that the drinking age and seatbelt legislation was passed in many states as a result of Federal action. And we also have some experience that every time that Congress changes its mind, such as back in the '70's, death and injury rates go up.

I will guarantee you, if this amendment is adopted today, you will see these States repeal the laws that they have. That is a guarantee. And you will see the number of deaths on motorcycles and from lack of using the seatbelts increase in our country.

I have a chart here. What is a speech these days without a chart?

Now, this illustrates what I have been talking about. In 1966, the law was passed. The Federal law mandated helmet use. And you can see the dramatic decrease in the death rate. This is per 10,000 motorcyclists. It was 13,000, then dropped down to about 8,000 and stayed at that and slid down a little more and got way down until you are about less than half or near than half of a decline in the deaths.

Then the law was repealed in 1976 right here in Congress. Up it goes once again. So that shows the correlation between what happens when we repeal

our laws. And, obviously, repeals were enacted in the States. Twenty-seven States repealed or weakened the helmet laws right after we said you do not have to do it. My State was one of them. We had—in my State following the 1966 Federal law, sometime in that period around 1970, we enacted in our State a mandatory motorcycle helmet law.

When the Federal law was repealed, our legislature gave us, as did so many others, a repeal of the law itself. That will be the consequence. No question about it.

Now, I have a letter here from the executive director of the Safety and Health Council of New Hampshire. This is what he says:

> Without continued Federal leadership in these critical areas of highway safety, we will see a return to the inconsistent and less effective State laws. Inevitably there will be a greater loss of life and an increased financial burden on our society. The problem is especially acute in New Hampshire which, despite overwhelming evidence of the benefits, refuses to pass either a seatbelt or a helmet law.

Now, as the legislator from Illinois pointed out, these laws enjoy broad popularity except with a small but very, very persistent and energetic group that bedevils the legislators until they conform. The public supports strong safety laws. In recent national public opinion polls, 76 percent of those surveyed opposed the weakening or repeal of safety belt laws and 90 percent opposed the weakening or repeal of the motorcycle helmet laws.

Now, why do we repeal this? Why is this suggestion made?

The proponents argue that this section 153, which is the basic law, constitutes an encroachment on States and individual rights. Well, I disagree. When we get into our cars or hop onto our motorcycles, we do not do it in a vacuum. We become part of a complex and usually crowded transportation network. In the best interest of protecting drivers, property, and safety, we live by certain rules. Taxpayers have a right to be protected from higher taxes which result from motor vehicle crashes. Now, as I say, proponents have argued this undermines States rights, individual rights. You are entitled to drive your motorcycle with the wind blowing through your hair.

The problem is that the costs associated with highway crashes are a serious national problem. Each additional injury and fatality takes its toll on hospital backlogs, regional trauma centers, tax rates, national insurance rates. All of us have spent untold numbers of hours on trying to do something about health care costs in this country. And there is not one of us who will not say we are for preventive medicine.

It is a crime. Give children immunization. Prevent these accidents and diseases and illnesses from occurring. There is no clearer way of doing what we are out to do, preventive medicine, than having laws just like this that we have got on our books. And those who would vote to repeal this clearly are taking a vote to add to our medical costs in this country. There is no doubt about that. So, Mr. President, I do strongly urge my fellow colleagues to reject the amendment proposed by the Senator from New Hampshire.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Very frankly, I thought we would probably be able to avoid a game of statistics and studies. But it looks like we are not going to. I have a number of them that I will ask unanimous consent to have introduced in the RECORD. I would like to mention just a few things.

First of all, my colleague, the chairman, talked a little bit about the California study. And I would like to point out that the California study done by Dr. Krause took only—I think the figures were misleading because basically he took only the accidents into consideration based on the number of motorcycles that were registered at the time, not using figures up to 2 years before that indicated almost a drop of 50 percent in the registrations in California during the 2 years preceding his study. Clearly, if you have less of them on the highways, there are going to be less accidents.

He also did not take into consideration there is in excess of over 1 million motorcyclists that went through rider safety training. I would like to read just a few statements from different studies that have been made which I will try to abbreviate very shortly.

One, accident and fatality statistics, analyzed by Dr. A.R. MacKenzie, said that in a study of over 77 million motorcycle registrations covering the 16-year period, 1977 to 1992, the accident and fatality rates have been calculated and compared with in the helmet law States than in the repeal States.

On the basis of registrations, there have been 10.4 percent more accidents and 1.1 percent more fatalities in those States that had mandatory helmet laws than in repeal States. Our State is one of them. In Colorado, in fact, the fatalities went down after we repealed it.

According to the Wisconsin Department of Transportation 1978 Division of Motor Vehicle study, 29.4 percent of the motorcyclists that died wearing a helmet died of a head injury; 28.9 percent, almost 29 percent, of motorcyclists that died without a helmet also died of head injury. In other words, almost identical statistics with or without the helmets.

According to the National Safety Council "Accident Facts" of 1991, motorcycles represented only 2.2 percent of the overall U.S. vehicle population, and yet they were only involved in less than 1 percent of all the traffic accidents, the smallest recorded category of any moving vehicles.

Furthermore, only 2.53 percent of all registered motorcycles were reportedly involved in accidents, and just a little over 3 percent of those were fatal.

The University of North Carolina Highway Safety Research Center study says—and I am trying to abbreviate these:

> Helmet use was not found to be associated with overall injury severity, discharge facility . . . or insurance status. Injured motorcycle operators admitted to trauma centers had lower injury severity scores compared to other road trauma victims, a group including motor vehicle occupants, pedestrians and bicyclists.

A State of Kansas Health and Environment Department report to NHTSA stated:

> . . . we have found no evidence that the death rate for motorcycle accidents increased in Kansas as a result of the repeal of the helmet law. We have also not found any such evidence on a national basis.

I skipped over one, the Second International Congress of Automobile Safety said:

> The automobile driver is at fault in over 70 percent of our car/motorcycle conflicts.

Seventy-two percent of U.S. motorcyclists already wear a helmet, either by choice or existing State laws, while auto drivers use seatbelts only 47 percent of the time. Even with seatbelt laws in effect in 48 States, covering over 98 percent of America's population—only Maine and New Hampshire currently have no seatbelt law—more than half of all auto fatalities involve head injury, yet no one would suggest that auto drivers should wear a helmet. There are 10 times the fatalities in automobiles due to head injuries than motorcycles.

In a Hurt Report, Traffic Safety Center, University of California, they indicate 45.5 percent of all motorcyclists involved in accidents had no license at all and over 92 percent had no training. That is what we are trying to emphasize here. Helmets do not prevent accidents, training prevents accidents.

The American College of Surgeons declared in 1980 that improper helmet removal from injured persons may cause paralysis.

Inside a new label—I just happened to read one a couple years ago and wrote it down, a new DOT label said:

> Warning: No protective headgear can protect the wearer against all foreseeable impacts. This helmet is not designed to provide neck or lower head protection. This helmet exceeds Federal standards. Even so, death or severe injury may result from impacts of speeds as low as 15 miles an hour . . .

So, in other words, not a Federal agency that is empowered to authorize the testing and no private industry that does the testing, since DOD does not do their own, none will guarantee helmets over 15 miles an hour.

From my perspective, they do darn little help.

In a DOT test report of 1974 through 1990, where DOT tested helmets by a 6-foot vertical drop, impacting at 13.6 miles an hour, even at those low speeds, 52 percent of the helmets failed during that test.

Another study, done by Jonathan Goldstein at Bowdoin College:

In contrast to previous findings, it is concluded that: One, motorcycle helmets have no statistically significant effect on the probability of fatality and, two, past a critical impact speed—

And I assume that is past 13.6 miles an hour, the DOT test speed.

helmets will increase the severity of neck injuries.

A study done by Dr. John G.U. Adams, University College of London, said:

Wearing a helmet can induce a false sense of security, leading to excess risk-taking and dangerous riding habits.

In fact, the six safest States by actual study in the United States per fatalities for 10,000 registrations are: Wisconsin, Iowa, Minnesota, New Hampshire, North Dakota, and Wyoming. None has adult helmet laws. And yet the States that have the helmet laws also have the highest injury and fatality rates.

So we could probably stay here all day long talking about studies that support either thesis, that they are good or bad, but I think we are still getting away from the fact that the decision should be made by the States, by the individuals, not by the Federal Government.

I see my friend and colleague from Montana in the Chamber. We were discussing the cost of each State a while ago. In fact, according to the statistics I have, Montana stands to lose $2,192,000 this year out of their construction funds if we do not pass some relief for States from this punitive measure we took in the Federal Government.

My own State loses over $2 million. Many of the people who will be here on the floor today—over 50 Senators, since there are 25 States that have refused to comply—are going to be penalized collectively to the point of hundreds of millions of dollars. With that, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have a letter dated May 1 from the Secretary of Transportation, and I would like to read parts of it, if I might. This is what he said. It is addressed to me:

I would like to take this opportunity to present the administration's position on several vital highway safety laws that may be challenged during the committee's consideration of the National Highway System legislation.

This was written as we took up the legislation in the committee.

The Department of Transportation strongly supports the existing Federal provisions encouraging States to enact and enforce basic highway safety laws, such as section 153 of Title 23, United States Code—

That is the provision that deals with motorcycle helmet and seatbelt laws.

relating to safety belts and motorcycle helmets. We would oppose efforts to weaken these provisions. We estimate that State minimum drinking age laws, safety belt and motorcycle helmet laws and enforcement of speed limit laws save approximately $18 billion every year. If these provisions are weakened or repealed, costs to the States and Federal Government would increase.

Then he talks a little bit about the minimum drinking age. Next paragraph:

The other provisions offer similar savings to States. Motor vehicle crashes cost our society more than $137.5 billion annually in 1990 dollars. Many costs of motor vehicle crashes are ultimately paid by Federal and State welfare public assistance programs, such as Medicaid, Medicare, and Aid to Families with Dependent Children.

Between 1984 and 1993, safety belt and motorcycle helmets use saved more than $16 billion in Federal and State revenues. Nearly $6 billion of this is the result of reduced public expenditures for medical care, while the remainder represents increased tax revenues and reductions in financial support payments.

The Federal provisions encouraging minimum drinking age laws, safety belt, motorcycle helmet laws and the enforcement of speed limit laws were established because of high social and economic costs to our Nation resulting from motor vehicle crashes. These four provisions address areas where State laws and enforcement are proven effective and where savings are great. For example, when California enacted its all-rider motorcycle helmet law, motorcycle fatalities fell by 36 percent and the State saved millions of dollars. Every State that has enacted such a law has had similar experiences. States that repeal all-rider helmet use laws uniformly see a substantial increase in motorcycle fatalities.

For example, the Colorado Division of Highway Safety found that the State's fatality rate decreased 23.8 percent after adopting a helmet law and increased 29 percent after the helmet law was repealed.

That is what we were discussing earlier about when the Federal Government in 1976 said you did not have to have the law, the States repealed them, I think it is 27 States repealed them—my State was one of them, regrettably—and up go the accidents.

Wisconsin Department of Transportation data indicates that motorcycle fatalities were 18 percent lower when the State had a helmet law than after repeal.

Mr. President, Secretary Peña goes on:

Weakening or repealing these will lead to a tragic increase in unnecessary preventable deaths and injuries on our roads and will increase the burden on State and Federal Government. At the very least, we must oppose steps that would clearly add to Federal spending.

Signed by Federico Peña, Secretary of Transportation.

So, Mr. President, I think in every way you look at this, whether you are looking at the tragedy that comes from accidents where people do not have a seatbelt, the tragedy that comes to motorcyclists who do not wear their helmets, or the cost to the Federal Government—everybody here is for reducing cost—I find this amendment very, very difficult to understand.

Mr. President, I hope very, very much that it will be rejected.

Ms. SNOWE. Thank you, Mr. President. I would like to respond to a few of the comments that have been made by the chairman, the manager of this legislation, because I think it is important since we are quoting from one another's States with respect to statistics and positions of officials in those States.

It is interesting to note, because back when we had hearings this year on this entire issue, Rhode Island State Senator William Enos, in testimony before the Environment and Public Works Subcommittee on Transportation and Infrastructure in March, noted that in 1976, the last year that Rhode Island had a helmet law, there was 1 death per every 1,000 riders. In 1994, without a mandatory helmet law, that rate was less than 0.5 deaths per 1,000 riders, despite the fact that there were 7,000 more riders in 1994 than in 1976.

He goes on to say:

In 1993, the number of fatalities per 10,000 registrations was lower in Rhode Island than in many States with motorcycle helmet laws. Massachusetts, which has applied strict helmet wearing standards to motorcycle riders, has a fatality rate a full point higher than Rhode Island. Much of this success can be attributed to motorcycle rider education programs, which were first implemented in 1980.

Back in 1980. That was 15 years ago that Rhode Island implemented a motorcycle rider education program because they understood the value of those programs with rider safety and being able to drive a motorcycle better and more effectively. The same is true for driving an automobile.

I further read from his testimony:

Again, referring to the attached graph, it can be seen that since rider training began, fatality rates have continued to decline. Furthermore, Rhode Island also had the second lowest rate of all motorcycle accidents per 10,000 riders, behind only Oregon, which has a helmet law in place.

As I said earlier, the State of Maine in 1993 ranked 49th in the number of motorcycle fatalities, second lowest in the country. And it has a very effective rider education program.

The 44 States that have rider education programs—and I think it is essential to underscore that there are 44 States that have motorcycle rider education programs. Those are not essentially mandated by the Federal Government, but the States have determined in their wisdom that they are

the most effective approach in reducing the number of fatalities and accidents on the highways.

In fact, those programs are financed through motorcycle registration and license fees. Collectively, they have raised $13 million. Contrary to what the chairman has said, these education programs are not only financed by the States, but our States have determined how much is necessary to finance these programs. It is not as if they do not have the money. They have been financing the programs.

My State does not need to double the amount of money that already exists for its motorcycle rider education program. It has sufficient funding through license fees and registrations. But it does need its money for highway improvement and repairs. It desperately needs that funding.

Listening to the debate here today, one would think that it would be very difficult for State legislatures and the Governors and State officials to have the capability to make these decisions on behalf of the best interests of their State and the welfare of their own constituency.

Somehow, we have this notion that they do not know any better, that they could not possibly make these decisions for their constituents in their States, that somehow we know better here in Washington, DC, what should happen in the States when it comes to motor vehicle safety; that they do not have the capacity to understand.

No one is disputing the fact that we should do everything we can to improve safety on the highways. There is no doubt about that. Yes, it has some impact on our health expenditures. As I said earlier, so much of our behavior asks how far do we go?

That is the issue here today. Where do we draw the line as to what the Federal Government will dictate to the States or what the States themselves will decide for the people who live in their States? That is the ultimate question here. And I think that it is important to make a decision as to how far we are willing to go.

I would argue with the chairman that there are many other aspects to personal and social behavior that contribute far more to that cost of Medicare than riding a motorcycle or driving an automobile.

Mr. GREGG. Mr. President, will the Senator from Maine yield for a question?

Ms. SNOWE. I am happy to yield to the Senator.

Mr. GREGG. I think the Senator from Maine has made a superb point, and I would like to ask the Senator if this is the basic concept.

This is not an issue of health. It is not an issue of safety. It is an issue of States rights. On an issue of health or safety, that is a police power traditionally reserved for the State. It is ironic and anachronistic that the Federal Government has stepped into this area, where it has not stepped into 100 different areas that could be outlined.

Is not what we are dealing with here an issue of who has the right to manage the health and safety of the State, and whether or not that right is nationally vested in the State government, and it is inappropriate for the Federal Government to come in and usurp that right?

Ms. SNOWE. I answer the Senator, that is absolutely correct. Certainly, Senator GREGG well knows, having been a former Governor of the State of New Hampshire, to understand exactly what is relevant and within the purview or jurisdiction of the State, it is very essential that we begin to draw those lines as to how far we need to go to impose Federal mandates and Federal dictates.

Would the Senator agree that the States are in a much better position to make those decisions? Are they not more responsive since they are closer to the people? The Senator has been a Governor and certainly can appreciate that relationship between the State and the residents of that State.

Mr. GREGG. Mr. President, if the Senator will yield, just to respond to that point, I believe that is absolutely true. I believe the Senator from Maine, the Senator from New Hampshire, and the Senator from Colorado have made this point extraordinarily well. That is, whether or not someone is on a highway and operating——

Mr. LAUTENBERG. Mr. President, may I inquire of the Parliamentarian whether the floor is now obtained by the Senator from Maine, or do both Senators have the floor at the same time?

The PRESIDING OFFICER. The Senator from Maine has the floor. She has yielded time to the Senator from New Hampshire——

Mr. LAUTENBERG. She cannot yield, Mr. President; I am sorry.

The PRESIDING OFFICER. For a question.

Mr. LAUTENBERG. I am waiting to hear the question.

Mr. GREGG. I have the right to yield for the purposes of a question, Mr. President. During the prior colloquy, there was a question asked and there will be a question asked during this colloquy, also.

The point which I think the Senator has made and which I wish to elicit her thoughts on, further, are there not a variety of activities that occur on highways which determine the safety of highway activity, such as the size of a car that operates on the highway, such as the licensing of the operator of the car on the highway, such as the inspection of the car that operates on the highway, and the motorcycle, the licensing of the motorcycle operator on the highway? Are these not traditionally rights which have been reserved to the State?

It is sort of strange that the Federal Government would pick out just one area of safety on a State highway issue to step into. Is that not the issue here, that there is basically a unique usurpation of State rights?

Ms. SNOWE. The Senator is absolutely correct. When it comes to dictating the driver's age or the automobile inspection or the types of tests that are given so that people can get their licenses, or even some of the speed limits that are established on the various roads within a State, they have all traditionally been within the purview and jurisdiction of the States in determining that.

In fact, I was mentioning earlier in some of the statistics that the States have certainly made a number of decisions with respect to those issues and could make even more. We could draw a lot of decisions here today in terms of what we should do based on statistics, but the States are in a much better position to make those decisions.

I ask the Senator, because I think it is important since the Senator has been a former Governor, there has been this sort of impression here that somehow the States just do not understand or get it and, therefore, it requires and compels the Federal Government to impose these dictates and mandates.

Does the Senator not agree that the Governors and the States and the State legislature are in a far better position to make decisions about what is in the best interests of the general welfare of their constituencies and residents?

Mr. GREGG. Mr. President I will agree with that. That is obviously the purpose of this amendment, and I congratulate the Senator from Maine, the senior Senator from New Hampshire, and the Senator from Colorado for bringing this to the floor.

I see the Senator from New Jersey is seeking the floor, and although I may have further questions of the Senator from Maine, I will pass up those opportunities. I appreciate the courtesy of the Senator from Maine in allowing me to answer these questions.

Ms. SNOWE. I thank the Senator. Just to conclude, Mr. President, because I think it is important to read from the testimony of a State senator from the State of Illinois, who presented testimony before the committee on this issue—I would like to quote from her statement because I think it is important. She said that "Many in the State believe that this course"—referring to the penalties imposed by ISTEA in 1991—"is directly responsible,"—the course they established in the State of Illinois for rider education—

. . . is directly responsible for the reduction in motorcycle accidents we witnessed in Illinois. We had a 46 percent decline in accidents involving motorcycles from 1985 to 1990. This

led to a 48 percent decline in injuries to motorcyclists. During the time Illinois had a helmet law in 1968 and 1969, our fatality rate per 10,000 registrations averaged 9.15. Back then, we had 91,000 registered motorcycles. In 1993, we had 200,000 motorcycles registered and with no helmet law our fatality rate was 5.4 per 10,000 registrations, double the number of motorcycles, more vehicle miles traveled per year, no helmet law, and our fatality rate was four points lower. Yet Congress has sanctioned the State of Illinois for over $33 million.

I would respectfully suggest to you that putting men to work building and repairing roads is a better and more efficient use of our highway dollars than requiring us to print up and distribute bumper stickers telling people to wear seatbelts.

Finally, I would like to quote from a July 1994 Wall Street Journal article.

Dennis Faulkenberg, chief financial officer for Indiana's Transportation Department, says this year's lost share would have paved 25 miles of highway and repaired 6 to 8 bridges. New lanes and intersection improvements will also fall by the wayside because of the loss of money to the State of Indiana as a result of this penalty.

Further, I would like to quote from a New Hampshire State Representative who testified before the Environment and Public Works Subcommittee on Transportation in March. He said:

My issue on whether I favor or disfavor a law mandating helmets or seatbelts is not the issue. The reason I came here today is because I feel this issue should be able to be decided by the State Legislatures in this country without the threat of Federal sanctions and money being moved.

I don't think there is one of my colleagues in the State house that doesn't feel motorcycle helmets and seatbelts are a safety issue. There isn't one of us that will disagree with that. But let us discuss the issue, let us decide the issue on the merits of the issue, and not because we're going to have money transferred.

I think that speaks very well to the issue and the essence of the amendment offered by Senator SMITH.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to address the amendment before us, if someone will yield time to me?

The PRESIDING OFFICER. There is no time limit.

Mr. FEINGOLD. Mr. President, I would like to speak to one aspect of the amendment offered by the Senators from Maine and New Hampshire, the repeal of sanctions against States lacking mandatory helmet laws. I am a cosponsor of the amendment which will be offered by the Senator from Maine at a later point, which addresses only the matter of helmet laws. But regardless of the amendment, there are two fundamental questions inherent in this debate. What is the proper role of government in regulating individual behavior? And what is the appropriate role for the Federal Government in policy areas that have traditionally been under the jurisdiction of the States?

There will be many issues of safety raised in this debate. In addition, the point will be made that unhelmeted motorcycle riders increase societal costs, such as the costs of publicly-funded health care. Those are legitimate issues, but I do not think they address the truly fundamental questions at stake in this debate. I think the fundamental question, the fundamental issue, is the proper role of government.

The relationship between the Federal Government and the States has been a complex relationship since the founding of this Nation. The practical and legal impact of the constitutional delineation of State and Federal responsibilities is very much a subject of debate today, and especially in this 104th Congress.

Mr. President, I served in the Wisconsin State Senate for 10 years and I know very well the frustration of State officials at the sometimes incomprehensible nature of the Federal bureaucracy. This much-debated relationship is frequently at issue in the discussion of Federal requirements on issues like seatbelts and helmets and speed limits. It has been the source of great controversy in my home State of Wisconsin, which does not have a mandatory helmet law. In each of the last two sessions of the Wisconsin Legislature, there have been resolutions introduced that have urged the repeal of section 153 of ISTEA, which imposes sanctions on States that do not have mandatory helmet laws.

Wisconsin stands to lose an estimated $2.3 million in highway funds this fiscal year and an estimated $4.7 million in fiscal year 1996, simply because our State is not in compliance with section 153 of ISTEA. Nationally, States will lose $48 million in fiscal year 1995 and $97 million in fiscal year 1996, if this provision continues.

This sanction applies, regardless of Wisconsin's efforts, which are substantial, to improve safety on its roadways. Wisconsin's Secretary of Transportation, Charles Thompson, told the National Transportation Safety Board that Wisconsin, through its program:

. . . consistently and actively encourages all motorcycle riders to wear not only helmets but all protective gear through:

Mandatory helmet laws for riders under 18 years of age and those with learner permits;

Maintaining an award-winning rider education program which has an all-time high enrollment now of 3,500 students;

Helmet surveys which show that 41 percent of riders wear helmets on a voluntary basis.

So, Mr. President, among States which do not have mandatory helmet laws, Wisconsin has the lowest number of fatalities per 10,000 motorcycle registration. Perhaps more significantly, among all States, Wisconsin ranks second with respect to motorcycle fatalities per 10,000 registrations—among all States—not just those that do not have a mandatory helmet law.

The National Highway Traffic Safety Administration has emphasized that State by State comparisons of motorcycle data are meaningless and that the only valid comparisons are those that compare data within an individual State over time. Let us take that test, if the previous tests are not adequate.

Even under that test, Wisconsin does extremely well. Our fatality rate in motorcycle accidents has declined from 93 fatalities in 1984 to 41 in 1993. I think the reason is that the State of Wisconsin has an exemplary motorcycle safety program which has had the impact of substantially reducing the total number of motorcycle accidents by almost 50 percent—50 percent, Mr. President— over the past 10 years.

So our State of Wisconsin is understandably upset with the sanctions contained in ISTEA, given their exemplary record for motorcycle safety. The State, I think, feels discriminated against since ISTEA does not credit the State with the progress it has made with respect to reduced motorcycle fatalities. Given that the intent of ISTEA is, as I understand it, specifically to reduce fatalities, Wisconsin legislators and regulators are bewildered that there is no credit being given to them for their accomplishments. That is one of the flaws of section 153 of ISTEA. It does not recognize significant accomplishments made in improving highway safety through proactive, voluntary State efforts.

I contend that a Federal mandate on helmet use is not necessary to require States to do the right thing.

However, beyond the question of the proper Federal-State relationship, I would also like to focus briefly on what I believe to be an even more fundamental issue. That is the question of whether the Government has a role in regulating individual behavior that does not have a direct impact on the health or safety of others in our society.

Unlike other motor safety requirements, such as traffic laws intended to keep traffic, highway traffic orderly and safe for all users, I believe helmet use only generally impacts the individual choosing to wear or not wear a helmet.

Many have argued that the cost which motorcycle accidents impose on our health care system are reason enough for regulating individual behavior, but I do not really see that as a persuasive argument. Individuals in this country still have a right to engage, if they wish, in risky behavior that does not directly harm others.

The Federal Government has not always regulated individual behavior for smoking or alcohol consumption in cases where that behavior does not affect others in our society. When it has done so, as we know with Prohibition, it has backfired.

Arguably, those behaviors, such as drinking and smoking, also impose substantial costs on our health care system. However, we have generally recognized that such behavior should, in most cases, be a matter of individual choice, regardless of whether that choice is the wisest one that an individual might make.

I generally object to Federal laws which regulate an individual's behavior for his or her "own good." I ask my colleagues, if we regulate helmet use at the Federal level where, then, do we draw the line? Or can we draw the line? Where do we stop infringing upon an individual's right to make his or her own decisions?

I contend that helmet use or lack of helmet use does not generally impact others in our society. As a strong supporter of individual rights I oppose Federal legislation requiring States, or blackmailing States into enacting helmet laws. I personally would strongly encourage all cyclists to wear helmets, as does Wisconsin's Motorcycle Safety Program. But I do not believe it is the Federal Government's role to require anyone to wear a helmet.

Mr. President, the amendment to be offered by the Senators from Maine and Colorado would repeal the Federal sanctions on States which do not have mandatory universal helmet laws. It is a step in the right direction from the standpoint of individual rights and I urge my colleagues to support it. I yield the floor.

Mr. THOMAS. Mr. President, I rise in strong support of the Smith amendment, which will repeal the penalties levied against States that have not passed both a mandatory seatbelt and helmet law. The issue is not the merits of helmet laws or seatbelt laws. The issue is where should these issues be discussed and decided.

The message of the last election was that we need a smaller, less intrusive Federal Government. The Federal Government tries to do too much and has taken over so many functions that ought to be State and local decisions.

The vote on the Smith amendment is a clear test as to whether or not the U.S. Senate got that message.

For too long an activist Congress has used the threat of loss of highway trust fund money to force States to adopt whatever the Federal agenda of the moment is. I think that is a rotten way to do business.

First, that approach assumes the money collected through Federal gas taxes somehow belongs to the Federal Government.

This money comes from the States—it comes from highway users in the States. To collect the money from these folks and then turn around and hang it over their heads until they do whatever we say is outrageous.

Second, the people who support this approach think State governments are incapable of making informed, responsible decisions about the safety of their citizens. I do not know how you can defend the idea that folks in Washington are somehow blessed with the divine wisdom to always know best. State officials are just as responsible, and in most cases are in a better position to make informed decisions than folks in Washington.

I will let others argue the merits of helmet use. There are strong feelings on both sides of that issue. What I will argue is that debate ought to happen at the State level, and the Federal attempt has clearly failed.

Section 153 was enacted as part of the ISTEA bill of 1991. Since enaction of section 153, only 1 State has adopted a mandatory helmet law; 25 States have yet to adopt mandatory helmet laws, and are in violation of section 153.

This year alone, $48 million will be diverted away from road and bridge construction. Next year that figure will increase to $97 million.

In Wyoming, just over $1 million was moved from highway construction to safety education programs this year. Next year we will see over $2 million shifted away. I do not know how we can spend $2 million on safety education programs in my State. That comes to just over $4 for every man, woman, and child in Wyoming to be spent on safety programs while we have millions in unmet infrastructure needs.

It does not make sense, and a full half of the States have said enough. They have decided it is more important to preserve the ability to make their own decisions than to bow to Federal blackmail.

That is a choice States should not have to make. I strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think this issue has been aired really well. I do not have much to add and we are approaching a time when we could vote.

The basic question we are debating is the degree to which the Federal Government should tell people whether or not they should wear seatbelts or whether or not they should have helmets when they drive motorcycles.

Much of the debate today has centered around the number of fatalities, highway safety, and so forth. We all agree we want to minimize accidents on our highways. On the issue of the effect of wearing seatbelts and wearing helmets on safety and fatalities, my colleagues have voiced differences of opinion and cited various studies.

Mr. President, I would like to draw a distinction between the Federal requirements to have seatbelt and helmet laws. There are 48 States that have seatbelt laws. I do not feel that all of these States passed these laws just because there has been a Federal requirement. States have enacted these seatbelt laws and fatalities and injuries have dropped. It makes sense to wear a seatbelt. And because 48 States have these laws, we should not disrupt the status quo. Seatbelts are part of American society now. Children today grow up knowing that it is right to buckle-up when they get into a car. It has become a part of our lives.

However, only 25 States have passed helmet laws. Helmet laws are very controversial. It becomes more of an individual rights issue.

I do not believe it makes sense for Congress to blackmail States into passing motorcycle helmet laws. That is a decision better left to the States. I know this is not an easy matter. Many of my colleagues do not agree with the State's rights argument.

There is no debate here as to whether the Congress has the power to do this. Under the commerce clause, it is clear Congress has the power to require States to pass these laws. And if States do not, Congress has the power to withhold highway funds or say that a portion of highway funds should go to safety education programs.

So the issue here is not whether the Congress has the power to do make these requirements. That is not the issue. The only issue question is should the Congress be involved in these decisions. Should the Congress tell the States to pass these laws. Or should Congress let the States decide on their own whether or not to pass these laws. Each of us is going to have to answer that question. We are 100 different Senators. We are bound to have different points of view on that issue.

My view is that we should not repeal the Federal requirement for States to enact seatbelt laws.

I would hope that if we were to adopt the Smith amendment, most States would keep their seatbelt laws and not repeal them.

But the Federal requirement for helmets is different. As only 25 States have these laws, there is obviously much more controversy attached to them. These difficult decisions can be made by the States.

Now the pending amendment is the Smith amendment. It is my understanding that, if the Smith amendment is not adopted, the Senator from Maine is going to offer her amendment which would repeal only the helmet laws. If that amendment is not adopted, it is my understanding that the Senator from Colorado may offer his amendment which just requires States to have motorcycle education programs instead of motorcycle helmet use laws.

I mention all of this because the sequence of amendments and the consequence of whether amendments are offered or not has a bearing on a Senator's position. The order of amendments is important if Senators have a different view on either seatbelt or helmet laws. If a Senator does not want to

repeal both seatbelt and helmet requirements, or a Senator wants to only repeal the helmet requirements, the order of amendments is important. To close, I should also note that the State of Montana has had a referendum on seatbelts a few years ago. The people of Montana decided they wanted a seatbelt law. So let us focus on the helmet requirements.

Mr. SMITH. Mr. President, I know the Senator from Rhode Island would like to wrap this up. I have no objection to that if he chooses to seek unanimous consent to end the debate and have a vote momentarily. I want to make a couple of brief remarks. I think the Senator from Wyoming has a couple of remarks to make as well.

I would just say to the Senator from Montana that we are not repealing seatbelts laws anyway. We are not repealing any seatbelt laws. We represent two States in the Union—Maine and New Hampshire—who choose not to have seatbelt or helmet laws. All we are asking is the right for us to be able to do it our way, which is to improve safety, improve safety records, improve seatbelt and helmet use without the mandate which we are doing.

So it is a misstatement to say that we are trying to repeal the seatbelt law in the other 48 States. You passed them. You can have them. That is perfectly all right with me. I am not repealing that.

Mr. BAUCUS. I understand that.

If the Senator will yield for a question, if the Senator is successful, States which do not have helmet laws and seatbelt laws will not have to divert 1.5 percent of highway funds to safety education programs. Is that correct?

Mr. SMITH. Yes.

Mr. BAUCUS. Also by 1996, under current law, it will double to 3 percent.

Mr. SMITH. Yes.

Mr. BAUCUS. The Senator is providing in his amendment that States, if they do not have helmet or seatbelt laws, will receive the full complement of highway funding, and they would not have to direct that 1.5 to 3 percent to the safety program.

Mr. SMITH. That is correct. But I fail to understand the Senator's logic in saying that it is OK to mandate seatbelts and not OK to mandate helmets. What is the difference?

Mr. BAUCUS. Will the Senator let me repeat my argument?

Mr. SMITH. If I could just briefly reclaim my time here, we could mandate that we lock all the doors in automobiles, too. I can envision State troopers roaring down the highway seeing the door lock up and immediately sending somebody over to the side of the road and citing with a ticket. We could mandate that we all wear foam rubber suits and helmets every day that we walk around so we do not hurt ourselves.

The point is, Mr. President, in New Hampshire—I believe it is also true in Maine—we have safety programs, good safety programs.

This is a chart which shows the counties in New Hampshire, the 10 counties. Since 1984, we have improved—just picking one county off the top here, in 1984 there was a 24-percent seatbelt use in that county. Today it is 55 percent. There is no mandate. The point is we have good safety programs. We do not need another $800,000 for our safety programs. All we want is that $800,000 to be spent on repairing roads. It does not hurt Montana one bit. It does not do anything to Montana.

We just want the right to be able to have this done in the "Live Free or Die" State without a mandate, without the Federal Government saying you have to wear a helmet. Why do we not wear helmets in cars? How about this? Will the Senators agree that we should wear helmets in cars? We could save a heck of a lot more people from head injuries in automobiles than on motorcycles. So we wear seatbelts in the car. If you wear a helmet in the car, you would save even more lives.

The point is these mandates get ridiculous. The individuals have the right to essentially exercise the freedoms that they have as Americans.

This is not an unreasonable amendment at all. To use the logic that somehow we are denying somebody else in the other 48 States—there are 25 States here that are losing $97 million in moneys that they are entitled to to repair their highways. They are not getting it unless they decide to expand the safety program and spend money that they do not need because their safety programs are more than adequate. That is the whole stupidity of this Federal Government Washington-knows-best attitude.

The issue, in conclusion, Mr. President—and I heard the Senator from Rhode Island talk about this. He said mandatory helmets have saved thousands of lives. Wrong. Helmets save lives. Mandating the helmets do not save lives. Wearing helmets save lives. It is not the mandate.

So, you know, who makes the decision? That is the issue. Who is going to make the decision about wearing a helmet? The individual, the State, or Washington? It is no different than anything else in Medicaid, welfare, whatever, environmental laws. It is the same issue. Washington knows best. Therefore, nobody else knows anything. So we have the mandates.

I ask unanimous consent in conclusion—even the USA Today, which is part of or a strong supporter of the conservative cause, says, "States know what's best," and in their recent editorial of May 8, they indicated that we were right in what we are trying to do here on seatbelt and motorcycle helmet laws.

So I ask unanimous consent that article be printed in the RECORD, Mr. President.

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

[From USA Today, May 8, 1995]

STATES KNOW WHAT'S BEST

I-10 stretches hypnotically out of Tucson across the desert. Yet the speed limit is the same as on I-64 as it undulates through the mountains of eastern Kentucky.

Any driver traveling those roads would recognize the foolishness of the uniformity instantly. It exists only because the federal government requires it.

Common sense says those most familiar with the roads know best. But that's not the way it's done. Technically, states set the limits. But if they dare set them faster than 55 in urban areas or 65 elsewhere, they face federal financial penalties. So they go along.

Seat-belt and motorcycle-helmet laws work much the same way. Forty-eight states have belt laws, and 25 require all riders to wear helmets. But if states don't pass both, they must divert some of their highway funds to safety programs—even if the money could be used to prevent more accidents by repairing dangerous bridges or roads.

Now, there's a move afoot in Congress to remove the federal shackles. A Senate subcommittee took the first step last week. It voted to repeal the national speed-limit law and let states set the limits without coercion from Washington.

Auto safety advocates are up in arms. They look at a highway fatality rate that fell from 5.2 per 100 million miles traveled in 1968 to 1.8 in 1993, thanks in part to such laws, and predict mayhem on the highway.

But that's not likely.

State officials can read statistics, too. They don't want to be responsible for blood on the roads. They know polls show public support for safety laws. Three states rejected efforts to repeal belt laws last year, and two fought off repeal of helmet laws.

The argument today is not about whether seat-belt and helmet laws save lives, whether excessive speed kills or alcohol impairs the ability to drive. They do. The argument is about who's better suited to balance safety against sensible use of the roads.

The answer is that the states are. They, not the feds, already write the rules of the road, enforce vehicle and traffic laws, and pay the bills.

The proper federal role in auto safety lies elsewhere. Only it can force automakers to build safe cars.

Washington also is uniquely equipped to serve as a clearinghouse for information about traffic convictions and driving licenses—a role it now fills in cooperation with the states—and it serves the country well by sponsoring safety research.

But when it comes to setting speed limits and requiring seat belts, states belong in the driver's seat.

Mr. SMITH. I also ask unanimous consent that a letter from the Governor of New Hampshire, which is 2 years old, which basically forecasts problems that would be coming up with this by having mandated laws—the Governor of New Hampshire was saying that New Hampshire voluntary seatbelt use had increased through education, and I ask unanimous consent that letter also be printed in the RECORD.

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

STATE OF NEW HAMPSHIRE,
OFFICE OF THE GOVERNOR,
Concord, NH, December 22, 1993.

Hon. ROBERT C. SMITH,
Washington, DC.

DEAR SENATOR SMITH: I would like to enlist your support in opposing the diversion of highway funds under 23 U.S. Code Section 153 which, under the present conditions, will occur if the State of New Hampshire does not enact both mandatory seat belt and motorcycle helmet use laws.

I am sure that you are well aware that New Hampshire has made great progress in making our State's highways safer for all who use them. In 1982, for example, 98 of 154 highway fatalities, or 56.6%, were alcohol related. All of those numbers have decreased significantly in the interim years to a point where in 1992 only 30 of 123 fatalities, or 24.4%, were alcohol related. This represents a 20% decrease in highway fatalities, and the percentage of alcohol-related fatalities has been reduced by more than one-half.

New Hampshire's voluntary seat belt usage, which the federal government would have us mandate, has risen from 16.06% in 1984 to 50.57% in 1993. For five consecutive years, seat belt usage surveys in the State indicate that around 50% of New Hampshire's motorists are buckling up. This has been accomplished through public information programs and not through any coercion of the motorist. This means that New Hampshire has a nucleus of approximately 50% of its citizens using their seat belts not because they are forced to, but because they think it is the wise thing to do. Again, I am sure you are aware this has been accomplished while during the same time period (1982–1992) the number of drivers in the state has increased by 26%, the number of registered vehicles has increased by 49% and the population of the Granite State has increased by 17%.

The New Hampshire Legislature recognized the need for improving motorcycle safety and a Motorcycle Rider Education Program (RSA 263:34b) was enacted effective July 1, 1989. Through 1993, 2,629 cyclists had completed this program, which is entirely self-supported by fees attached to motorcycle licenses and registrations. The following is an interesting quote from the Highway & Vehicle/Safety Report of May 17, 1993, which is published by Stamler Publishing Company, 178 Thimble Islands Road, Branford, Connecticut:

"However, controversy surrounding mandatory use laws (MULS) for motorcycle helmets emerged during the recent hearing on ISTEA-related safety issues. Senator Ben Nighthorse Campbell, D–CO—himself a motorcyclist—said ISTEA's 'mandatory section simply is not working'. No helmet laws were passed in the last six months, leaving 25 states without ISTEA's Section 153, which requires the transfer of some highway funds to safety programs for states that do not enact helmet laws by this fall. He claimed that non-MULS states have 33% lower accident rates than those with MULS crediting voluntary helmet use and rider education programs."

Any assistance you can provide to prevent this federal intrusion into our State's highway safety efforts would be greatly appreciated.

Very true yours,

STEPHEN MERRILL,
Governor.

Mr. SMITH. Mr. President, before I yield the floor, I will at this point ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I may just engage in a bit of a colloquy here with my distinguished colleague. But I see the distinguished chairman of the committee. Does the chairman wish to address the Senate on a procedural matter?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to see if we can allocate time out to those who want to speak so we can let our colleagues know about when we are voting.

Mr. BAUCUS. If I might make a suggestion, if the Senator will yield, that is we have a vote on the amendment offered by the Senator from New Hampshire by 5 o'clock, the time equally divided.

Mr. CHAFEE. The only thing is, I am not sure how much time people will want. The Senator from New Jersey would like how much?

Mr. LAUTENBERG. The Senator from New Jersey would like probably around 10 minutes, maybe an extended 10.

Mr. CHAFEE. How about 10? Let us just work this out and see how we are doing.

Mr. LAUTENBERG. I will tell the Senator this. I would not agree at this moment to a unanimous consent agreement that cuts off debate. I have stayed here, in all fairness, and listened to the debate from the other side, and I think there are people in opposition to it.

Mr. CHAFEE. We are not going to cut anybody off. Let us say 10 minutes, and if the Senator wants more he can take more.

The Senator from Montana, the ranking Member, wants no more time. The Senator from Virginia, how much?

Mr. WARNER. Mr. President, I would be agreeable to maybe 6 or 7 minutes.

Mr. CHAFEE. Let us say 7 minutes. The Senator from Wyoming, how much time would he like?

The Senator from Ohio?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. All right, 10. So there is 20, plus 6, or 26 minutes. The Senator from Maine?

Does the Senator from New Hampshire want some time?

The Senator from Colorado?

Mr. CAMPBELL. Perhaps 5 minutes to wind up.

Mr. CHAFEE. Five minutes. Well, I think, due to the point the Senator from New Jersey made, we cannot get a time certain to vote. But I can say to our colleagues who are listening, it looks as if we will vote about 10 past 5. That is not a certain time but just about then. If people could stick fairly close to the times that they took, that would be helpful. We have not forestalled anybody from coming. If somebody else shows up, they have a right to speak. This is not an agreement that has been reached, but perhaps it is an indication how much time we will take.

Mr. WARNER. Mr. President, this is a very important issue. I commend our distinguished chairman. It is an issue that is held very deeply by a number of Members in the Senate, and I think we have had an excellent debate. I commend the distinguished chairman. I happen to align myself with the viewpoints that he has. I would like to just pose a question to my friend from New Hampshire.

Members of my family are motorcycle folks and from time to time I attend the rallies. There was a rally that I attended not more than 6 weeks ago down in the area of Hampton, VA. I have never seen a more orderly or more wonderful assemblage of motorcycle individuals. They know that I am not in favor of repealing the helmets, but there was not a person there who did not treat me with complete dignity and respect. Argue and debate with me, that they did. It is interesting; their motto is "Let the riders decide."

We in our State of Virginia rank ourselves second to no State in this Union with respect to independence and individual freedom. But the question I pose to my good friend is as follows. Our State, in 1971, enacted both a seatbelt and a helmet law. This chart is down now, but we had the option presumably to repeal those laws at the time the Federal law was repealed, but we did not do it because the then Governor and others, the general assembly, felt it was in the interest of the State to keep it on, so it is still on today. It is primarily for that reason, that there has been a consistency of viewpoints of the people of Virginia on these two issues, that I support them, in addition to my own personal feelings. So I feel that I am correctly representing the State.

But our drivers, knowing that there is a seatbelt law and a helmet law, as they drive in our State, I think they have a certain feeling of personal security because there is a correlation between wearing seatbelts and surviving an accident. We all know that. The safety statistics show that. But as they venture into other States, particularly as it relates to seatbelts, should there not be the use of seatbelts in those States as we have in ours, are they not taking some personal risk?

Mr. SMITH. Are people who drive in other States without the mandate taking personal risk; is that the Senator's question?

Mr. WARNER. Let us say in other States where there is an absence of law, State and Federal, seatbelts are not required, and they follow the maxim "Let the riders decide," and there is a high percentage of use of motor vehicles without the use of seatbelts. Is there not some personal risk to those who travel from their State into another State and there is no seatbelt law?

Mr. SMITH. I just say to the Senator, we do not have, as he well knows, a seatbelt law in New Hampshire and our seatbelt use has increased almost 40 percent since 1984 through education and training.

Mr. WARNER. Mr. President, I saw those statistics. My good friend shared the statistics with me. But we also know as a fact that absent a Federal law, the State legislatures come under tremendous pressure to repeal those laws.

Mr. SMITH. We are not asking you to repeal those laws.

Mr. WARNER. I understand that. But as drivers from States that are used to the seatbelt laws move about the United States into other States that do not have them and there is likely to be a higher percentage of the nonuse of seatbelts, that concerns me from a safety standpoint. I just say to my good friend, that is an added reason, and a strong one, why I support the position taken by the distinguished chairman and also will oppose the Senator's amendment.

I see the distinguished majority leader present.

Mr. SMITH. May I take 10 seconds just to say to the Senator, it sounds to me as if the Senator from Virginia is advocating a national helmet and seatbelt law rather than a State law, based on the comments that the Senator made, if the Senator is worried about going from one State to another. The point is, I think it is not that. It is a question of who makes the decision, and I do not think the Federal Government needs to make it.

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

Mr. LAUTENBERG. Mr. President, I rise to oppose the Smith amendment to eliminate Federal mandatory motorcycle helmet requirements and seatbelt requirements.

I want to say something at this moment that I said earlier in the debate on a couple of amendments, and that is that though I may differ with colleagues on the floor as to the application of law, I do not differ with them on their interests in saving lives and protecting their citizens. I want to make that clear, because though I think they are wrong, I do not think they intentionally want anybody to be hurt as a result of it. I would like to point out why I think their logic on the amendment is entirely antithetical to protecting life, limb and property.

Mr. President, I have heard so many arguments on the floor here, and many of them revolve around whether or not we are discussing life, health, safety, and I heard the Senator from Maine before say, "No," in response to the Senator from New Hampshire, "No, that is not the issue, what we are talking about is States rights."

I do not understand that because people's lives and well-being are involved. Are we discussing process or are we discussing reality? Are we discussing the penalty that is paid for the lack of helmet use on motorcycles?

Even though I am not a resident of New Hampshire or Maine I have a deep interest in what goes on with people in our entire society.

The facts are that helmet use reduces fatality rates and severity of injury. Universal helmet rates increase helmet use and reduce deaths, and the public bears higher costs for nonhelmeted riders when they are crash victims.

In 1975, 47 States had motorcycle helmet laws covering all riders. In 1976, the Highway Safety Act was amended to remove the Federal helmet requirements. After the act was changed, 27 States, which contained 36 percent of the American population, either repealed or seriously weakened their helmet laws. In the 5 years that followed, motorcycle fatalities increased 61 percent, while motorcycle registrations increased only 15 percent.

When Colorado repealed its mandatory helmet use in 1977, its motorcycle fatality rate increased 29 percent. Conversely, States that have passed mandatory helmet laws since 1989 have seen a significant reduction in their motorcycle fatality rate when compared to the motorcycle fatality rate in their State before passage of the law.

In Oregon, there was a 33 percent reduction in motorcycle fatalities the year after its mandatory helmet law was reenacted. California experienced a 36-percent reduction when its law went into effect. In total, the National Highway Traffic Safety Administration, NHTSA, estimated that 600 riders a year are saved as a result of motorcycle helmet use.

More than 80 percent of all motorcycle crashes result in injury or death to the motorcyclist. Head injury is the leading cause of death in motorcycle crashes. Compared to a helmeted rider, an unhelmeted rider is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a head injury when involved in a crash.

At my request, one of the leading trauma hospitals in my State reviewed its data on motorcycle accidents over the last 3 years. According to the University of Medicine and Dentistry of New Jersey located in Newark, the deaths for motorcycle accident patients that entered their hospital was 11.5 percent, and this compared with only a 7.5 percent death rate for seriously injured automobile and truck accident patients, even though the absolute number of car and truck victims was far fewer than the motorcycle accident victims.

The failure of the motorcyclists to use helmets also has placed a huge financial burden on society. NHTSA estimates that the use of helmets saved $5.9 billion between 1984 and 1992. Repeal of mandatory helmet requirements would increase the death rate for motorcycle riders by 391 people per year and would increase costs to society by $380 million a year.

In these days when we are discussing skimpier budgets I do not understand what it is that makes a Federal mandate so onerous that we all ought to pay extra funds for taking care of hapless victims of motorcycle accidents.

When motorcyclists say they want Government off their backs and they want to ride bareheaded against the world, it is important to realize that there is a bill that has to be footed.

Now, I know that each of my friends here on the floor has not dissimilar experiences to me and you have visited hospital trauma wards and seen what happens with motorcycle riders who are involved in crashes.

I have seen many in my State. The most serious of injuries. My State is no different than any other. We are a little more crowded, but we are normal people just like anybody else.

The most serious injuries are those incurred by motorcyclists, often paraplegics or quadriplegics. There is nothing worse for a family to endure—nothing worse—than to see a child or a family member wind up a paraplegic. But it happens, and motorcyclists do have a different risk than automobiles.

We cannot use helmets, as was suggested. We do not need them in automobiles because we have roofs, we have roll bars, we have airbags, we have seatbelts. We have all kinds of devices to protect the driver and the occupants. That is why we continue to see declines in fatality and injury rates in automobiles, despite increasing traffic.

This amendment also eliminates federal seatbelt requirements, I find it amazing. Seatbelt use reduces the risk of a fatal or serious injury by 40 percent down to 55 percent—that much of a difference, Mr. President, 40 to 55 percent.

National seatbelt rates have gone from 13 percent in 1982 to 67 percent in 1994. Four States now have these laws. We, as a country, still travel virtually every developed nation in the world in seatbelts.

In those States with seatbelt laws, use rates average 67 percent. With strong enforcement and extensive public education, some States have been able to reach the use rate of 80 percent. Use of safety belts saved more than 40,000 lives and prevented more than 1 million injuries from 1983 to 1993. It

saved $88 billion. Each year, safety belt use prevents an estimated 5,500 deaths and nearly 140,000 injuries. It saves taxpayers more than $12 billion annually.

Mr. President, 76 percent of Americans oppose weakening or repealing safety belt laws, and 61.9 percent believe doing so will place a greater burden on taxpayers. I get that information from the Advocates for Highway Auto Safety, who prepared that data.

We see all kinds of savings of lives and savings of injuries as we encourage helmet use, as we encourage seatbelt use.

I know one thing that saved a lot of lives—young lives—was the mandatory drinking age, at age 21. That law was written in 1984, and since that time we have saved more than 14,000 youngsters from dying on the highways. It is a good law. It also is under attack, not at the moment, but it is under attack.

We have heard it from the House that there are Members, one from Wisconsin, who want to eliminate the 21 drinking age bill, as well as seatbelts, as well as speed limits, as well as motorcycle helmets. He would eliminate all those things because it is a matter of pride and States rights.

Who foots the bills? Every citizen in America pays the bills for these removals. I will resist it, and I hope that this Senate will resist it.

What I have heard is that this State or that State stands to lose money. For heaven's sake. How about the lives that they lose if they do not have the laws in place or have the requirements in place? Talk about mandates, mandates saving lives, saving injuries, saving the health and well-being of their citizens. Is that such an onerous burden, that we will take away these protections that we have developed over a long period of time?

When it comes to the statistics, we hear them kicked around here pretty good. We hear about the reduction in fatalities or injuries in this place; then I hear just recited the number of injuries, fatalities, and destruction of property in another place. The question is, are we comparing apples to apples and oranges to oranges? I am not sure.

Mr. President, I hear the words, I listen to the debate. Frankly, I do not understand what it is we are trying to do here. I think we ought to hold fast to the laws that have been developed.

So I think the argument is bogus. I think the States rights argument is hollow when it comes to saving lives and reducing injuries and reducing costs.

I hope, Mr. President, that we will be able to defeat this amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Maine.

Mr. COHEN. Mr. President, I would like to address the issue of motorcycle helmet laws just referred to by my colleague from New Jersey. Senator Snowe apparently plans to offer her amendment at a later time to the legislation, an amendment to repeal the penalties levied under section 153 of the Intermodal Surface Transportation Efficiency Act [ISTEA] on the States that do not impose mandatory helmet use by motorcyclists.

I find the statement just made somewhat ironic: What about all of the fatalities suffered by those who ride motorcycles, what about the loss of a limb, the serious accidents, the productivity losses attributable to accidents?

It would seem to me that States would have an equal interest. States are not immune to concern for their citizens. Why is it that one-half of all the States in this country do not have mandatory helmet laws? They have a vested interest in keeping Medicaid expenses from being excessive and going up. They have an interest in not having their citizens become paraplegics. They have an interest, it seems to me, in helping to protect their citizens' lives.

Why is it that they have refused to impose helmet laws? I think it is because there is a division of opinion on the issue of helmet laws. With regard to safety belts, there seems to be a general consensus that they do, in fact, help reduce fatalities and the severity of injuries in serious accidents. But there still is dispute with respect to motorcycle accidents and helmets.

Between 1980 and 1993, motorcycle accidents and fatalities declined by some 53 percent each, Mr. President. Now, these downward trends in accidents and fatalities were well underway before we passed ISTEA and section 153 in 1991.

So the decline in the accidents and the fatalities cannot be attributed to the passage of a law in 1991.

Mr. CHAFEE. May I make a point?

Mr. COHEN. I am happy to yield to the Senator.

Mr. CHAFEE. It is important to remember that many States had passed the mandatory helmet law previous to 1993; in other words, in 1991 and 1992: Texas, Florida, North Carolina, California, New York, and so forth.

Mr. COHEN. If that were the case, then it seems to me that the States which had the mandatory helmet laws would have the best safety records. But that, I think, as Senator SNOWE has clearly pointed out, does not seem to be borne out by the facts.

We would assume those who have the mandatory helmet laws have the best records. In fact, over one half of the States with the lowest fatality rates per 100 accidents over the past several years have not had helmet laws.

Even though Texas, California, and other States have mandatory helmet laws, we cannot draw a causal connection in this case, because Maine, which does not have a mandatory helmet law, had the second lowest fatality rate in the country in 1993, which is the last year for which statistics are available.

I think a lot of it is due to the fact that we have safety education programs. Senator SNOWE has talked at length about this, but back in 1991, Maine started requiring all applicants for a motorcycle learner's permit to take an 8-hour safety course. Anyone who offers the safety instruction must be certified by the State.

Senator SNOWE has talked about the United Bikers of Maine [UBM]. UBM members have taken the lead in developing and offering the safety course to beginners. They have augmented it with a road training course, which most beginners take, although the State does not require it. Now, the UBM offers refresher and advanced safety courses and road training for experienced riders, as well. So I think what we have in Maine is a very serious education program and, as a result of that program, we have seen fatalities drop.

In 1991 we had 30 motorcycle fatality accidents. In 1992, the number dropped to 21. In 1993, fatalities declined to 10. We had the second lowest fatality rate per 100 motorcycle accidents in 1993. It is due, in my judgment, to motorcycle safety training, these courses that are being conducted.

I have met with the UBM members on a number of occasions, I must tell you, both here in Washington and back home. I would say I have been struck, as I know my junior colleague has, by the seriousness with which they approach motorcycle riding. These are serious-minded men and women who take what they are about very, very seriously. They have taken the leadership role in our State to ensure that concomitant with motorcyclists' freedom to ride without a helmet is the responsibility to ride safely.

They have pointed out that there is great division within their own membership. Many of the members wear motorcycle helmets all on their own. They are not required to do so. They wear them. But there are others who maintain that wearing a helmet obscures their vision, it obscures their hearing, it produces fatigue and whiplash, and induces a false sense of security, especially among younger, less experienced riders.

You can debate that. They are out riding. You and I are not out there on the bikes riding every day. Were I to do so, in all likelihood I would probably wear a helmet. But I must defer to those who ride on a regular basis, since there is a division of opinion on this.

If we look at the record, the record would seem to indicate that Maine does all right. Maine does all right by any standard. The question is, Why is it necessary now for the Federal Government to mandate that Maine impose a mandatory helmet law or divert funds necessary for road repair and maintenance to a safety programs that is sufficiently self-financed by motorcyclists

already? Why are we going to penalize the State of Maine? Maine needs all of the money it receives to address a growing backlog of road repair, maintenance and improvement projects, a backlog that threatens all motorists. We want to penalize the State in order to force its compliance with this law, when the State is making pretty good progress all on its own? The State of Maine is doing all right in terms of its safety programs.

So I intend to support the Senator from Maine, Senator SNOWE, when she offers her amendment later today or tomorrow, because I believe the States feel an obligation to look after their citizens. Many of them feel the same commitment to safety as we do here in Washington. It would seem to me Senator SNOWE makes a valid point when she talks about what the elections of last November revealed. Many people feel that we in Washington intrude too frequently upon decisions that they feel they can make at the local or State level just as adequately or better than we can.

So when she offers her amendment, I intend to support it at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise in strong opposition to this amendment. I understand the philosophical argument, the States rights argument that has been made on this floor. I think it has, certainly, some validity. It's a philosophical argument. It is an argument about what the Federal Government should do and what the States should do.

But as I concede to the other side on this issue, I hope they would also understand that does not tell the full story. This is not an abstract debate about States rights. As I said this morning in the debate, what we do in this Chamber has consequences. There is no greater example than what we are about today. There will be consequences, and they are not just philosophical. They are not just abstract. They are practical, life and death consequences based on what we do today.

So let us not just say it is a philosophical debate and you are either for States rights or you are against States rights. I do not think too many people would look at my record over the years and say I am against the States. I spent over half of my career at the county level and State level, not here in Washington. But I think this debate is about a lot more than just philosophy and a lot more than just States rights. I think it is about lives.

We debated earlier today my amendment and the amendment of Senator LAUTENBERG that we offered to deal with speed. We lost that amendment.

Basically what this Senate said, what the will of the Senate was this morning—and I certainly respect that—is the Federal Government is going to back off. The green light is out. We no longer have any national interest in the issue of speed on interstate highways. I respect that. I disagree with the decision by the Senate, but I certainly respect that.

Now we are back on the floor with an amendment that says the Federal Government has no interest, we have no interest as a nation, in the issue of seatbelts. I really cannot believe we are here talking about this.

I was not going to become involved in this debate. I thought enough this morning was enough. But as I listened to the debate on the floor, I frankly felt compelled to come over here and talk, and talk about an issue I feel very, very deeply about. Do we really want the legacy, or one of the legacies of this Congress, of this Senate, to be for the first time in years we will say we do not care about seatbelts, who wears them and who does not? We do not care about speed? I think that would be a sorry legacy for this Congress. It may occur, but it will not occur with this Senator's vote.

I mentioned I have spent over half of my career at the county level and State level. One of my elected positions over the last 20 years was as Lieutenant Governor of the State of Ohio. My job as Lieutenant Governor was to oversee our anticrime and our antidrug efforts. I had at various times five or six different agencies that reported directly to me on behalf of the Governor. One of the departments that reported directly to me was the department of highway safety. So I have been intimately involved with this issue over the last 4 years. Prior to that time I was a State senator in Ohio. I wrote our drunk driving law. So I have lived with this.

We used to say, when we went around and talked about highway safety when I was Lieutenant Governor and when we tried to institute programs—we used to say there were three things that caused auto fatalities. This was kind of an oversimplification, but I think it did not miss it by far. There were three things: use of seatbelts, drinking and driving, and speeding. You can just about categorize every single auto fatality into one of those categories. So, if you are trying to cut down on auto fatalities, you have to deal with those three issues.

We have already said we do not care about the issue of speed. Now we are preparing, possibly, to say we do not care about the issue of seatbelts. I think that would be a tragic mistake.

I understand that my colleagues, for whom I have a great deal of respect, the Senator from New Hampshire, the Senator from Maine —their argument is really that is not what we are saying. We are not, by this action today, repealing any seatbelt law. We are not by this action today repealing any speed laws. Mr. President, that is technically true. That is true. But that does not tell the entire story, and I think it misleads a little bit to only say that, because I think we know what the consequences of our actions are.

Is there anyone in this Chamber who believes that virtually every State in the Union would have passed seatbelt laws when they did but for the action of the National Congress? I do not think anybody here would claim that. Just as I do not think there is anybody here who would stand up here with a straight face and say that with the action we took this morning, the action we may take this afternoon, the action with speed, the action with seatbelts, that some States will not change what they are doing. They clearly will. We will have a retrenchment. We will have a retrenchment in two areas that every expert that I have ever heard from, anybody I have ever talked to who knows anything about this issue, has said: These are key—speed, seatbelts—you will save lives. Cut down the speed and if people wear seatbelts, you will save lives.

I have yet to hear in the debate today anybody come up and cite an expert who says that is wrong. So I think this would be a sad legacy for this Congress. I think for those who say it is a philosophical debate, I again emphasize it is more than a philosophical debate. It is a question of lives.

For those who say we are really not repealing the speed limit, we are really not repealing seat belt laws—yes, that is technically true. But, no, it does not tell the full story.

So the action we take today will affect lives. As I said this morning when we talked about speed—and I will say the same thing again about seatbelts—if you have less use of seatbelts, if you have higher speed, more people will die. And that is the natural consequence of what we appear to be about ready to do.

So, I will in a moment yield the floor. But I believe this is a debate of great significance. I have been a States rights supporter for years. I do not think anyone would look at my record and argue with that. But that is not the entire debate today. The entire debate today has to look at what works and what does not work; what makes a difference and what does not make a difference. Let me say the evidence is absolutely overwhelming, the jury has returned. The jury is back. Seatbelt use makes a difference, and that is why I oppose the amendment of my colleague, Senator SMITH.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent to add Senator BROWN as a cosponsor of my amendment.

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

Mr. SMITH. Mr. President, I would just like to take about a minute or two to conclude here, to say I listened very closely to my colleague from Ohio. We are not opposed to the use of seatbelts. This amendment does not preclude the State of Ohio or any other State from having seatbelts.

Mr. DEWINE. Will the Senator yield on that?

Mr. SMITH. Yes.

Mr. DEWINE. Does the Senator believe this amendment—I do not think he would have offered the amendment, though, if he did not think there would be some consequence to it? That there would be a change by the States?

Mr. SMITH. There is no change.

Mr. DEWINE. I am sorry?

Mr. SMITH. I say to my colleague——

Mr. DEWINE. The States will take no—no actions will be changed at all?

Mr. SMITH. No, nothing. Nothing. We are simply asking that States like Maine and New Hampshire that choose not to have mandatory seatbelt laws and/or helmet laws, in this case Maine and New Hampshire, mandatory helmet or seatbelt—we are simply asking that we not be penalized and be told to spend additional dollars on safety programs that we are already spending dollars on. We would rather use that money for highways to save lives.

Mr. DEWINE. If the Senator will continue to yield for just a moment?

Mr. SMITH. Yes.

Mr. DEWINE. I understand his position. But does the Senator believe, though, that with the other 48 States there will not be some change? Just as there will be change in action in regard to the speed?

This is not just a philosophical debate. This is a practical debate for your State but it is also a practical debate for the other 48 States as well.

I cannot believe that this amendment will not lessen the use of seatbelts or at least the laws on the books, just as the debate this morning on the bill, the way it is written, will not—some States will not change speed limits?

I mean, the amendment would not have been offered this morning or the bill would not have been written this way if people did not think that was true. So I mean it is not just a philosophical debate. It has consequences, it seems to me.

Mr. SMITH. The point is the amendment which I have written in conjunction with others is not to punish anyone. It is the opposite. It is to stop punishing. The State of Ohio, for example, was penalized over $9 million because the Senator's State does not have a helmet law.

Mr. DEWINE. That is right.

Mr. SMITH. And my point on that is it does not matter to me whether Ohio has a helmet law or not. That is up to Ohio. It is not up to Washington. So if Ohio chooses not to have a helmet law but chooses to spend a lot of money in safety to enhance and to educate people to wear helmets, I would like them to have that $9 million to spend on the highways in Ohio, to repair bridges, potholes, and other things in Ohio, because that is the State's decision. That is all my amendment does. It does not stop Ohio from having seatbelts. It does not stop Ohio from getting money for having seatbelt laws or educating people to wear them or not wear them—not at all.

Mr. DEWINE. If the Senator will yield, I was directly involved in the spending of that $9 million. That money was, in fact, as the Senator can tell by the legislation, used on highway safety issues. Many people in Ohio were very upset about that, obviously, and have been upset about it.

My only point in asking the question is a statement was made, basically, we are not telling anybody what to do. I understand that. My only point though is that there are consequences to what we do. There are consequences to what we do not do.

My point is pretty simple. My point is that there will be a change in the use of seatbelts. There will be a change in what States do, just as there will be a change in regard to when we took the red light off and put the green light on this morning on speed limits. We are going to see a change. Because you will see that change, there will be other changes, and the other changes, I believe—the evidence is absolutely overwhelming—means that more people are going to die. There is no doubt about it.

Mr. SMITH. Does the Senator from Ohio believe that his decision should take precedence over the Governor of Ohio, or the Lieutenant Governor?

Mr. DEWINE. I have not talked to the Governor about this issue.

Mr. SMITH. I have not either. But my point is these are decisions that ought to be made at the State and the individual level. Let me give an example, because the Senator asked about the record.

In New Hampshire—I am not sure the Senator was here on the floor at the time this was discussed—in 1984, 16 percent of the people in New Hampshire, according to statistics that we had at the time, used seatbelts. Without a mandate, with spending money on safety programs, we now have about 55 percent of our people in the State of New Hampshire using seatbelts. There was no Federal mandate. I would be willing to bet you that in the next 10 years, that number will increase even more because we are spending money on education programs. But if I said to you, you need to build a fence between your neighbor's yard and your yard, and it is going to take five post holes, if I said to you, "You have to dig a sixth post hole or you don't get the money for the fence," what is the point of digging the sixth post hole? You need the fence, you need the money for the fence, but you do not need the extra post hole. That is all we are doing here.

You are simply mandating the State of New Hampshire and the State of Maine and other States who do not have the one law or the other to spend money where they do not want to spend money, where they are spending enough money, and they simply want to put that money somewhere else. That is the issue.

Mr. DEWINE. If the Senator will yield one last time, the Senator has been very generous with his time because I realize he has the floor. I just believe all those Senators were eloquent on the issue that we have come so far in this country in reducing fatalities, we have done it in many ways—with seatbelts, airbags, with better designed highways and cars. We have come a long way. I do not see how this debate can totally be viewed as a States rights debate. To me, yes, it is partially a States rights debate. I happen to have some feelings about that in regard to the Interstate Highway System that we build with the tax dollars. It is an Interstate System in interstate commerce. Clearly, Congress can have some uniformity in this area. That is really not my point.

My main point is we have come a long, long way in trying to save lives. I think we are turning the clock back with what we did this morning, and what we may do in a moment, if we pass the Senator's amendment. We would be turning the clock back, having sent the wrong signal. I think it is moving in the wrong direction, and I think it is ill-advised.

I respect the Senator's position. I will yield back to him at this point.

Mr. SMITH. I thank the Senator. Let me finish on this point.

I am certainly not interested in rolling back the clock on highway safety or on saving lives. My amendment does not do that. I just point out to my colleagues that of the 10 safest States in which you ride a motorcycle, 7 do not require a mandatory helmet use for adults. In New Hampshire, which does not have mandatory helmet and seatbelt laws, it has been ranked as one of the five States with the best highway safety record in the Nation on a per capita basis.

So I do not think the connection is there. It is not an issue of whether we want to save lives or not. No one is even hinting that we are not interested in saving lives. I hope the people look at the amendment for what it says, and not what the emotions of the argument are. But look at the facts, and the facts are do not punish anybody. We simply ask that we be allowed to receive the funds that we are entitled to and to spend it on repairing highways so that we can have safer highways in the

State of New Hampshire and the State of Maine and the State of Tennessee, and every other State, and not be penalized by forcing us to either spend money for something we do not need to spend it on, or not getting it to spend it all.

I yield the remainder of my time.

Mr. CHAFEE. Mr. President, I would like to commend the Senator from Ohio because I think he put his finger right on the point. It is not that nobody wants to have more highway deaths. It is not that anybody wants to see more people terribly injured. But the facts are that, if this bill passes, the States will be under tremendous pressure, just as they were in 1976 after 10 years of experience with the mandatory law—the mandatory law was repealed in 1976—and 27 States repealed the laws they had dealing with mandatory seatbelts and helmets.

It follows as night follows day. It is not the intention of the Senator from New Hampshire, but that is what is going to happen as sure as we are standing here.

So, therefore, a vote for the amendment of the Senator from New Hampshire, inadvertent though it might be in his judgment, is clearly going to result in increased deaths on motorcycles and in automobiles in our country. The statistics show it. There is no difference between what we are doing here than what took place in the 10-year period from 1966 to 1976. Sometimes, you learn from experience. This is clearly a case where we can learn from experience.

I know the Senator feels that in his State—and the Senator from Maine and some other States—they ought to have the privilege to do what they want. But I think we have some responsibilities as Senators. Yes, it is a financial drain on us and our Nation if we do not pass this law. I do not think there is any debate about that; that is, if we do not maintain the laws dealing with seatbelts and motorcycle helmets.

We had testimony. Just talk to anybody, to any physician who serves in an emergency room, for example. They all will tell you that absent seatbelts, accidents are 10 times more grievous. It is the same with helmets.

It is so ironic that the motorcyclists will campaign to get rid of mandatory motorcycle helmet use, and yet in their meets, in their sanctioned meets, they will require it. They require the use of a helmet. But for us to impose it—it is all right for them to do it in their meets, but if we say you have to have such a law or you lose some money, obviously an inducement to pass a law, somehow we are infringing on their freedoms.

Mr. President, there are various bills that come through here which we all vote on at different times. I suppose so far this year maybe we have had, I do not know, 100 rollcall votes, or something like that. Sometimes we vote on bills, and, "Oh, well. It could go this way or that way. We don't have much deep feeling about it." But I tell you, I have a very deep feeling about this legislation. I think we would be making a terrible mistake if we approved the amendment that we are going to vote on in a few minutes.

I know the Senator from Colorado wanted to speak.

Mr. CAMPBELL. To shorten the debate, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Washington [Mrs. MURRAY], are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mrs. MURRAY], would vote "aye."

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

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—45

Abraham	Gregg	Nunn
Ashcroft	Hatch	Packwood
Bennett	Helms	Pressler
Brown	Inhofe	Robb
Burns	Kassebaum	Roth
Campbell	Kempthorne	Santorum
Cochran	Kyl	Shelby
Craig	Leahy	Simpson
Dole	Lott	Smith
Domenici	Lugar	Snowe
Feingold	Mack	Specter
Graham	McCain	Stevens
Gramm	McConnell	Thomas
Grams	Murkowski	Thompson
Grassley	Nickles	Thurmond

NAYS—52

Akaka	Dodd	Kerry
Baucus	Dorgan	Kohl
Biden	Exon	Lautenberg
Bingaman	Faircloth	Levin
Bond	Feinstein	Lieberman
Boxer	Ford	Mikulski
Bradley	Frist	Moseley-Braun
Breaux	Glenn	Moynihan
Bryan	Gorton	Pell
Bumpers	Harkin	Pryor
Byrd	Hatfield	Reid
Chafee	Heflin	Rockefeller
Cohen	Hollings	Sarbanes
Conrad	Hutchison	Simon
Coverdell	Jeffords	Warner
D'Amato	Johnston	Wellstone
Daschle	Kennedy	
DeWine	Kerrey	

NOT VOTING—3

Coats	Inouye	Murray

So the amendment (No. 1437) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1438

(Purpose: To prohibit the funding of new highway demonstration projects)

Mr. McCAIN. 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 Arizona [Mr. McCAIN], for himself, Mr. FEINGOLD, and Mr. SMITH, proposes an amendment numbered 1438.

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

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Notwithstanding any other law, neither the Secretary of Transportation nor any other officer or employee of the United States may make funds available for obligation to carry out any demonstration project described in subsection (b) that has not been authorized, or for which no funds have been made available, as of the date of enactment of this Act.

(b) PROJECTS.—Subsection (a) applies to a demonstration project or program that the Secretary of Transportation determines—

(1)(A) concerns a State-specific highway project or research or development in a specific State; or

(B) is otherwise comparable to a demonstration project or project of national significance authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2027); and

(2) does not concern a federally owned highway.

Mr. McCAIN. Mr. President, I would like to explain the amendment. I apologize to the Senator from Maine if there was a misunderstanding on the sequence.

Mr. President, the amendment that I offer, along with Senators FEINGOLD and SMITH, would prohibit the use of highway funds for future—and I emphasize "future"—demonstration projects which have not already been authorized or started upon the date of enactment of this measure. Let me say it again. No demonstration project now authorized for which money has been appropriated will be affected by this amendment.

The amendment states that Congress will approve no new highway demonstration projects. This is strongly supported by the National Taxpayers Union and Citizens Against Government Waste, two organizations which exert a great amount of energy trying to reduce wasteful spending.

The problems associated with diverting Highway Trust Fund money to pay

for congressionally earmarked highway projects are well documented and have been debated before. But, regrettably, the practice of taking taxpayer dollars that would otherwise be allotted to the States fairly for their priorities, so that Members can fund hometown projects—projects which may have absolutely nothing to do with the States' transportation problems—continues, and it demands our attention. Over the last 2 fiscal years, Congress has earmarked more than $2.7 billion for highway demonstration projects in select States—that is $2.7 billion which could have and should have been distributed to all States on a fair and equitable basis.

The President's budget request recommends the cancellation of these so-called demonstration projects. As stated in the President's budget:

> Such projects have been earmarked in congressional authorization and appropriations laws. These projects limit the ability of the States to make choices on how to best use limited dollars to respond to their highest priorities.

Vice President GORE has also raised serious concerns about these so-called demonstration projects. As he stated in Reinventing Government:

> GAO also discovered that 10 projects—worth $31 million in demonstration funds—were for local roads not even entitled to receive Federal highway funding. In other words, many highway demonstration projects are little more than Federal pork.

The Reinventing Government report went on to say:

> Looking specifically at the $1.3 billion authorized to fund 152 projects under the 1987 Surface Transportation and Uniform Relocation and Assistance Act, GAO found that "most of the projects . . . did not respond to States' and regions' most critical Federal aid needs.

Unfortunately, Congress continues to avail itself of its most favored projects. The amendment I am offering does not go as far as the President's recommendation. It would not cancel any current highway demonstration projects or projects which have been authorized. It would only prohibit future demonstration projects.

Now, Mr. President, I want to be clear. I have tried before to kill these things. I have tried to get rid of them. I have had amendment after amendment to try to stop these. I am aware if I try to stop projects that have already been authorized and appropriated, I would fail. But I appeal to the good sense and decency of my colleagues to at least stop this in the future. That is what this amendment is all about.

I am not asking the Senate to go as far as last year's amendment. I realize that Members from States with projects in the pipeline find it very hard to vote for cuts. I am only asking that we state clearly that earmarking is not how Congress will do business in the future.

Mr. President, I recently asked the Federal Highway Administration to calculate, by State, the amount of highway funds which have been earmarked over the last 2 fiscal years and to identify how this money would have been distributed if subject to the normal highway allocation formula. The results are hardly surprising. Thirty-three States received less money because of the earmarks. The taxpayers of these 33 States, who sent their money to Washington in the form of taxes, did not get an equitable amount in return because of the inequitable practice of earmarking highway demonstration projects.

Listed here are the 33 States which have been shortchanged. That word "demo" here has no reference to political party. It means demonstration projects. Of these 33 States, I notice the State of Washington is missing, I say to my friend from the State of Washington.

Mr. President, 33 States receive less money because of the earmarking practice. The taxpayers of these 33 States have not received their equitable share of highway funds. Every year they send their tax dollars to Washington with the expectation that the funds for highway projects will be distributed fairly. Something happens before the money is distributed. The process is twisted by the process of earmarking. I am not saying all congressionally earmarked projects are without merit. Many have great merit. Many others, however, do not.

Surely, no one in the Congress is without blemish. If a project has merit, it should be a priority under the State transportation plan. As President Clinton said, highway aid should be distributed fairly according to the established formula so the taxpayers' dollars could be spent according to the priorities established with such great care and expertise by those best qualified to do so—the individual States.

Mr. President, the amendment is a modest step toward reform. The current process, in my view, does not serve the public. It should be stopped.

I hope my colleagues will support me in this amendment.

Mr. President, I ask unanimous consent that a memorandum from the U.S. Department of Transportation, Federal Highway Administration, concerning distribution of earmarked demonstration funds, be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION: TECHNICAL ASSISTANCE TO THE OFFICE OF SENATOR JOHN McCAIN

[Distribution of earmarked demo Funds based on the fiscal year 1995 distribution of the Federal-aid obligation limitation, June 15, 1995

State	Actual distribution of fiscal year 1994–1995 earmarked demos	Hypothetical distribution based on the fiscal year 1995 FAH limitation distribution	Difference
Alabama	63,844,784	46,248,098	(17,596,686)
Alaska	0	37,230,992	37,230,992
Arizona	4,389,600	34,031,360	29,641,760
Arkansas	139,470,486	28,305,175	(111,165,311)
California	140,881,126	225,435,520	84,554,394
Colorado	1,067,200	32,723,857	31,656,657
Connecticut	29,887,200	56,883,084	26,995,884
Delaware	0	12,001,264	12,001,264
District of Columbia	8,132,800	15,592,153	7,459,353
Florida	72,526,891	90,744,077	18,217,186
Georgia	44,693,584	71,767,571	27,073,987
Hawaii	5,708,000	19,494,218	13,786,218
Idaho	25,907,200	20,495,039	(5,412,161)
Illinois	153,438,774	104,048,256	(49,390,518)
Indiana	49,048,200	53,509,800	4,461,600
Iowa	56,030,827	35,367,547	(20,663,280)
Kansas	25,641,400	33,250,933	7,609,533
Kentucky	46,498,800	39,206,485	(7,292,315)
Louisiana	36,647,123	42,562,594	5,915,470
Maine	68,852,800	14,546,001	(54,306,799)
Maryland	61,164,800	57,501,218	(3,663,582)
Massachusetts	1,959,168	128,102,623	126,143,455
Michigan	92,117,080	68,433,290	(23,683,790)
Minnesota	81,441,320	46,551,977	(34,889,343)
Mississippi	11,833,197	30,166,296	18,333,100
Missouri	55,931,864	57,244,683	1,312,819
Montana	7,124,000	28,259,211	21,135,211
Nebraska	11,207,360	22,815,133	11,607,773
Nevada	41,252,914	18,069,114	(23,183,800)
New Hampshire	11,812,800	13,838,602	2,025,802
New Jersey	98,667,200	86,770,076	(11,897,124)
New Mexico	14,274,400	30,789,792	16,515,392
New York	150,313,547	157,276,319	6,962,772
North Carolina	65,051,600	66,112,858	1,061,258
North Dakota	26,128,000	18,084,249	(8,043,751)
Ohio	61,064,880	100,514,361	39,449,481
Oklahoma	29,737,220	36,242,397	6,505,177
Oregon	21,928,000	34,699,182	12,771,182
Pennsylvania	345,858,280	144,496,236	(201,362,044)
Rhode Island	21,126,880	16,786,071	(4,340,809)
South Carolina	14,241,600	30,789,683	16,548,083
South Dakota	8,888,960	20,473,729	11,584,769
Tennessee	16,196,192	55,184,502	38,988,310
Texas	109,697,114	168,356,581	58,659,467
Utah	7,011,200	21,684,270	14,673,070
Vermont	7,360,000	12,864,339	5,504,339
Virginia	61,636,000	61,668,894	32,894
Washington	39,280,800	38,727,527	(553,273)
West Virginia	212,335,480	27,595,907	(184,739,573)
Wisconsin	26,312,000	47,489,922	21,177,922
Wyoming	7,360,000	18,724,203	11,364,203
Puerto Rico	0	13,223,382	13,223,382
Total	2,692,980,651	2,692,980,651	0

Mr. McCAIN. Mr. President, I had a couple more charts here.

President Clinton, in his budget request, said, "Such highway demonstration projects should compete for funds through the normal allocation and planning processes within the Federal-aid highways grant program."

Mr. WARNER. Could I ask the Senator if he desires a rollcall vote on this? If so, I would suggest he order the yeas and nays and let the Senate know.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank my colleague from Virginia.

I will not take any longer on this issue. It is one that has been debated in this body for quite a while. I want to emphasize again, this does not affect any already authorized or appropriated highway demonstration project.

Mr. President, in February 1994 there was a very interesting article in the

Orlando Sentinel. It had some very interesting information where it says:

The money used for demo projects amounts to less than 5 percent of the $20-billion-a-year federal highway program. But transportation experts—including those at the General Accounting Office—say this is money not well spent.

"In 1991 we found that about half of the demonstration projects we reviewed did not appear on state or regional transportation plans," GAO official Kenneth Mead told a congressional committee last year. As such, the demo projects leapfrogged what local transportation officers had set as priorities.

"Some (demo projects) are probably questionable, and I'm being charitable with that description," said Florida Transportation Secretary Ben Watts. "I think a lot of times the only thing they demonstrate is that you can get a demonstration project."

Mr. President, I would not be quite that harsh in my description of what a demo project is, but it is time we really restored equity to all the States in this country.

I believe we can do that through an equal distribution through the existing highway formula rather than earmarking demonstration projects. I yield the floor.

Mr. GLENN. Mr. President, I rise in support of the Senator from Arizona. He and I have talked about some of these things before.

We have done studies. We have had GAO studies done. And every time we come to something like this, we do this and we say we do not want to offend somebody over in the House or here that has one of these special projects that is not really needed.

The President has addressed this. He did not want these types of things in the budget this year. The Senator from Arizona cited from several studies that have been done on this as one of the most wasteful things in the budget.

I hope we can support this. I am glad he called for the yeas and nays. I plan to support it. I urge my colleagues to do the same. I thank you.

Mr. BAUCUS. Mr. President, I, too, urge the Senate to support the Senator from Arizona.

I remind the Senate we would not be here tonight debating this bill if this amendment in effect were law. That is, last year we had the NHS bill up. It did not pass the Congress. Why? Because it got loaded up with demonstration projects.

I just think that the day has now passed—it should be past—that we load the bills up with demonstration projects. States can decide for themselves how to spend highway funds.

I strongly urge the support of this amendment. It will be a good day for, frankly, good government and for cleaning up the appropriations process and even cut down a little bit of deficit reduction if we adopt this.

Mr. WARNER. Mr. President, I would like the attention of the Senator. I support the amendment. If there is no further debate, I would urge its adoption.

Mr. KYL. If the Senator would yield, I would like to express my support for the amendment of my colleague from Arizona.

For all of the reasons that he stated, it is about time we did this. I think everyone who has spoken has confirmed the need for this amendment.

I wholeheartedly support the amendment of my colleague from Arizona.

Mr. WARNER. Mr. President, for the information of Senators, the managers will remain on the floor in the hopes to clear such amendments that will not require rollcall votes. I anticipate that the leadership will soon be advising the Senate with respect to rollcall votes.

Tomorrow, it would be my recommendation to the leadership that the Snowe amendment be the first amendment up for purposes of a rollcall vote.

Mr. CHAFEE. Mr. President, I commend the Senator from Arizona for his amendment. I think it is good. I will support it. We will vote for it. And I also commend him for the excellent remarks he made about Senator KERREY and Senator KERRY's splendid achievement.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1438, offered by the Senator from Arizona.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. COATS] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

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

The result was announced—yeas 75, nays 21, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—75

Ashcroft	Ford	Mack
Baucus	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Moseley-Braun
Bradley	Graham	Moynihan
Brown	Gramm	Murkowski
Burns	Grams	Nickles
Byrd	Grassley	Nunn
Campbell	Gregg	Packwood
Chafee	Hatch	Pell
Cochran	Helms	Pressler
Cohen	Hollings	Pryor
Conrad	Hutchison	Robb
Coverdell	Inhofe	Rockefeller
Craig	Kassebaum	Roth
D'Amato	Kempthorne	Simon
Daschle	Kennedy	Simpson
DeWine	Kerrey	Smith
Dodd	Kerry	Snowe
Dole	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Leahy	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	Wellstone

NAYS—21

Abraham	Bumpers	Lautenberg
Akaka	Feinstein	Levin
Bennett	Harkin	Mikulski
Bond	Hatfield	Reid
Boxer	Heflin	Santorum
Breaux	Jeffords	Sarbanes
Bryan	Johnston	Specter

NOT VOTING—4

Coats	Murray
Inouye	Shelby

So, the amendment (No. 1438) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Now, Mr. President, that was the last vote of tonight by rollcall. It is the desire of the managers, however, to try and clear up a few amendments which have been agreed to.

AMENDMENT NO. 1439

Mr. WARNER. At this time, Mr. President, I send to the desk an amendment on behalf of Senator THURMOND, Senator HELMS, Senator FAIRCLOTH, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. HELMS, Mr. FAIRCLOTH, and Mr. WARNER, proposes an amendment numbered 1439.

Mr. WARNER. 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:

On page 34, strike lines 17 through 24 and insert:

"(dd) United States Route 220 to United States Route 1 near Rockingham;

"(ee) United States Route 1 to the South Carolina State line;

"(ff) South Carolina State line to Charleston, South Carolina; and".

On page 35 between lines 13 and 14, insert:

"(ee) United States Route 220 to United States Route 74 near Rockingham;

"(ff) United States Route 74 to United States Route 76 near Whiteville;

"(gg) United States Route 74/76 to the South Carolina State line in Brunswick County;

"(hh) South Carolina State line to Charleston, South Carolina".

On page 34, strike lines 8 and 9 and insert:

"(iii) In the states of North Carolina and South Carolina, the corridor shall generally follow—".

Mr. WARNER. Mr. President, the national highway map will make reference to I-73, and that route will traverse Virginia, North Carolina, and South Carolina. The Senators of these three States have now reached an agreement with respect to the course it will follow in each of the three States. This amendment recites specifically facts relating to the route in North Carolina and South Carolina. I know it

has been cleared on the other side. I do not think further debate is necessary. Therefore, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 1439) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1440

(Purpose: To clarify the treatment of the Centennial Bridge, Rock Island, IL, under title 23, United States Code)

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

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. WARNER. The amendment is on behalf of Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. GRASSLEY.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SIMON, for himself, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. GRASSLEY, proposes an amendment numbered 1440.

Mr. WARNER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

Mr. WARNER. This is to extend the collection of tolls on the Centennial Bridge between Illinois and Iowa in perpetuity as long as excess revenues are used for transportation purposes. Current law would require the toll authority to remove the tolls when the bonds are paid in the year 2007.

Mr. President, I do not see the need for further debate on this amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 1440) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1441

(Purpose: To place a moratorium on certain emissions testing requirements, and for other purposes)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator GREGG and Senator BOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GREGG, for himself, and Mr. BOND, proposes an amendment numbered 1441.

Mr. WARNER. 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 appropriate place in title I, insert the following:

SEC. 1 . MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

Mr. WARNER. This is to place a moratorium on certain emissions testing requirements. And it has been cleared by both managers. There is no indication that further debate is needed. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1441) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, it is my pleasure to speak on the matter currently before the United States Senate which designates the National Highway System [NHS]. This legislation not only identifies the 159,000-mile NHS, but it provides greater flexibility to the States and attempts to reduce administrative burdens. I believe this is an important step forward in planning for our Nation's infrastructure development and that the Senate should act quickly in passing the National Highway System Act.

The Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] requires Congress to designate the NHS by September 30, 1995. The House and Senate each passed different NHS bills during the last Congress and, unfortunately, a compromise between the two could not be crafted. Without this measure all NHS and Interstate Maintenance funding, which totals approximately $6.5 billion per year through FY 1997, for the states would cease on that date. Consequently, by acting on this important measure at this early date we are helping to ensure that a bill is passed into law before repercussions are felt by the states.

For Americans across the country, our emerging transportation crisis is made apparent by the increasing number of traffic jams, delays, potholes, and road erosion in rural areas. Oregonians are no less afflicted by these growing problems than those in the rest of the Nation. As frustrating as they are, these problems represent only the tip of the iceberg.

Many do not realize the true importance of our tremendous network of roads and bridges to our economy, national security, and way of life. The health of our citizens, the education of our children, the movement of our perishable food and access to employment all depend upon a reliable and efficient transportation network. The National Highway System is a vital investment in our transportation infrastructure which will allow our society to continue to prosper.

Mr. President, the people of Oregon have long understood the importance of land use planning that incorporates transportation needs. The residents of Portland have frequently made their resounding support for the city's light rail project abundantly clear. As with most Western States, the people of rural Oregon rely constantly on an effective highway system which allows them to access educational, economic, and health care facilities.

Even though my support for this important legislation is extremely clear, there are several specific provisions of this bill which I cannot endorse and I will address these concerns through the amendment process. I continue to believe that in the aggregate this is an excellent piece of legislation and I intend to support its final passage.

I commend Senators CHAFEE, WARNER, BAUCUS and MOYNIHAN for their leadership on this issue. As the chairman of the Senate Appropriations Transportation Subcommittee, I look forward to working with them on this measure in the future.

Mr. SIMPSON. Mr. President, I wish to make a few remarks about the highway bill that we are considering today. The highway bill is so very critical for my State of Wyoming. We need to complete action on this legislation prior to October 1st of this year in order that funds can be released for badly-needed projects in all the States.

In the West our highways have become more and more important as we have observed the effects of airline deregulation and the reduction in rail service in our rural States. Airline deregulation has led to a dramatic decrease in the number of carriers and flights into Wyoming and we have lost Amtrack service. So the Interstate and State Highways System was and is—and always will be our great lifeline.

Because highways are so very important to us the State of Wyoming has proposed to add three significant road segments to the National Highway System in order to link several other primary and secondary highways. The Wyoming delegation has contacted the Federal Highway Administrator regarding this proposal and we trust he will give it every proper consideration.

When people travel in Wyoming—for the most part they drive—and they usually drive for long distances. We have highways that stretch for miles with no habitation at all in between. It is understandable that we are a so put off by a national speed limit. I am so pleased to see that the committee bill repeals the national speed limit. I think that the individual States are quite able to set speed limits that provide for a safe speed given local conditions. The same holds true for seat belt laws and helmet laws. I believe the States are able to determine on their own if they want these laws and how they should be administered without the intrusion of the Federal Government and the threat of Federal sanctions.

I trust we will swiftly pass this legislation and get it onto the President's desk so that we can get about the business of maintaining our present National Highway System and constructing the additional mileage as we require it. Those of us from the Western States of high altitude and low multitude understand the real necessity of passing this important legislation and I would urge my colleagues to support it.

Mr. WARNER. Mr. President, that concludes all matters relating to the pending bill, S. 440.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak for up to 5 minutes.

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF DR. HENRY FOSTER

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that at 9 a.m. on Wednesday, June 21, the Senate proceed to executive session to consider the nomination of Henry Foster, to be Surgeon General, and the debate on the nomination be limited to 3 hours equally divided in the usual form, and at 12 noon on Wednesday, June 21, the Senate proceed with a vote on the motion to invoke cloture on the nomination of Dr. Foster, to be Surgeon General, with the mandatory quorum under rule XXII being waived.

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

Mr. DOLE. If cloture is invoked, the Senate would immediately begin postcloture debate under the provisions of rule XXII.

I also ask, if cloture is not invoked, the Senate return to legislative session, and at 12 noon on Thursday, June 22, the Senate resume executive session to consider the nomination of Dr. Foster, and there be 2 hours of debate equally divided in the usual form, and at 2 p.m. a second vote occur on the motion to invoke cloture on the nomination of Dr. Foster, to be Surgeon General, with the mandatory quorum under rule XXII being waived.

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

Mr. DOLE. Again, if cloture is invoked, the Senate would immediately begin debate postcloture under the provisions of rule XXII.

And finally I ask unanimous consent that if cloture is not invoked on the Foster nomination, the nomination be immediately returned to the calendar and the Senate return to legislative session, all without any intervening action or debate.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I wonder if I might just indulge the distinguished majority leader on a couple of questions. Assuming that cloture is invoked, obviously there is a 30-hour time agreement. But is it the intention of the majority leader not to limit time on the actual confirmation vote itself?

Mr. DOLE. Beyond the 30 hours?

Mr. DASCHLE. No, something shorter than 30 hours.

Mr. DOLE. My view is there would be 30 hours. I do not think it would take 30 hours, but certainly—as I understand, the most any one Member could accumulate would be 7 hours.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for his cooperation in the effort over the last several days to reach this point. Obviously, we are quite hopeful that we can invoke cloture on the first vote and go to a vote on the confirmation shortly thereafter.

This represents an effort on both sides to allow a vote, at least first on cloture, and second, hopefully, on the motion to confirm Dr. Foster. I know the distinguished majority leader has expressed his interest in working with us to reach this point, and I appreciate the cooperation that he has demonstrated.

We will have 3 hours of debate tomorrow, and then, if we fail to invoke cloture tomorrow, 2 hours of debate on Thursday. Many of us have been seeking an opportunity to have a vote, and we are just hopeful, now that we have reached this agreement, that, indeed, we can find the requisite number of colleagues on both sides of the aisle to ensure that cloture is invoked and that Dr. Foster be allowed a vote on confirmation.

As I understand it, no nomination for the Bush administration was ever defeated on a cloture motion, and I hope the same opportunity could be accorded the nominees of this President.

In accordance with the agreement, I ask unanimous consent to send two cloture motions to the desk, as in executive session.

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

Mr. DASCHLE. I thank again the distinguished majority leader.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 174, the nomination of Dr. Henry Foster, to be Surgeon General of the United States.

Senators Christopher Dodd, Carl Levin, Dianne Feinstein, James Exon, Harry Reid, Daniel K. Akaka, Claiborne Pell, Richard Bryan, Patty Murray, Bob Graham, Max Baucus, Frank R. Lautenberg, Russell D. Feingold, Barbara Mikulski, Barbara Boxer, Edward Kennedy, and Tom Daschle.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 174, the nomination of Dr. Henry Foster, to be Surgeon General of the United States.

Senators Christopher Dodd, Carl Levin, Dianne Feinstein, James Exon, Harry Reid, Daniel K. Akaka, Claiborne Pell, Richard Bryan, Patty Murray, Bob Graham, Max Baucus, Frank R. Lautenberg, Russell D. Feingold, Barbara Mikulski, Barbara Boxer, Edward Kennedy, and Tom Daschle.

(Later, the following occurred:)

Mr. FORD. Mr. President, I ask unanimous consent that Senator MOSELEY-BRAUN be added to the cloture motion filed with regard to the nomination of Dr. Foster.

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

(Conclusion of earlier proceedings.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I thank my colleague, Senator DASCHLE, the Democratic leader. Let me indicate, as I said before, I did meet with Dr. Foster yesterday morning in my Hart office. We had a good discussion. I asked him a series of questions. I indicated to him that there would be possibly two votes, a cloture vote, which he understood would be, in effect to vote on the nomination, and if cloture was invoked, there could be a second vote, which would be a vote on the nomination itself. I tried to lay it out as best I could to Dr. Foster.

In addition, I must say, as is the case sometimes, different plans to proceed sometimes do not please everyone. This is not the process some of my colleagues would prefer. Some would prefer not to bring it up at all; that I, in effect, as the leader had a veto and should not bring this up. I thought about that and indicated at one time that might be the course I would follow, but I also had other options to consider, and this is another option.

If cloture should be invoked, then there will be the debate. I do not think it will consume 30 hours and I guess the vote, if it went that far, would be very, very close, based on my count. Whether or not there will be votes for cloture, I am not certain. I do not think so, but there may be.

We will put all this information in the RECORD tomorrow. There had been a number of nominations for the Bush administration which never got to the floor. They were in the committee and held in the committee and never got to the floor. We can have that debate, too.

The important thing is the Foster nomination was reported out of the Labor Committee in late May, and we had a week's recess. Nobody is suggesting, and I think the record is fairly clear, there has been no undue delay. We are trying to dispose of the nomination one way or the other. I think that is acknowledged, though some might suggest we should not be proceeding in this fashion. But that is a judgment that I made and I hope that we can conclude—in fact, I hope cloture is not invoked and that this nomination then would go back on the calendar after a vote on Thursday.

ACCOLADES TO JOHN KERRY

Mr. MCCAIN. Mr. President, last weekend the U.S. Navy formally retired the last of the Navy's legendary swift boats. Our friend and colleague, Senator JOHN KERRY played a central role in the ceremonies attending the event. As many of our colleagues know, JOHN KERRY was not always the genteel, polished U.S. Senator he is today. He was once the 25-year-old skipper of a swift boat, PC–94, a title as honorable as any he subsequently earned.

JOHN KERRY distinguished himself in service to his country aboard his swift boat, earning the Silver Star, the Bronze Star, and three Purple Hearts. His speech at the retirement ceremony was a deeply moving tribute to these remarkable vessels and the brave men who sailed them.

I thought our colleagues would enjoy reading that speech, and I ask unanimous consent that a copy of Senator KERRY's remarks be included in the RECORD following my remarks, as well as an account of the retirement ceremony that appeared in the Boston Globe.

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

REMARKS OF SENATOR JOHN F. KERRY

Admiral Boorda, Admiral Zumwalt, Admiral Will, Admiral Moore, Admiral Hoffman, Congressman Kolbe, families and friends, and my fellow Swifties:

We have come here today—with respect and love—to complete the last River Run.

We have brought our memories and those dearest to us in order to put in a place of honored history a remarkable vessel of the United States Navy. In so doing we proudly share with the nation we willingly served, hundreds, even thousands, of examples of daring, courage, commitment, and sacrifice.

We do that with none of the braggadocio or even brash arrogance of our younger days. We do so with the humility that comes from the intervening years and the fact that we survived while our buddies did not; but we do so with unabashed pride in the quality of our service and those we were privileged to fight with—boat for boat, man for man.

We do so knowing that no words here—no hushed conversation with a wife or a son or daughter—no 30-year-later memory or description will ever convey the sight and feeling of 6 or 10 or 12 Swifts, engines throbbing, radios crackling, guns thundering towards the river bank, moving ever closer into harm's way.

But that's not all it was: We sunbathed and skinny-dipped; we traded sea rations for fresh shrimp; and left our Vietnamese recipients of Uncle Sam's technology grinning from ear to ear as they believed they got the better deal; we happily basked in wide beetlenut smiles; we glorified in shouts of "hey, American, you number one," and we casually brushed off taunts of "Hey, you number ten."

We replaced Psy Ops tapes with James Brown or Jim Morrison—we used our riot guns to shoot duck and cook up a feast and, yes, some did water ski.

We harassed LSTs and destroyers, lauding it over our less lucky, less plucky, black-shoed Navy brothers. We parlayed our independence and proximity to the war into handouts of steak, fruit, ship board meals and, best of all, ice cream. We became the consummate artists of Comeshaw.

We believed that anyone of us—officer or enlisted—might one day be CNO or CINCPAC, and all the while nothing really mattered that much except trying to win a war and keep each other alive. When we broke the rules—which we never did, of course—we would say, "what the hell can they do? Send us to Vietnam?!"

Through it all, we never forgot how to laugh—and there were wonderful moments, not just from the gallows humor of the war but those that came from the special spirit of Swifties: the times we lobbed raw eggs from boat to boat; great flare fights that lit more than one life raft on fire; delivering lumber to Nam Can in the middle of the war; handing out ridiculous Psy-Ops packages that no one understood; and of course pet dogs that didn't understand English or Vietnamese for "don't do it there." There were as many moments of humor as Swift boats and sailors.

And we exalted in the beauty of a country that took us from glorious green rice paddy, black water buffalo caressing the banks of rivers, children giggling and playing on dikes, sanpans filled with produce—that suddenly took us from innocence and tranquility deep into the madness of fire fights, chaos reigning around us, 50 calibers diminishing our hearing, screams for medevac piercing the radio waves, fish-tailing rockets passing by the pilot house—all suddenly to be replaced by the most serene, eerie beauty the eye could behold. We lived in the daily contradiction of living and dying.

In a great lesson for the rest of this country in these difficult times, we never looked on each other as officer or enlisted, as Oakie or Down Easterner. We were just plain brothers in combat, proud Americans who together with our proud vessels answered the call.

We were bound together in the great and noble effort of giving ourselves to something bigger than each and every one of us individually, and doing so at risk of life and limb. Let no one ever doubt the quality and nobility of that commitment.

The specs say Swifts have a quarter-inch aluminum hull—but to us it was a hull of steel, though at times that was not enough. It was hospital, restaurant, and home. It was sometimes birthplace and deathbed.

It was where we lived and where we grew up. It was where we confronted and conquered fear and where we found courage. It was our confessional; our place of silent prayer.

We worked these boats hard. No matter the mission, no matter the odds, we pushed them and they took us through violent cross-currents of surf, through 30 ft. monsoon seas, through fishstakes and mangrove, through sandbars and mudflats.

We loved these boats, even if we abused them of necessity, and the truth is—they loved us back. They never let us down.

We made mistakes. Sometimes we bit off more than we could chew. We didn't just push the limits, we exceeded them routinely and still the boats came through. They were our partners on a grand and unpredictable adventure.

Mines exploded underneath us, and—for the most part—the boats pressed on.

The Marines made amphibious landings and took the beachheads—so did we.

The Army conducted sweeps and over-ran ambushes—so did we.

The regular Navy provided shore bombardment and forward fire control—so did we.

The Coast Guard intercepted weapons and gave emergency medical care—so did we.

The nurses and Red Cross saved lives and delivered babies—so did we.

The Seals set ambushes and gathered intelligence—and so did we.

The only thing our boats couldn't do by definition was fly; but some would say that, light of ammo and fuel, and exuberant to have survived a firefight or a monsoon sea—we flew too.

But the power and the strength was not just in the boats. It was in the courage and the camaraderie of those who manned them.

In the darkness and solitude of night, or parked in a cove before a mission, or in the beauty of a crimson dawn before entering the Bay Hap, or the My Tho, or the Bo De, or any other mangrove cluttered river—we shared our fears and, no matter what our differences—we were bound together on an extraordinary journey the memory of which will last forever.

On just routine patrol these boats were our sanctuary—our cloister, a place for crossing divides between Montana, Michigan, Arkansas, and Massachusetts.

The boats occupied us and protected us. They were the place we came together in fellowship, brotherhood, and ultimately love to share our enthusiasm, our idealism—our youth.

Now we are joined together again after more than a quarter century to celebrate this special moment in our lives. It is a bittersweet moment and it is a time to reflect on those events and those friendships that changed our lives and made us who we are today.

Some were not as lucky as we were. They did not have the chance to grow up as we did. They did not get to see their children. They did not have the chance to fulfill their dreams, and we honor their memory today.

In their presence we are gathered with so much more than just mutual respect and admiration, more than just nostalgia.

We loved each other and we loved these boats.

But because of the nature of the war we fought we came back to a country that did not recognize our contribution. It did not understand the war we fought, what we went through, or the love that held us together then. It did not understand what young men could feel for boats like these and men like you.

This is really the first time in 30 years that we've been able to share with each other the feelings that we had then, and the feelings we have now. They are deeply and profoundly personal feelings. They are different for each of us, but the memories are the same—rich with the smells and sounds of the rivers and the power of the boats—punctuated by the faces of the men with whom we served and the thoughts we shared.

But that was 30 years ago, and now it is time to move on.

Joseph Conrad said, "And now the old ships and their men are gone; the new ships and the new men have taken up their watch on the stern-and-impatient sea which offers no opportunities but to those who know how to grasp them with a ready hand and an undaunted heart."

So, today, we stand here, still with ready hand—and more than ever undaunted hearts—to complete this last River Run and escort these magnificent boats into history. We who served aboard them are now bound together not just as veterans, not just as friends, but as family.

To all who served on these boats, I salute you. And may God bless you and your families.

[From the Boston Globe, June 14, 1995]

CHURNING THROUGH THEIR PAST—WITH POTOMAC TRIP, KERRY, VIETNAM CREW RELIVE OLD DANGERS

(By Bob Hohler)

WASHINGTON.—The brown river narrowed suddenly, pulling the dense shrubbery along the shores ever tighter yesterday around the last two Navy swift boats.

"Looks awful green over there, skipper!" Drew Whitlow shouted from a mounted machine gun to Sen. John F. Kerry at the helm of the lead boat, PCF-1.

"Awful green!" the Massachusetts Democrat yelled back. "That's an eerie sight."

When they last saw each other in 1969, Kerry was the commander and Whitlow a gunner on a swift boat whose six-member crew patrolled the Mekong Delta in Vietnam, where ambush-mined insurgents seemed to lurk in every patch of green.

Because some memories never die, it mattered little that Kerry, Whitlow and a dozen other highly decorated veterans of the 65-foot-long swift boats churned through the Potomac River rather than the once-treacherous Bay Hap or Doug Cung rivers in Vietnam.

The veterans were making the swift boats' last run, a 90-mile journey up the Potomac from the Naval Surface Warfare Center in Dahlgren, Va., to the Washington Navy Yard, where the boats are to be formally retired, closing a chapter in US naval history.

And green still spelled danger. "We were surrounded most of the time on the rivers by great, green beauty," Kerry recalled over the roar of engines and crushing waves. "There were lush greens and sampans and junks and water buffalos and beautiful Vietnamese children."

Then the green turned to fire and smoke, and "there were moments of utter terror where all hell broke loose," and Kerry, who earned the Silver Star, Bronze Star and three Purple Hearts as a 25-year-old commander of a swift boat, PCF-44.

The swift boats, modeled after the all-metal crafts used to ferry crews to offshore drilling rigs in the Gulf of Mexico, were dispatched to Vietnam because they were best suited to navigate the region's shallow and narrow waterways, the control of which US commanders considered vital.

But the boats became prime targets for the Viet Cong, who destroyed three of the 125 craft the Navy commissioned. Three others were lost in heavy weather off the coast of Vietnam. And one, PCF-14, sank after accidentally being attacked by the US Air Force.

For Kerry, action never seemed far away. "He was the type who if no other crew would take the job, he would take it," said Whitlow, a former gunner from Huntsville, Ark., who made his career in the Navy.

But his crew trusted him, said Tom Belodeau, an electrician from Lowell, who manned an M-60 machine gun on the bow of Kerry's boat. "He understood that his crew and his boat could get along without him, but that he couldn't get along without them," said Belodeau. "We all respected each other."

Kerry, clad yesterday in a brown leather jacket adorned with a "Tonkin Gulf Yacht Club" patch, reminisced with Whitlow and Belodeau on their four-hour journey up the Potomac, a reunion they said they never expected to occur.

Kerry joked about the time a Vietnamese woman nearly gave birth in Whitlow's arms as their boat sped to a medical unit. And he reminded Belodeau of the day a water mine exploded under the boat, catapulting their dog, VC, from the deck of their boat onto a nearby swift boat.

Kerry cited luck yesterday for much of his success in Vietnam. As he steered the swift boat toward the Washington Navy Yard and a clutch of dignitaries, he noted how well-preserved the craft was in contrast to his former boat.

"By the time I left" Vietnam, Kerry said, "there were 180 holes in my boat."

"To be honest," Belodeau said, "it looked like Swiss cheese."

Mr. MCCAIN. In closing, Mr. President, had Senator KERRY's modesty allowed me to, I would have liked to also include in the RECORD his citations for conspicuous bravery and heroic achievement, virtues which Senator KERRY repeatedly demonstrated in service to his country's cause, in the company of heroes, aboard as durable and dependable a vessel as ever flew the colors of the United States.

Mr. WARNER. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Arizona as it relates to our distinguished colleague from Massachusetts. I happened to have been in the Department of Navy during that period and am well aware of his distinguished record.

WEST VIRGINIA BIRTHDAY

Mr. ROCKEFELLER. Mr. President, I am pleased and honored to wish the great State of West Virginia, and my fellow Mountaineers, a happy birthday. On this 20th of June we celebrate not only the courage our ancestors possessed in order to separate from Virginia, a powerful mother State, but also the heritage and sense of independence they left behind.

The State of West Virginia has always represented a place of great uniqueness. Our colors are blue and gold. Blue characterizes our bold ability to stand up for the freedom and the equal opportunities that we all deserve. Gold is the dignity of Mountaineers that shines throughout the world. The pride that the people of West Virginia have in their surrounding environment is one that can be found no where else. West Virginia's mountainous terrain offers attractions annually. The white water rafting and golf courses are considered among the finest anywhere. Plus, the 33 State parks include abundant wildlife. Tourists have rave remarks about our historic

Blennerhassett Island, Harpers Ferry, and the Greenbrier Hotel.

Loyalty is a splendid quality of all the people in this magnificent State. Mountaineers have always supported the education and athletics of their colleges and universities. Through continuous hard work the men and women of West Virginia have attracted numerous industries to the area. Their strong work ethic has helped West Virginia's manufacturing sector to prosper. However, the pride and loyalty of our people extends out from our own boundaries. The people of West Virginia know the importance of freedom; therefore, many have dedicated their lives to serving our Nation.

Mr. President, the people of West Virginia share a special bond. Therefore, on this day let us all join together in recognizing and celebrating a very special birthday. Happy Birthday West Virginia.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES.

Mr. HELMS. Mr. President, the impression simply will not go away: The $4.8 trillion Federal debt is a grotesque parallel to the energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—up, of course, and always to the added misery of the American taxpayers.

So many politicians talk a good game—when, that is, they go home to talk—and "talk" is the operative word—about bringing Federal deficits and the Federal debt under control.

But, sad to say, so many of these very same politicians have regularly voted for one bloated spending bill after another during the 103d Congress and before. Come to think about it, this may have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of yesterday, Monday, June 19, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,892,922,141,296.33 or $18,573.62 per man, woman, child on a per capita basis. Res ipsa loquitus.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

CREDIBILITY GAP IN THE PRESIDENT'S BUDGET

Mr. GRASSLEY. Mr. President, last week, the President announced he would join Republicans in seeking to balance the budget. I, along with many of my Republican colleagues, welcomed the President's decision. We particularly welcomed the President's recognition that the growth of Medicare must be slowed down if we are going to keep that important program solvent.

Unfortunately, though, when you look at the President's entire budget—and it was looked at by the Congressional Budget Office, and this is a nonpartisan scorekeeper—after reviewing the President's new proposal, it found that it would not balance the budget. In fact, the Congressional Budget Office estimates that President Clinton's new budget proposals would maintain deficits of approximately $200 billion per year.

The deficit then under CBO's projections for the year 2005, which is at the end of the 10-year period of time the President wants to balance the budget, would still be $209 billion deficits. And, of course, that is the year in which the President claimed his proposal would achieve balance.

The administration is trying in vain to paper over these huge deficits. The President claims that the failure of his new budget to achieve balance is due, in his words, to just some slight differences in estimating between the CBO and the administration's Office of Budget. Of course, we all know that this claim is disingenuous.

My colleagues need no further reminder than the President committing himself to using CBO estimates earlier in his administration to ensure that his proposal would be credible, and I would like to quote from the February 17, 1993, speech of the President. This was in a speech before Congress:

> Let's at least argue about the same set of numbers so the American people will think that we're shooting straight with them.

The President could not have said it any better. So the President stated this in advocating the use of Congressional Budget Office estimates instead of any other estimates, including his own Office of Budget.

Now, of course, the President has decided to back away from the pledge of using the nonpartisan CBO to provide estimates. He wants instead to use the White House's own numbers. Could it be because those numbers are more politically convenient? Of course, the answer is yes.

The President is using OMB estimates because he does not want to make the tough decisions and the tough tradeoffs. In addition, the President's proposal provides no detail and no policy assumptions—there is then no there, there. In sum, instead of lowering the deficit, the administration lowers the deficit estimate.

As former CBO Director Dr. Reischauer said the other day, and this is a direct quote: "He"—meaning the President—"lowered the bar and then gracefully jumped over it."

To the point, the President uses rosy scenarios. By embracing Ms. Rosy Scenario, the President undermines both his leadership and his credibility. I do not feel that I am carping on this issue, Mr. President, because I have walked the walk. I have broken ranks with Republican administrations in both the Reagan and Bush years because they proposed rosy scenarios and magic asterisks to seemingly lower the deficit. Rosy scenarios were wrong then and they are wrong now.

The President's intentions in joining the quest for a balanced budget are known, but his credibility is damaged by his new budget hocus-pocus. He has not enhanced his relevance in the process merely by offering what he says is a balanced budget. What he proposed must actually be a balanced budget to have credibility. Only at that point then will the President's efforts to balance the budget be real and will his part be relevant.

Again, I do not dismiss out of hand the President's efforts. His new budget at least indicates the President's good-faith intentions. In that regard, it is a good first step and a recognition that we must balance the budget. But if the administration wants to remain relevant, it must revisit its budget proposal and take the next very important step and make the additional cuts necessary to achieve balance, even by the year 2005, at the end of his 10 years, compared to the Republicans' 7 years.

In short, I propose the administration go back to the drawing board. Such actions would make the administration's budget truly credible with the American people to whom he promised a balanced budget proposal. The President must amend his proposal if he wants to fulfill his role as a leader on fiscal matters.

Mr. President, in closing, I would like to highlight just one part of the administration's budget which I believe the President needs to seriously reconsider, and that is the funding for defense. I was astounded to find that the President's proposal for outlays for defense is higher than that agreed to in the Senate budget resolution drafted by Senator DOMENICI.

The administration proposes to spend approximately $20 billion more on defense than contained in the Senate's budget resolution for fiscal year 1996 through the year 2002. And that resolution contained the original Clinton defense numbers. Incredibly, the administration's proposed defense spending is even higher than that contained in the House budget resolution. In the year 2002, the administration proposes to spend—can you believe this?—$2 billion more on defense than that very high figure proposed in the House budget resolution.

Now, I am at a loss to understand why the President believes it is necessary to increase defense spending by billions. What can the justification possibly be? The Soviet military threat has evaporated. DOD managers cannot even account for the taxpayers' money they already have and have already spent. Any extra money would largely go toward buying hidden costs—in

other words, paying for cost overruns, not for more weapons or equipment.

At the same time, the President proposes to give more money to the generals, he is asking working families, family farms, and the elderly to tighten their belts.

I was also astonished that in the outyears—years 9 and 10 of his budget—the administration continues to ratchet up defense spending. That is so far down the road that it is not even a credible proposal. So what is the rationale?

Finally, revisiting the President's proposal to increase defense spending would be a good place to start—I think it is a good place to start—as the administration looks for additional cuts in spending for its new budget proposal—cuts that must be provided if the administration is to maintain credibility as we work to achieve a balanced budget.

We Republicans thank him for his proposed balanced budget, but we want him to use real numbers. We want it to be balanced in the year 2005, and we do not want to have a $9 billion deficit that is presently under the nonpartisan Congressional Budget Office's calculations, as they have reviewed and critiqued his proposal.

I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

REPORT OF THE AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF LATVIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT—PM 56

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 jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, pursuant to Public Law 94-265:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 20, 1995.*

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1070. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1530. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times, by unanimous consent and referred as indicated:

H.R. 1070. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; to the Committee on Energy and Natural Resources; and

H.R. 1530. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following resolution was read and placed on the calendar:

S. Res. 97. Resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1032. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to a grant transfer to the Government of Mexcio; to the Committee on Armed Services.

EC-1033. A communication from the Chief of Legislative Affairs, transmitting, pursuant to law, a report relative to a grant transfer to the Government of Tunisia; to the Committee on Armed Services.

EC-1034. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to a grant transfer to the Government of Eritrea; to the Committee on Armed Services.

EC-1035. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report relative to base closures; to the Committee on Armed Services.

EC-1036. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to repeal a provision of the National Defense Authorization Act for Fiscal Year 1994 that prohibits the United States Government from acquiring or modifying diplomatic or consular facilities in Germany unless done with residual value funds provided by Germany and only after Germany has committed to repay at least 50 percent of the residual value of United States installations returned to Germany; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, with amendments and an amended preamble:

S. Res. 97. A resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Larry C. Napper, of Texas, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Lativa.

Nominee: Larry C. Napper.

Post: U.S. Ambassador to Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and doneee.

1. Self, none.

2. Spouse, Mary Linton Bowers Napper, none.

3. Children and spouses names, John David Napper, none; Robert Eugene Napper, none.

4. Parents names, Paul Eugene Napper, none; Annie Ruth Napper, none.

Grandparents names, Irving P. and Martha Cooner, both deceased; Charles and Nellie Kindell, both deceased.

6. Brothers and spouses names, Gary E. Napper and spouse Terri, none; Billy Joe Napper, none.

7. Sisters and spouses names, none.

R. Grant Smith, of New Jersey, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: R. Grant Smith.
Post: Ambassador to Tajikistan.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, donee.
1. Self, none.
2. Spouse, Renny T. Smith, none.
3. Children and spouses names, R. Justin Smith, none; Christina Adair Smith, none.
4. Parents names, Jane B. Smith, none; R. Burr Smith, deceased.
5. Grandparents names, Mr. and Mrs. Rufus D. Smith, deceased; Mr. and Mrs. C. Bergen, deceased.
6. Brothers and spouses names, Roy and Carolyn Steinhoff-Smith, $20, 1994, Mike Synar; Douglas and Betty Lou Smith, none.
7. Sisters and spouses names, none.

Donald K. Steinberg, of California, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.
Nominee: Donald Kenneth Steinberg.
Post: Luanda, Angola.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, donee.
1. Self, none.
2. Spouse, N/A.
3. Children and spouses names, N/A.
4. Parents names, Warren Linnington Steinberg, 1991—Democratic Senatorial Campaign Committee, $30; Leo McCarthy for Senate (CA), $25; National Committee for an Effective Congress, $25; Democratic National Committee, $20.
1992—National Committee for an Effective Congress, $115; Clinton for President, $100; Feinstein for Senate, $100; Democratic National Committee, $65; Slavkin Campaign Committee, $20; Democratic Senatorial Campaign Committee, $10; Democratic Congressional Campaign Committee, $10; Senator John Kerry, $10; Senator John Glenn, $10; Senator Daniel Patrick Moynihan, $10; Barbara Boxer for Senate, $10.
1993—Democratic Congressional Campaign Committee, $60; National Committee for an Effective Congress, $40; Democratic Senatorial Campaign Committee, $35; Feinstein for Senate, $25; Senator Frank Lautenberg, $15; Senator Edward Kennedy, $15; Senator Harris Wofford, $15; Democratic National Committee, $15; Emily's List, $10; Senator Joseph Lieberman, $10.
1994—Democratic Congressional Campaign Committee, $30; National Committee for an Effective Congress, $50; Democratic Senatorial Campaign Committee, $70; Feinstein for Senate, $25; Senator Frank Lautenberg, $15; Senator Edward Kennedy, $25; Democratic National Committee, $35; Emily's List, $35; Representative Sandy Levin, $15; Democrats 2000, $15. Beatrice Blass Steinberg, none.
5. Grandparents names, not living.
6. Brothers and spouses names, Leigh William Steinberg, 1992—Mel Levine, $2,000; Barbara Boxer, $4,000; Diane Feinstein, $7,000.
1993—Emily's List, $100.
1994—Hollywood Committee for Pol Action, $2,000. James Robert Steinberg, none.
7. Sisters and spouses names, N/A.

Lawrence Palmer Taylor, of Pennsylvania, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.
Nominee: Lawrence Palmer Taylor.
Post: Estonia.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete nad accurate.)
Contributions, amount, date, donee.
1. Self, Lawrence P. Taylor, none.
2. Spouse, Lynda E. Taylor, none.
3. Children and spouses names, Lori Taylor, Tracey Taylor, Scott Taylor, none.
4. Parents names, Sheldon and Juanita Taylor, none.
5. Grandparents names, deceased.
6. Brothers and spouses names, Kenneth and Rosemary Taylor, none.
7. Sisters and spouses names, Margaret Taylor Wise (divorced), none.

Peter Tomsen, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia.
Nominee: Peter Tomsen.
Post: Republic of Armenia.
The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.
Contributions, amount, date, donee:
1. Self, Peter Tomsen, none.
2. Spouse, Kim N. Tomsen, none.
3. Children, Kim-Anh Tomsen, none; Mai-Lan Tomsen, none.
4. Parents, Justus Tomsen, deceased; Margaret Y. Tomsen $85 (total) 1989 and 1991, Republican Party; $15 in 1992, Republican Party.
5. Grandparents, deceased.
6. Brothers and spouses, James and Anne Tomsen, none; Timothy and Linda Tomsen, none.
7. Sister, Margot Lynn Tomsen, none.
Michael Tomsen: Michael has estranged himself from the family for 15 years. He is dependent on Federal Government checks. We do not know his address. Because of his dependent state, it is my assumption that he has not contributed—and does not have the capacity to contribute—to political campaigns.

Jenonne R. Walker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.
Nominee: Jenonne Roberta Walker.
Post: Ambassador to the Czech Republic.
The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.
Contributions, amount, date, donee:
1. Self, Jenonne Walker, none.
2. Parents, Walter and Eloise Walker, none.
3. Grandparents, John and Minnie Walker, none; James and Bennie Atwell, none.
4. Brother Howard Wayne Walker, none.
Mosina H. Jordan, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.
Nominee: Mosina H. Jordan.
Post: Central African Republic.
The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.
Contributions, amount, date, donee:
1. Self, none.
2. Spouse, none.
3. Children, George Michael Jordan, none; Mosina Michele Jordan, none; Frank Jordan, none.
4. Parents, Alice Mann, none; Frank Monterio, deceased.
5. Grandparents, maternal and paternal, deceased; Ellen and Joseph Jones, unknown.
6. Brothers, George Hitt, $30; Johnny Hitt, none.

Lannon Walker, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.
Nominee: Lannon Walker.
Post: Cote d'Ivoire.
The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.
Contributions, amount, date, donee:
1. Self, none.
2. Spouse, none.
3. Children and spouses, Rachelle and Tom Crowley, none; Anne, none.
4. Parents, deceased on both sides, none.
5. Grandparents, deceased on both sides, none.
6. Brothers, no siblings.
7. Sisters, no siblings.

Timothy Michael Carney, of Washington, a career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sudan.
Nominee: Timothy Michael Carney.
Post: Ambassador to the Republic of the Sudan.
The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.
Contributions, amount, date, donee:
1. Self, none.
2. Spouse, Victoria A. Butler, none.
3. Children, Anne H.D. Carney, unmarried, none.
4. Parents, Clement E. Carney, deceased; Marjorie S. Carney, stepmother, declines to specify. (Mrs. M. Carney said that she gave less than $1,000 and contributed only to local level, rather than national level candidates); Kenneth Booth, stepfather, and Jane Booth, mother, none.

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5. Grandparents, Mr. and Mrs. P. Carney, deceased; Mr. and Mrs. J. Byrne, deceased.

6. Brother and spouse, Brian B. Carney, and Jane V. Carney, none.

7. Sister, Sharon J. Carney, divorced, none.

James Alan Williams, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as the Special Coordinator for Cyprus.

(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.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the RECORDS of March 23, 1995 and May 15, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 23, and May 15, 1995 at the end of the Senate proceedings.)

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. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. COATS):

S. 944. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 945. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 946. A bill to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies; to establish the position of Chief Information Officer of the United States in the Office of Management and Budget; to increase the responsibility and public accountability of the heads of the departments and agencies of the Federal Government for achieving substantial improvements in the delivery of services to the public and in other program activities through the use of modern information technology in support of agency missions; and for other purposes; to the Committee on Governmental Affairs.

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

S. 947. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 regarding impact aid payments, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself, Mr. HELMS, Mr. INOUYE, Mr. LEAHY, Mr. MURKOWSKI, and Mr. ROBB):

S. 948. A bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. ROBB, Mr. WARNER, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. INOUYE, and Mr. SHELBY):

S. 949. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Mr. KENNEDY, Mr. KERRY, Mr. SARBANES, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. AKAKA, Mr. INOUYE, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. ROBB, Mr. GRAHAM, and Mr. LAUTENBERG):

S. 950. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 137. A resolution to provide for the deposit of funds for the Senate page residence; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. COATS):

S. 944. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Energy and Natural Resources.

OHIO RIVER CORRIDOR STUDY COMMISSION ESTABLISHMENT ACT

Mr. SIMON. Mr. President, today I am introducing a bill to provide for the establishment of the Ohio River Corridor Study Commission. The purpose of this legislation is to focus attention on the distinctive and nationally important resources of the Ohio River corridor. My intention is to provide for long-term preservation, betterment, enjoyment, and utilization of the opportunities in the Ohio River corridor.

The Ohio River is a unique riverine system and is recognized as one of the great rivers of the world. In our Nation's early years, the Ohio was the way west; later the transportation opportunities provided by the river brought resources and people together to help build our country into a great industrial power.

The Ohio River starts in Pittsburgh, PA, and flows to the west and to the south toward its confluence in my home State of Illinois at the Mississippi River at Cairo, IL. The Ohio River covers 981 miles and flows through or borders on the States of Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, and Illinois.

Our great American rivers even after years of neglect and abuse, remain among the most scenic areas of the country. After a preliminary investigation, the ad hoc Ohio River Group believes that an indepth study of the waterway would result in a favorable recommendation for a joint local, State, and national endeavor resulting in the designation of the river valley as a national heritage corridor.

Mr. President, as with other national heritage corridors there is a high degree of coordination and cooperation required by the various governmental entities along the river if the project is to be successful. I believe that establishing the Ohio River Corridor Study Commission—whose membership would include the Director, or designee, of the National Park Service—would be the most appropriate mechanism to begin implementation of the conceptual study.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 945. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

ILLINOIS AND MICHIGAN CANAL HERITAGE CORRIDOR ESTABLISHMENT ACT

Mr. SIMON. Mr. President, today I am introducing a bill to provide for the Illinois & Michigan Canal Heritage Corridor. The purpose of this legislation is to preserve and enhance a corridor known for its nationally significant cultural and natural resources. My intention is to provide for long-term preservation, betterment, and utilization of the opportunities in the Illinois & Michigan Canal.

The Illinois & Michigan Canal National Heritage Corridor extends itself over 120 miles from Chicago to LaSalle/Peru. The Illinois & Michigan Canal was the first to be designated as a National Heritage Corridor in 1984. For years Illinoisans have been able to appreciate not only the natural beauty of the canal but also its historical interest. On both banks of the river, forests, prairies, and bird sanctuaries have been preserved. The unique architecture of this area includes buildings constructed between 1836 and 1848, architecture which no longer existed farther east, destroyed by the Chicago Fire of 1871.

The Illinois & Michigan Corridor is an innovative concept. It is the first

partnership park of its kind and it is now a model for such parks throughout the Nation.

Mr. President, as with other national heritage corridors there is a high degree of coordination and cooperation required by the various governmental entities along the canal if the project is to be successful. The high historical, recreational, educational value of the canal is evident. It is my duty to seek to help preserving and protecting one of our national treasures. I believe that extending the Illinois & Michigan Canal National Heritage Corridor Commission would be the most appropriate way to reach those goals.

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

S. 946. A bill to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies; to establish the position of Chief Information Officer of the United States in the Office of Management and Budget; to increase the responsibility and public accountability of the heads of the departments and agencies of the Federal Government for achieving substantial improvements in the delivery of services to the public and in other program activities through the use of modern information technology in support of agency missions; and for other purposes; to the Committee on Governmental Affairs.

FEDERAL INFORMATION TECHNOLOGY REFORM ACT OF 1995

Mr. COHEN. Mr. President, today I rise to introduce the Federal Information Technology Reform Act of 1995. This legislation will provide much needed reform to the way the Government acquires and uses computers and information technology. This legislation is critical to the future of Government as information technology becomes increasingly important in the way we manage Federal programs and responsibilities.

It was not all that long ago—less than two decades—when the business tools in most offices consisted of rotary dial telephones, IBM Selectric typewriters, sheets of carbon paper, and gallons of white-out. Today, however, it is a much different world. Offices now rely on digital telephone systems, voice and electronic mail, personal computers, and copy and fax machines. And while the office tools in Government and the private sector are similar, the Government is finding itself falling further and further behind the technology curve The disparity between the tools of the private sector and the tools of Government is growing daily; especially in the area of information management.

The Government is the largest information manager in the world. The IRS collects more than 200 million tax forms a year. The Department of Defense has warehouses of information containing everything from declassified battle plans from the Spanish American War to financial records for the Aegis Destroyer.

The Department of Veterans Affairs has medical, educational, and insurance records for tens of millions of veterans scattered throughout the country. The Social Security Administration has hundreds of millions of records dealing with disability claims, educational benefits and payment records. In addition, all of these agencies have records dealing with personnel, travel and supply expenses. The list is endless.

The ability of Government to manage this information has a profound effect on the daily lives of all of us. When senior citizens receive their Social Security checks, it is because a Government computer told the Treasury Department to send a check.

When we pay taxes or receive a refund, it is a Government computer that examines our tax forms, checks our math, and determines if we have paid the right amount or if we are due a refund.

When we fly, we rely on Government computers to keep planes from crashing into one another. When we watch weather reports on the evening news, the information comes from Government computers.

Government computers also keep track of patents, Government-insured loans, contractor payments, personnel and payroll records, criminal records, military inventory, and Medicaid and Medicare billings. In short, the Government keeps track of information that ensures our financial well-being and is also critical to our public safety and national security needs.

But these Government information systems are headed for catastrophic failure if we fail to address the challenge of modernization. The Federal Aviation Administration, for example, relies on 1950's vacuum tube technology to monitor the safety of millions of airline passengers on a daily basis. Occasionally this antiquated technology fails, potentially putting airline passengers at risk.

Other Government computers are also failing to do the job such as failing to detect fraud in the Federal Student Loan Program and preventing excess inventories at the Department of Defense. Inadequate technology is also largely to blame for the Justice Department's failure to collect millions in civil penalties, the Internal Revenue Service's failure to collect billions in overdue taxes, and the Department of Health and Human Service's failure to detect fraud in the Medicare Program.

The underlying theme in all of the examples is that the Government does not do a good job managing its information. Poor information management is, in fact, one of the biggest threats to the Government Treasury because it leaves Government programs susceptible to waste, fraud, and abuse.

When the average taxpayer hears horror stories such as the Federal payroll clerk who was paying phantom employees and pocketing the money, or the case of the finance clerk who billed the Navy for ship parts that were never delivered, or the tax preparer who stole millions from the IRS through fictitious filings, they may not think about information management. But they certainly lose confidence in the Government's ability to manage.

My purpose in relating these incidents is not to simply recite a litany of Government horror stories. We have all heard too many of those. Instead, my purpose is to highlight how Government technology affects the lives of ordinary citizens, and to demonstrate that the common denominator in these examples is the Government's failure to effectively manage information.

The problems are clear. It is equally clear that focusing on reforming how the Government approaches and acquires information technology can have a profound impact on the way Government does business in much the same way it has changed corporate America.

Last fall, I issued a report examining the Government's purchase and use of information technology. While I do not want to rehash all of the findings and recommendations, I do think some key observations are worth repeating.

Government is falling further behind the private sector in its ability to successfully apply information technology. First, the Federal Government rarely if ever examines how it does business before it automates. I recently held hearings which examined how the Pentagon could save more than $4 billion over 5 years simply by changing the way it processed travel vouchers. Automating the current voucher processing system will neither achieve the projected savings nor the efficiencies that are accomplished through reengineering.

Second, the Federal Government has wasted billions of dollars by maintaining and updating so-called legacy or antiquated computers from the 1960's and 1970's which are ill-suited for the Government's needs and by today's standards will never be efficient or reliable.

Third, the Government wastes additional billions when we do buy replacement systems because we try to do too much at one time. These so-called megasystems are difficult to manage and are rarely successful. Without exception, megasystems cost much more than envisioned and when completed, which is rare, are generally years behind schedule. The private sector recognizes the megasystem approach as too risky and instead takes an incremental and more manageable approach. We need only look to the IRS

and FAA to see examples of old systems that continue to deteriorate but have yet to be replaced because of failed modernization efforts.

Fourth, the process for buying Federal computer systems takes too long, largely because the process is inflexible and bureaucratic. In most cases, technology is obsolete by the time the new system is delivered. In a world where technology doubles every 18 months, Government can no longer afford systems that take 3 and 4 years to procure. In addition, once systems are finally delivered, agencies are then at the mercy of winning vendors for needed upgrades. These upgrades are purchased noncompetitively and any savings derived from the earlier competition are lost.

Finally, protests and the threat of protests add further delay and cost. In some cases, protests are lodged to obtain information that was not disclosed at debriefings, to interrupt revenue flow to competitors, or to gain other competitive advantages.

The current approach to buying computers is outdated and takes little account of the competitive and fast-changing nature of the global computer industry. Markets and prices change daily, yet Government often gets locked into paying today's prices for yesterday's technology.

It is time to move Government information technology into the 21st century. That is why today I am introducing the Information Technology Management Reform Act of 1995. This legislation will significantly alter how the Government approaches and acquires information technology. The legislation would repeal the Brooks Act and establish a framework that will respond more efficiently to the needs of Government now and in the foreseeable future.

Mr. President, this legislation will make it easier for the Government to buy technology. More importantly, it is intended to make sure that before investing a dime in information technology, Government agencies will have carefully planned and justified their expenditures. Federal spending on information technology will be treated like an investment. Similar to managing an investment portfolio, decisions on whether to invest will be made based on potential return, and decisions to terminate or make additional investments will be based on performance. Much like a broker, agency management and vendor performance will be measured and rewarded based on managing risk and achieving results.

One of the most important features of the bill is that it changes the way Government approaches technology. Agencies will be encouraged—indeed required—to take a hard look at how they do business before they can spend a dollar on information technology. The idea is to ensure that we are not automating for the sake of automation. The greatest benefit from an investment in information technology can come from automating efficient processes.

The bill will make it easier to invest in information technology by replacing the current procurement system with one that is less bureaucratic and process driven. The new system is designed to allow Government to buy technology faster and for less money. This will enable us to make significant progress in replacing the inefficient and unreliable legacy systems which currently waste a significant portion of the Federal Government's $27 billion annual information technology budget.

Specifically, the bill eliminates the delegation of procurement authority at the GSA, and establishes a National Chief Information Officer at OMB and Chief Information Officers at the major Federal agencies whose jobs are to emphasize up front planning, monitor risk management, and work with vendors to achieve workable solutions to the Federal Government's information needs.

The legislation will also fundamentally change the Government's focus of information technology from a technical issue to a management issue. We have seen how failing to recognize information technology as a management issue has resulted in billions of dollars lost to inefficiency and abuse. From now on, Government information technology will have the attention of top management because the CIO's will have seats at the top levels of Government.

My legislation will also discourage the so-called megasystem buys. Following the private sector model, agencies will be encouraged to take an incremental approach that is more manageable and less risky.

We can no longer afford Government-unique systems. My bill makes it easy for agencies to buy commercially available products. While I understand that there are some unique needs, standard commercially available systems should be utilized for payroll and travel operations that are similar in both business and Government and for other operations whenever practicable.

The bill eliminates the current system for resolving bid protests involving information technology. Consequently, all protests will be resolved by the agencies, General Accounting Office, or the courts. While some are concerned that without the current system fairness cannot be ensured, I believe that other improvements in the procurement process required by the legislation eliminate the need for this redundancy.

I am excited about the prospect of this legislation to transform the way the Government does business. If Government is going to regain the confidence of taxpayers, it must successfully modernize. And, as you know, we cannot successfully modernize unless we can buy the tools which will enable us to automate. My legislation will lay the foundation to fundamentally change how the Government approaches the application and purchases of information technology.

If passed and implemented properly, this legislation can save taxpayers hundreds of billions of dollars by reducing overhead expenses and enabling our Government to become significantly more efficient. Changing the way Government does business and realizing the full promise and potential of technology, we can reduce the financial burden for this and future generations of Americans.

Mr. President, I urge my colleagues to support this legislation and move swiftly toward its adoption. We simply cannot afford to miss this opportunity to improve the delivery of services to the public; to increase detection of waste and fraud; and significantly reduce the cost of Government.

I ask unanimous consent to have the full text of my statement and Senator LEVIN's statement printed in the RECORD as if read, and that the bill and section-by-section analysis be included in the RECORD.

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

S. 946

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Information Technology Management Reform Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

Sec. 101. Authority of heads of executive agencies.
Sec. 102. Superior authority of Director of Office of Management and Budget.
Sec. 103. Repeal of central authority of the Administrator of General Services.

Subtitle B—Director of the Office of Management and Budget

Sec. 121. Responsibility of Director.
Sec. 122. Specific responsibilities.
Sec. 123. Performance-based and results-based management.
Sec. 124. Standards and guidelines for Federal information systems.
Sec. 125. Contracting for performance of information resources management functions.
Sec. 126. Regulations.

Subtitle C—Chief Information Officer of the United States

Sec. 131. Office of the Chief Information Officer of the United States.
Sec. 132. Relationship of Chief Information Officer to Director of the Office of Management and Budget; principal duties.

Sec. 133. Additional duties.
Sec. 134. Acquisitions under high-risk information technology programs.
Sec. 135. Electronic data base on contractor performance.

Subtitle D—Executive Agencies

Sec. 141. Responsibilities.
Sec. 142. Specific authority.
Sec. 143. Agency chief information officer.
Sec. 144. Accountability.
Sec. 145. Agency missions and the appropriateness of information technology initiatives.
Sec. 146. Significant failures of programs to achieve cost, performance, or schedule goals.
Sec. 147. Interagency support.
Sec. 148. Monitoring of modifications in information technology acquisition programs.
Sec. 149. Special provisions for Department of Defense.
Sec. 150. Special provisions for Central Intelligence Agency.

Subtitle E—Federal Information Council

Sec. 151. Establishment of Federal Information Council.
Sec. 152. Membership.
Sec. 153. Chairman; executive director.
Sec. 154. Duties.
Sec. 155. Software Review Council.

Subtitle F—Interagency Functional Groups

Sec. 161. Establishment.
Sec. 162. Specific functions.

Subtitle G—Congressional Oversight

Sec. 171. Establishment and organization of Joint Committee on Information.
Sec. 172. Responsibilities of Joint Committee on Information.
Sec. 173. Rulemaking authority of Congress.

Subtitle H—Other Responsibilities

Sec. 181. Responsibilities under the National Institute of Standards and Technology Act.
Sec. 182. Responsibilities under the Computer Security Act of 1987.

TITLE II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—Procedures

Sec. 201. Procurement procedures.
Sec. 202. Agency process.
Sec. 203. Incremental acquisition of information technology.
Sec. 204. Authority to limit number of offerors.
Sec. 205. Exception from truth in negotiation requirements.
Sec. 206. Unrestricted competitive procurement of commercial off-the-shelf items of information technology.
Sec. 207. Task and delivery order contracts.
Sec. 208. Two-phase selection procedures.
Sec. 209. Contractor share of gains and losses from cost, schedule, and performance experience.

Subtitle B—Acquisition Management

Sec. 221. Acquisition management team.
Sec. 222. Oversight of acquisitions.

TITLE III—SPECIAL FISCAL SUPPORT FOR INFORMATION INNOVATION

Subtitle A—Information Technology Fund

Sec. 301. Establishment.
Sec. 302. Accounts.

Subtitle B—Innovation Loan Account

Sec. 321. Availability of fund for loans in support of information innovation.
Sec. 322. Repayment of loans.
Sec. 323. Savings from information innovations.
Sec. 324. Funding.

Subtitle C—Common Use Account

Sec. 331. Support of multiagency acquisitions of information technology.
Sec. 332. Funding.

Subtitle D—Other Fiscal Policies

Sec. 341. Limitation on use of funds.
Sec. 342. Sense of Congress.
Sec. 343. Review by GAO and inspectors general.

TITLE IV—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

Sec. 401. Requirement to conduct pilot programs.
Sec. 402. Tests of innovative procurement methods and procedures.
Sec. 403. Evaluation criteria and plans.
Sec. 404. Report.
Sec. 405. Recommended legislation.
Sec. 406. Rule of construction.

Subtitle B—Specific Pilot Programs

Sec. 421. Share-in-savings pilot program.
Sec. 422. Solutions-based contracting pilot program.
Sec. 423. Pilot program for contracting for performance of acquisition functions.
Sec. 424. Major acquisitions pilot programs.

TITLE V—OTHER INFORMATION RESOURCES MANAGEMENT REFORMS

Sec. 501. Transfer of responsibility for FACNET.
Sec. 502. On-line multiple award schedule ordering.
Sec. 503. Upgrading information equipment in agency field offices.
Sec. 504. Disposal of excess computer equipment.
Sec. 505. Leasing information technology.
Sec. 506. Continuation of eligibility of contractor for award of information technology contract after providing design and engineering services.
Sec. 507. Enhanced performance incentives for information technology acquisition workforce.

TITLE VI—ACTIONS REGARDING CURRENT INFORMATION TECHNOLOGY PROGRAMS

Sec. 601. Performance measurements.
Sec. 602. Independent assessment of programs.
Sec. 603. Current information technology acquisition program defined.

TITLE VII—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

Sec. 701. Remedies.
Sec. 702. Period for processing protests.
Sec. 703. Definition.

TITLE VIII—RELATED TERMINATIONS, CONFORMING AMENDMENTS, AND CLERICAL AMENDMENTS

Subtitle A—Related Terminations

Sec. 801. Office of Information and Regulatory Affairs.
Sec. 802. Senior information resources management officials.

Subtitle B—Conforming Amendments

Sec. 811. Amendments to title 10, United States Code.
Sec. 812. Amendments to title 28, United States Code.
Sec. 813. Amendments to title 31, United States Code.
Sec. 814. Amendments to title 38, United States Code.
Sec. 815. Provisions of title 44, United States Code, and other laws relating to certain joint committees of Congress.
Sec. 816. Provisions of title 44, United States Code, relating to paperwork reduction.
Sec. 817. Amendment to title 49, United States Code.
Sec. 818. Other laws.

Subtitle B—Clerical Amendments

Sec. 821. Amendment to title 10, United States Code.
Sec. 822. Amendment to title 38, United States Code.
Sec. 823. Amendments to title 44, United States Code.

TITLE IX—SAVINGS PROVISIONS

Sec. 901. Savings provisions.

TITLE X—EFFECTIVE DATES

Sec. 1001. Effective dates.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Federal information systems are critical to the lives of every American.

(2) The efficiency and effectiveness of the Federal Government is dependent upon the effective use of information.

(3) The Federal Government annually spends billions of dollars operating obsolete information systems.

(4) The use of obsolete information systems severely limits the quality of the services that the Federal Government provides, the efficiency of Federal Government operations, and the capabilities of the Federal Government to account for how taxpayer dollars are spent.

(5) The failure to modernize Federal Government information systems, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered.

(6) Despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most Federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement.

(7) Weak oversight and a lengthy acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of $200,000,000,000 on information systems during the decade preceding the enactment of this Act.

(8) The Federal Government does an inadequate job of planning for information technology acquisitions and how such acquisitions will support the accomplishment of agency missions.

(9) Many Federal Government personnel lack the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions.

(10) Federal regulations governing information technology acquisitions are outdated, focus on process rather than results, and prevent the Federal Government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry.

(11) Buying, leasing, or developing information systems should be a top priority for Federal agency management because the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public.

(12) Organizational changes are necessary in the Federal Government in order to improve Federal information management and to facilitate Federal Government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of Federal Government operations.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To create incentives for the Federal Government to strategically use information technology in order to achieve efficient and effective operations of the Federal Government, to provide cost effective and efficient delivery of Federal Government services to the taxpayers, to provide greater protection of the health and safety of Americans, and to enhance the national security of the United States.

(2) To provide for the cost effective and timely acquisition, management, and use of effective information technology solutions.

(3) To transform the process-oriented procurement system of the Federal Government, as it relates to the acquisition of information technology, into a results-oriented procurement system.

(4) To increase the responsibility of officials of the Office of Management and Budget and other Federal Government agencies, and the accountability of such officials to Congress and the public, for achieving agency missions, including achieving improvements in the efficiency and effectiveness of Federal Government programs through the use of information technology and other information resources in support of agency missions.

(5) To ensure that the heads of Federal Government agencies are responsible and accountable for acquiring, using, and strategically managing information resources in a manner that achieves significant improvements in the performance of agency missions in pursuit of a goal of achieving service delivery levels and project management performance comparable to the best in the private sector.

(6) To promote the development and operation of secure, multiple-agency and Governmentwide, interoperable, shared information resources to support the performance of Federal Government missions.

(7) To reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, Federal Government information systems.

(8) To increase the capability of Federal Government agencies to restructure and improve processes before applying information technology.

(9) To increase the emphasis placed by Federal agency managers on completing effective planning and mission analysis before applying information technology to the execution of plans and the performance of agency missions.

(10) To coordinate, integrate, and, to the extent practicable and appropriate, establish uniform Federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of Federal Government programs and the delivery of services to the public.

(11) To strengthen the partnership between the Federal Government and State, local, and tribal governments for achieving Federal Government missions, goals, and objectives.

(12) To provide for the development of a well-trained core of professional Federal Government information resources managers.

SEC. 4. DEFINITIONS.

In this Act:

(1) INFORMATION RESOURCES.—The term "information resources" means the resources used in the collection, processing, maintenance, use, sharing, dissemination, or disposition of information, including personnel, equipment, funds, and information technology.

(2) INFORMATION RESOURCES MANAGEMENT.—The term "information resources management" means the process of managing information resources to accomplish agency missions and to improve agency performance.

(3) INFORMATION SYSTEM.—The term "information system" means a discrete set of information resources, whether automated or manual, that are organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information in accordance with defined procedures and includes computer systems.

(4) INFORMATION TECHNOLOGY.—The term "information technology", with respect to an executive agency—

(A) means any equipment or interconnected system or subsystem of equipment, including software, services, satellites, sensors, an information system, or a telecommunication system, that is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency or under a contract with the executive agency which (i) requires the use of such system or subsystem of equipment, or (ii) requires the use, to a significant extent, of such system or subsystem of equipment in the performance of a service or the furnishing of a product; and

(B) does not include any such equipment that is acquired by a Federal contractor incidental to a Federal contract.

(5) INFORMATION ARCHITECTURE.—The term "information architecture", with respect to an executive agency, means a framework or plan for evolving or maintaining existing information technology, acquiring new information technology, and integrating the agency's information technology to achieve the agency's strategic goals and information resources management goals.

(6) EXECUTIVE DEPARTMENT.—The term "executive department" means an executive department specified in section 101 of title 5, United States Code.

(7) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(8) HIGH-RISK INFORMATION TECHNOLOGY PROGRAM.—The term "high-risk information technology program" means an acquisition of an information system, or components of an information system, that requires special management attention because—

(A) the program cost is at least $100,000,000;

(B) the system being developed under the program is critical to the success of an executive agency in fulfilling the agency's mission;

(C) there is a significant risk in the development of the system because of—

(i) the size or scope of the development project;

(ii) the period necessary for completing the project;

(iii) technical configurations;

(iv) unusual security requirements;

(v) the special management skills necessary for the management of the project; or

(vi) the highly technical expertise necessary for the project; or

(D) it is or will be necessary to allocate a significant percentage of the information technology budget of an executive agency to paying the costs of developing, operating, or maintaining the system.

(9) COMMERCIAL ITEM.—The term "commercial item" has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(10) NONDEVELOPMENTAL ITEM.—The term "nondevelopmental item" has the meaning given that term in section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13)).

TITLE I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 101. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.

The heads of the executive agencies may conduct acquisitions of information technology pursuant to their respective authorities under title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251, et seq.), chapters 4 and 137 of title 10, United States Code, and the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

SEC. 102. SUPERIOR AUTHORITY OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET.

Notwithstanding section 101 and the authorities referred to in such section, the conduct of an acquisition of information technology by the head of an executive agency is subject to (1) the authority, direction, and control of the Director of the Office of Management and Budget and the Chief Information Officer of the United States, and (2) the provisions of this Act.

SEC. 103. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

SEC. 121. RESPONSIBILITY OF DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Management and Budget is responsible for the effective and efficient acquisition, use, and disposal of information technology and other information resources by the executive agencies.

(b) GOAL.—It shall be a goal of the Director to maximize the productivity, efficiency, and effectiveness of the information resources of the Federal Government to serve executive agency missions.

(c) ACTIONS TO BE TAKEN THROUGH CHIEF INFORMATION OFFICER.—The Director shall act through the Chief Information Officer of the United States in the exercise of authority under this Act.

SEC. 122. SPECIFIC RESPONSIBILITIES.

(a) RESPONSIBILITIES STATED.—The Director of the Office of Management and Budget has the following responsibilities with respect to the executive agencies:

(1) To provide direction for, and oversee, the acquisition and management of information resources.

(2) To develop, coordinate, and supervise the implementation of policies, principles, standards, and guidelines for information resources, performance of information resources management functions and activities, and investment in information resources.

(3) To determine the information resources that are to be provided in common for executive agencies.

(4) To designate (as the Director considers appropriate) one or more heads of executive agencies as an executive agent to contract for Governmentwide information technology.

(5) To maintain a registry of most effective agency sources of information technology program management and contracting services, and to facilitate interagency use of such sources.

(6) To promulgate standards and guidelines pertaining to Federal information systems in accordance with section 124.

(7) To carry out an information systems security and privacy program for the information systems of the Federal Government, including to administer the provisions of section 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4) relating to the Computer System Security and Privacy Advisory Board.

(8) To provide for Federal information system security training in accordance with section 5(c) of the Computer Security Act of 1987 (40 U.S.C. 759(c)).

(9) To encourage and advocate the adoption of national and international information technology standards that are technically and economically beneficial to the Federal Government and the private sector.

(b) CONSULTATION WITH FEDERAL INFORMATION COUNCIL.—(1) The Director shall consult with the Federal Information Council regarding actions to be taken under paragraphs (3) and (4) of subsection (a).

(2) The Director may consult with the Federal Information Council regarding the performance of any other responsibility of the Director under this Act.

SEC. 123. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

(a) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director of the Office of Management and Budget shall evaluate the information resources management practices of the executive agencies and the performance and results of the information technology investments of executive agencies.

(2) CONSIDERATION OF ADVICE AND RECOMMENDATIONS.—In performing the evaluation, the Director shall consider any advice and recommendations provided by the Federal Information Council or in any interagency or independent review or vendor or user survey conducted pursuant to this section.

(b) CONTINUOUS REVIEW REQUIRED.—The Director shall ensure, by reviewing each executive agency's budget proposals, information resources management plans, and performance measurements, and by other means, that—

(1) the agency—

(A) provides adequately for the integration of the agency's information resources management plans, strategic plans prepared pursuant to section 306 of title 5, United States Code, and performance plans prepared pursuant to section 1115 of title 31, United States Code; and

(B) budgets for the acquisition and use of information technology;

(2) the agency analyzes its missions and, based on the analysis, revises its mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of agency missions;

(3) the agency's information resources management plan is current and adequate and, to the maximum extent practicable, specifically identifies how new information technology to be acquired is expected to improve agency operations and otherwise expected to benefit the agency;

(4) efficient and effective interagency and Governmentwide information technology investments are undertaken to improve the accomplishment of common agency missions; and

(5) agency information security is adequate.

(c) PERIODIC REVIEWS.—

(1) REVIEWS REQUIRED.—The Director shall periodically review selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of such activities in improving agency performance and the accomplishment of agency missions.

(2) INDEPENDENT REVIEWERS.—(A) The Director may carry out a review of an executive agency under this subsection through—

(i) the Comptroller General of the United States (with the consent of the Comptroller General);

(ii) the Inspector General of the agency (in the case of an agency having an Inspector General); or

(iii) in the case of a review requiring an expertise not available to the Director for the review, a panel of officials of executive agencies or a contractor.

(B) The Director shall notify the head of a Federal agency of any determination made by the Director to provide for a review to be performed by an independent reviewer from outside the agency.

(C) A review of an executive agency by the Comptroller General of the United States may be carried out only pursuant to an interagency agreement entered into by the Director and the Comptroller General. The agreement shall provide for the Director to pay the Comptroller General the amount necessary to reimburse the Comptroller General for the costs of performing the review.

(3) FUNDING.—Funds available to an executive agency for acquisition or use of information technology shall be available for paying the costs of a review of activity of that agency under this subsection.

(4) REPORT AND RESPONSE.—The Director shall transmit to the head of an executive agency reviewed under this subsection a report on the results of the review. Within 30 days after receiving the report, the head of the executive agency shall submit to the Director a written plan (including milestones) on the actions that the head of the executive agency determines necessary in order—

(A) to resolve any information resources management problems identified in the report; and

(B) to improve the performance of agency missions and other agency performance.

(d) VENDOR SURVEYS.—The Director shall conduct surveys of vendors and other sources of information technology acquired by an executive agency in order to determine the level of satisfaction of those sources with the performance of the executive agency in conducting the acquisition or acquisitions involved. The Director shall afford the sources the opportunity to rate the executive agency anonymously.

(e) USER SURVEYS.—

(1) REQUIREMENT.—The Director shall conduct surveys of users of information technology acquired by an executive agency in order to determine the level of satisfaction of the users with the performance of the vendor.

(2) COMPILATION OF SURVEY RESULTS.—The Director shall compile the results of the surveys into an annual report and make the annual report available electronically to the heads of the executive agencies.

(f) ENFORCEMENT OF ACCOUNTABILITY.—

(1) IN GENERAL.—The Director may take any action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability for poor performance of information resources management in an executive agency.

(2) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include such actions as the following:

(A) Reduce the amount proposed by the head of the executive agency to be included for information resources in the budget submitted to Congress under section 1105(a) of title 31, United States Code.

(B) Reduce or otherwise adjust apportionments and reapportionments of appropriations for information resources.

(C) Use other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

(D) Disapprove the commencement or continuance of an information technology investment by the executive agency.

(E) Designate for the executive agency an executive agent to contract with private sector sources for—

(i) the performance of information resources management (subject to the approval and continued oversight of the Director); or

(ii) the acquisition of information technology.

(F) Withdraw all or part of the head of the executive agency's authority to contract directly for information technology.

(g) ENFORCEMENT ACTIONS RELATED TO COST, PERFORMANCE, AND SCHEDULE GOALS.—

(1) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Director shall terminate any high-risk information technology program or phase or increment of the program that—

(A) is more than 50 percent over the cost goal established for the program or a phase or increment of the program;

(B) fails to achieve at least 50 percent of the performance goals established for the program or a phase or increment of a program; or

(C) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program or a phase or increment of the program.

(2) AUTHORIZED TERMINATIONS OF ACQUISITIONS.—The Director shall consider terminating any information technology acquisition that—

(A) is more than 10 percent over the cost goal established for the program or a phase or increment of the program;

(B) fails to achieve at least 90 percent of the performance goals established for the program or a phase or increment of a program; or

(C) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program or a phase or increment of the program.

SEC. 124. STANDARDS AND GUIDELINES FOR FEDERAL INFORMATION SYSTEMS.

(a) PROMULGATION RESPONSIBILITY.—The Director of the Office of Management and Budget shall, on the basis of standards and guidelines developed pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (20 U.S.C. 278g-3(a)), promulgate standards and guidelines pertaining to Federal information systems, making such standards compulsory

and binding to the extent to which the Director determines necessary to improve the efficiency of operation, interoperability, security, and privacy of Federal information systems. In promulgating standards, the Director should minimize the use of unique standards and adopt market standards to the extent practicable.

(b) MORE STRINGENT STANDARDS AUTHORIZED.—The head of an executive agency may employ standards for the security and privacy of sensitive information in a Federal information system within or under the supervision of that agency that are more stringent than the standards promulgated by the Director, if such standards are approved by the Director, are cost effective, maintain interoperability, and contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Director.

(c) WAIVER AUTHORITY.—The standards determined to be compulsory and binding may be waived by the Director in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal information system, or cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

(d) SPECIAL RULE OF APPLICABILITY.—(1) Security standards promulgated by the Director of the Office of Management and Budget do not apply to information systems of the Department of Defense or the Central Intelligence Agency.

(2) The Secretary of Defense shall prescribe security standards applicable to the information systems of the Department of Defense.

(3) The Director of Central Intelligence shall prescribe security standards applicable to the information systems of the Central Intelligence Agency.

SEC. 125. CONTRACTING FOR PERFORMANCE OF INFORMATION RESOURCES MANAGEMENT FUNCTIONS.

The Director of the Office of Management and Budget may contract for the performance of an information resources management function for the executive branch.

SEC. 126. REGULATIONS.

(a) AUTHORITY.—The Director of the Office of Management and Budget may prescribe regulations to carry out the provisions of this Act.

(b) SIMPLICITY OF REGULATIONS.—To the maximum extent practicable, the Director shall minimize the length and complexity of the regulations and establish clear and concise implementing regulations.

(c) INCORPORATION INTO FAR.—The regulations shall be made a part of the Federal Acquisition Regulation.

(d) PROHIBITION AGAINST AGENCY SUPPLEMENTAL REGULATIONS.—The head of an executive agency may not prescribe supplemental regulations for the regulations prescribed by the Director under subsection (a).

Subtitle C—Chief Information Officer of the United States

SEC. 131. OFFICE OF THE CHIEF INFORMATION OFFICER OF THE UNITED STATES.

(a) ESTABLISHMENT.—There is established in the Office of Management and Budget an Office of the Chief Information Officer of the United States.

(b) CHIEF INFORMATION OFFICER OF THE UNITED STATES.—

(1) APPOINTMENT.—The Chief Information Officer of the United States is appointed by the President, by and with the advice and consent of the Senate, from among persons who have demonstrated the knowledge, skills, and abilities in management and in information resources management that are necessary to perform the functions of the Office of the Chief Information Officer of the United States effectively. The qualifications considered shall include education, work experience, and professional activities related to information resources management.

(2) HEAD OF OFFICE.—The Chief Information Officer is the head of the Office of the Chief Information Officer of the United States.

(3) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Chief Information Officer of the United States.".

(c) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF EMPLOYEES.—The Chief Information Officer appoints the employees of the office.

(2) EMPLOYEE QUALIFICATIONS.—In selecting a person for appointment as an employee in an information resources management position, the Chief Information Officer shall afford special attention to the person's demonstrated abilities to perform the information resources management functions of the position. The qualifications considered shall include education, work experience, and professional activities related to information resources management.

(3) PAY FOR PERFORMANCE.—(A) The Chief Information Officer shall establish a pay for performance system for the employees of the office and pay the employees in accordance with that system.

(B) Subject to the approval of the Director of the Office of Management and Budget, the Chief Information Officer may submit to Congress any recommendations for legislation that the Chief Information Officer considers necessary to implement fully the pay for performance system.

(4) SUPPORT FROM OTHER AGENCIES.—Upon the request of the Chief Information Officer, the head of an executive agency (other than an independent regulatory agency) shall, to the extent practicable, make services, personnel, or facilities of the agency available to the Office of the Chief Information Officer of the United States for the performance of functions of the Chief Information Officer.

SEC. 132. RELATIONSHIP OF CHIEF INFORMATION OFFICER TO DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET; PRINCIPAL DUTIES.

(a) REPORTING AUTHORITY.—The Chief Information Officer of the United States reports directly to the Director.

(b) PRINCIPAL ADVISER TO DIRECTOR OF OMB ON INFORMATION RESOURCES MANAGEMENT.—The Chief Information Officer is the principal adviser to the Director on information resources management policy, including policy on acquisition of information technology for the Federal Government.

(c) PERFORMANCE OF DUTIES OF DIRECTOR OF OMB.—

(1) IN GENERAL.—The Chief Information Officer shall perform the responsibilities of the Director under this Act.

(2) CONTINUED RESPONSIBILITY OF DIRECTOR.—Paragraph (1) does not relieve the Director of responsibility and accountability for the performance of such responsibilities.

(d) AUTHORITY SUBJECT TO CONTROL OF DIRECTOR OF OMB.—The performance of duties and exercise of authority by the Chief Information Officer is subject to the authority, direction, and control of the Director of the Office of Management and Budget.

SEC. 133. ADDITIONAL DUTIES.

The Chief Information Officer has the following additional duties:

(1) To encourage the executive agencies to develop and use the best practices in information resources management and in acquisitions of information technology by—

(A) identifying and collecting information regarding the best practices, including information on the development and implementation of the best practices by the executive agencies; and

(B) providing the executive agencies with information on the best practices and with advice and assistance regarding use of the best practices.

(2) To assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information resources.

(3) To compare the performances of the executive agencies in using information resources and to disseminate the comparisons to the executive agencies.

(4) To develop and maintain a Governmentwide strategic plan for information resources management and acquisitions of information technology, including guidelines and standards for the development of an information resources management plan to be used by the executive agencies.

(5) To ensure that the information resources management plan and the information systems of executive agencies conform to the guidelines and standards set forth in the Governmentwide strategic plan.

(6) To develop and submit to the Director of the Office of Management and Budget proposed legislation and proposed changes or additions to regulations and agency procedures as the Chief Information Officer considers necessary in order to improve information resources management by the executive agencies.

(7) To review the regulations, policies, and practices of executive agencies regarding information resources management and acquisitions of information technology in order to identify the regulations, policies, and practices that should be eliminated or adjusted so as not to hinder or impede information resources management or acquisitions of information technology.

(8) To monitor the development and implementation of training in information resources management for executive agency management personnel and staff.

(9) To keep Congress fully informed on high-risk information technology programs of the executive agencies, and the extent to which the executive agencies are improving program performance and the accomplishment of agency missions through the use of the best practices in information resources management.

(10) To review Federal procurement policies on acquisitions of information technology and to coordinate with the Administrator for Federal Procurement Policy regarding the development of Federal procurement policies for such acquisitions.

(11) To facilitate the establishment and maintenance of an electronic clearinghouse of information on the availability of nondevelopmental items of information technology for the Federal Government.

(12) To perform the functions of the Director of the Office of Management and Budget under chapter 35 of title 44, United States Code.

SEC. 134. ACQUISITIONS UNDER HIGH-RISK INFORMATION TECHNOLOGY PROGRAMS.

(a) ADVANCE PROGRAM REVIEW.—The Chief Information Officer of the United States shall review each proposed high-risk information technology program.

(b) ADVANCE APPROVAL REQUIRED.—No program referred to in subsection (a) may be

carried out by the head of an executive agency without the advance approval of the Chief Information Officer of the United States.

SEC. 135. ELECTRONIC DATA BASE ON CONTRACTOR PERFORMANCE.

(a) ESTABLISHMENT.—The Chief Information Officer of the United States shall establish in the Office of the Chief Information Officer of the United States an electronic data base containing a record of the performance of each contractor under a Federal Government contract for the acquisition of information technology or other information resources.

(b) REPORTING OF INFORMATION TO DATA BASE.—

(1) REQUIREMENT.—The head of each executive agency shall, in accordance with regulations prescribed by the Director of the Office of Management and Budget, report to the Chief Information Officer information on contractor performance that is to be included in the data base.

(2) WHEN SUBMITTED.—The head of an executive agency shall submit to the Director—

(A) an annual report on contractor performance during the year covered by the report; and

(B) upon the completion or termination of performance under a contract, a report on the contractor performance under that contract.

(c) PERIOD FOR INFORMATION TO BE MAINTAINED.—Information on the performance of a contractor under a contract shall be maintained in the data base for five years following completion of the performance under that contract. Information not required to be maintained under the preceding sentence shall be removed from the data base or rendered inaccessible.

Subtitle D—Executive Agencies

SEC. 141. RESPONSIBILITIES.

(a) IN GENERAL.—The head of an executive agency is responsible for—

(1) carrying out the information resources management activities of the agency in a manner that fulfills the agency's missions and improves agency productivity, efficiency, and effectiveness; and

(2) complying with the requirements of this Act and the policies, regulations, and directives issued by the Director of the Office of Management and Budget or the Chief Information Officer of the United States under the provisions of this Act.

(b) INFORMATION RESOURCES MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—The head of an executive agency shall develop, maintain, and oversee the implementation of an agency-wide information resources management plan that is consistent with the strategic plan prepared by the head of the agency pursuant to section 306 of title 5, United States Code, and the agency head's mission analysis, and ensure that the agency information systems conform to those plans.

(2) CONTENT OF PLAN.—The information resources management plan shall provide for applying information technology and other information resources in support of the performance of the missions of the agency and shall include the following:

(A) A statement of goals for improving the contribution of information resources to program productivity, efficiency, and effectiveness.

(B) Methods for measuring progress toward achieving the goals.

(C) Assignment of clear roles, responsibilities, and accountability for achieving the goals.

(D) Identification of—

(i) the existing and planned information technology components (such as information systems and telecommunication networks) of the agency and the relationship among the information technology components; and

(ii) the information architecture for the agency.

(c) AGENCY RECORDS.—The head of an executive agency shall periodically evaluate and, as necessary, improve the accuracy, completeness, and reliability of data and records in the information systems of the agency.

(d) BUDGETING.—The head of an executive agency shall use the strategic plan, performance plans, and information resources management plan of the agency in preparing and justifying the agency's budget proposals to the Director of the Office of Management and Budget and to Congress.

SEC. 142. SPECIFIC AUTHORITY.

The authority of the head of an executive agency under section 101 and the authorities referred to in such section includes the following authorities:

(1) To acquire information technology—

(A) in the case of an acquisition of less than $100,000,000, without the advance approval of the Chief Information Officer of the United States; and

(B) in the case of an acquisition of a high-risk information technology program, with the advance approval of the Director of the Office of Management and Budget.

(2) To enter into a contract that provides for multi-agency acquisitions of information technology subject to the approval and guidance of the Federal Information Council.

(3) If the Federal Information Council and the heads of the executive agencies concerned find that it would be advantageous for the Federal Government to do so, to enter into a multi-agency contract for procurement of commercial items that requires each agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(4) To establish one or more independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the head of the executive agency, to advise the head of the executive agency about information systems programs.

SEC. 143. AGENCY CHIEF INFORMATION OFFICER.

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—

(1) AGENCIES REQUIRED TO HAVE CHIEF INFORMATION OFFICERS.—There shall be a chief information officer within each executive agency named in section 901(b) of title 31, United States Code. The head of the executive agency shall designate the chief information officer for the executive agency.

(2) AGENCIES AUTHORIZED TO HAVE CHIEF INFORMATION OFFICERS.—The head of any executive agency not required by paragraph (1) to have a chief information officer may designate a chief information officer for the executive agency.

(b) RELATIONSHIP TO AGENCY HEAD.—

(1) PRINCIPAL ADVISER.—The chief information officer of an executive agency is the principal adviser to the head of the executive agency regarding acquisition of information technology and management of information resources for the agency.

(2) REPORTING AUTHORITY.—The chief information officer of an executive agency reports directly to the head of the executive agency.

(3) CONTROL BY AGENCY HEAD.—The performance of duties and exercise of authority by the chief information officer of an executive agency is subject to the authority, direction, and control of the head of the executive agency.

(c) DUTIES.—

(1) IN GENERAL.—The chief information officer of an executive agency shall provide advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the agency in a manner that—

(A) maximizes—

(i) the benefits derived by the agency and the public served by the agency from use of information technology; and

(ii) the public accountability of the agency for delivery of services and accomplishment of the agency's mission; and

(B) is consistent with the policies, requirements, and procedures that are applicable in accordance with this Act to the acquisition and management of information technology.

(2) ESTABLISHMENT OF GOALS.—The chief information officer of an executive agency shall—

(A) establish goals for improving the efficiency and effectiveness of agency operations and the delivery of services to the public through the effective use of information resources; and

(B) submit to the head of the executive agency an annual report, to be included in the budget submission for the executive agency, on the progress in achieving the goals.

(3) INFORMATION RESOURCES MANAGEMENT.—(A) The chief information officer of an executive agency shall administer the information resources management functions, including the acquisition functions, of the head of the executive agency.

(B) Subparagraph (A) does not relieve the head of an executive agency of responsibility and accountability for the administration of such functions.

(4) AGENCY POLICIES.—The chief information officer shall prescribe policies and procedures that—

(A) minimize the layers of review for acquisitions of information technology within the executive agency;

(B) foster timely communications between vendors of information technology and the agency; and

(C) set forth and require the use of information resources management practices and information technology acquisition practices that the chief information officer considers as being among the best of such practices.

(5) AGENCY PLANNING.—The chief information officer shall—

(A) develop and maintain an information resources management plan for management of information resources and acquisition of information technology for the executive agency; and

(B) ensure that there is adequate advance planning for acquisitions of information technology, including assessing and revising the mission-related processes and administrative processes of the agency as determined appropriate before making information system investments.

(6) PERFORMANCE MEASUREMENTS.—(A) The chief information officer shall ensure that—

(i) performance measurements are prescribed for information technology used by or to be acquired for the executive agency; and

(ii) the performance measurements measure how well the information technology supports agency programs.

(B) In carrying out the duty set forth in subparagraph (A), the chief information officer shall consult with the head of the executive agency, agency managers, users, and program managers regarding the performance measurements that are to be prescribed for information technology.

(7) MONITORING OF PROGRAM PERFORMANCE.—The chief information officer shall monitor the performance of information technology programs of the executive agency, evaluate the performance on the basis of the applicable performance measurements, and advise the head of the executive agency regarding whether to continue or terminate programs.

(8) PROGRAM PERFORMANCE REPORTS.—(A) Not later than February 1, 1997, and not later than February 1 of each year thereafter, the chief information officer of an executive agency shall prepare and submit to the head of the executive agency an annual program performance report for the information technology programs of the executive agency. The report shall satisfy the requirements of section 1116(d) of title 31, United States Code.

(B) The head of the executive agency shall transmit a copy of the annual report to the Chief Information Officer of the United States.

(9) ADDITIONAL ASSIGNED DUTIES.—A chief information officer designated under subsection (a)(1) may not be assigned any duty that is not related to information resources management.

(d) OFFICE OF CHIEF INFORMATION OFFICER.—

(1) ESTABLISHMENT.—The head of an executive agency designating a chief information officer shall establish within the agency an Office of the Chief Information Officer.

(2) HEAD OF OFFICE.—The chief information officer of the executive agency shall be the head of the office.

(3) STAFF.—(A) The head of the executive agency appoints the employees of the office. The chief information officer of the executive agency may make recommendations for appointments to positions in the office.

(B) In selecting a person for appointment to an information resources management position in the office, the head of the executive agency shall afford special attention to the demonstrated abilities of the person to perform the information resources management functions of the position. To the maximum extent practicable, the head of the executive agency shall appoint to the position a person who has direct and substantial experience in successfully achieving major improvements in organizational performance through the use of information technology.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chief information officers designated under section 143 of the Information Technology Management Reform Act of 1995.".

SEC. 144. ACCOUNTABILITY.

(a) INFORMATION TECHNOLOGY INVESTMENTS.—The head of an executive agency shall be accountable to the Director of the Office of Management and Budget, through the budget process and otherwise as the Director may prescribe, for attaining or failing to attain success in the achievement of the program objectives established for the information technology investments of the agency.

(b) SYSTEM OF CONTROLS.—The head of an executive agency, in consultation with the chief financial officer of the agency (or, in the case of an agency without a chief financial officer, any comparable official) shall establish policies and procedures that—

(1) provide for sound management of expenditures for information technology investments of the agency;

(2) ensure that the accounting, financial, and asset management systems and other information systems of the agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the agency;

(3) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to agency financial management systems;

(4) ensure that there is a full and accurate accounting for information technology expenditures, including expenditures for related expenses, and for the results derived by the agency from the expenditures; and

(5) ensure that financial statements support—

(A) assessment and revision of mission-related processes and administrative processes of the agency; and

(B) performance measurement in the case of information system investments made by the agency.

(c) PROTECTION OF SENSITIVE INFORMATION.—Section 6 of the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1729) is amended—

(1) in subsection (a), by striking out "Within 6 months after the date of enactment of this Act, each" and inserting in lieu thereof "Each"; and

(2) in the first sentence of subsection (b)—

(A) by striking out "Within one year after the date of enactment of this Act, each" and inserting in lieu thereof "Each"; and

(B) by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 124 of the Information Technology Management Reform Act of 1995".

SEC. 145. AGENCY MISSIONS AND THE APPROPRIATENESS OF INFORMATION TECHNOLOGY INITIATIVES.

(a) PROVIDING FOR APPROPRIATE INITIATIVES.—Before making investments in information technology or other information resources for the performance of agency missions, the head of each executive agency shall—

(1) identify opportunities to revise mission-related processes and administrative processes, assess the desirability of making the revisions, and, if determined desirable, take appropriate action to make and complete the revisions; and

(2) determine the most efficient and effective manner for carrying out the agency missions.

(b) MISSION ANALYSIS.—

(1) CONTINUOUS STUDIES.—In order to be prepared to carry out subsection (a) in an efficient, effective, and timely manner, the head of an executive agency shall provide for studies to be conducted on a continuing basis within the agency for the purpose of analyzing the missions of the agency.

(2) ANALYSIS.—The purpose of an analysis of a mission under subsection (a) is to determine—

(A) whether the mission should be performed in the private sector rather than by an agency of the Federal Government and, if so, whether the component of the agency performing that function should be converted from a governmental organization to a private sector organization; or

(B) whether the mission should be performed by the executive agency and, if so, whether the mission should be performed by—

(i) a private sector source under a contract entered into by head of the executive agency; or

(ii) executive agency personnel.

(c) PROCESS IMPROVEMENT STUDIES.—The head of the executive agency shall require that studies be conducted of ways to improve processes used in the performance of missions determined, in accordance with subsection (b) or otherwise, as being appropriate for the agency to perform.

SEC. 146. SIGNIFICANT FAILURES OF PROGRAMS TO ACHIEVE COST, PERFORMANCE, OR SCHEDULE GOALS.

(a) IN GENERAL.—The head of an executive agency shall monitor the performance of information technology acquisition programs of the executive agency with regard to meeting the cost, performance, and schedule goals approved or defined for the programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(b)) or section 2220(a) of title 10, United States Code.

(b) REQUIRED TERMINATIONS OF ACQUISITIONS.—The head of an executive agency shall terminate any information technology acquisition program of the executive agency, or any phase or increment of such a program, that—

(1) is more than 50 percent over the cost goal established for the program or any phase or increment of the program;

(2) fails to achieve at least 50 percent of the performance goals established for the program or any phase or increment of the program; or

(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program or any phase or increment of the program.

(c) ACQUISITIONS REQUIRED TO BE CONSIDERED FOR TERMINATION.—The head of an executive agency shall consider for termination any information technology acquisition program of the executive agency, or any phase or increment of such a program, that—

(1) is more than 10 percent over the cost goal established for the program or any phase or increment of the program;

(2) fails to achieve at least 90 percent of the performance goals established for the program or any phase or increment of the program; or

(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program or any phase or increment of the program.

SEC. 147. INTERAGENCY SUPPORT.

The head of an executive agency shall make personnel of the agency and other forms of support available for Government-wide independent review committees and interagency groups established under this Act.

SEC. 148. MONITORING OF MODIFICATIONS IN INFORMATION TECHNOLOGY ACQUISITION PROGRAMS.

(a) REQUIREMENT TO MONITOR AND REPORT.—The program manager for an information technology acquisition program of an executive agency shall monitor the modifications made in the program or any phase or increment of the program, including modifications of cost, schedule, or performance goals, and shall periodically report on such modifications to the chief information officer of the agency.

(b) DETERMINATIONS OF HIGH RISK.—The number and type of the modifications in a program shall be a critical consideration in determinations of whether the program is a

high-risk information technology program (without regard to the cost of the program).

(c) ASSESSMENTS OF AGENCY PERFORMANCE.—The Chief Information Officer of the United States shall consider the number and type of the modifications in an information technology acquisition program of an executive agency for purposes of assessing agency performance.

(d) CONTRACT TERMINATIONS.—The chief information officer of an executive agency shall—

(1) closely review the modifications in an information technology acquisition program of the agency;

(2) consider whether the frequency and extent of the modifications justify termination of a contract under the program; and

(3) if a termination is determined justified, submit to the head of the executive agency a recommendation to terminate the contract.

SEC. 149. SPECIAL PROVISIONS FOR DEPARTMENT OF DEFENSE.

(a) OVERSIGHT OF IMPLEMENTATION WITHIN THE DEPARTMENT OF DEFENSE.—

(1) DELEGATION OF AUTHORITY FOR INDIVIDUAL PROGRAMS AND SYSTEMS.—(A) Subject to subparagraph (B), the Director of the Office of Management and Budget shall delegate to the Secretary of Defense the authority to perform the responsibilities of the Director for supervision of the implementation of the requirements of this Act and the policies, regulations, and procedures prescribed by the Director under this Act in the case of individual information technology programs, including acquisition programs, and information systems of the Department of Defense.

(B) The Director may revoke, in whole or in part, the delegation of authority under subparagraph (A) at any time that the Director determines that it is in the interests of the United States to do so. In considering whether to revoke the authority, the Director shall take into consideration the reports received under subsection (d).

(2) RESPONSIBILITY OF DIRECTOR OF OMB.—The Director of the Office of Management and Budget shall continue to exercise overall responsibility for compliance by the Department of Defense with the provisions of this Act and the policies, regulations, and procedures prescribed by the Director under this Act.

(b) IMPLEMENTATION.—

(1) REQUIREMENT.—The Secretary of Defense shall implement the provisions of this Act within the Department of Defense.

(2) COVERED PROGRAMS.—The Secretary of Defense shall ensure that the provisions of this Act and the policies and regulations prescribed by the Director of the Office of Management and Budget are applied to all information technology programs of the Department of Defense, including—

(A) all such programs that are acquisition programs, including major defense acquisition programs;

(B) programs that involve intelligence activities, cryptologic activities related to national security, command and control of military forces, and information technology integral to a weapon or weapons system; and

(C) programs that are critical to the direct fulfillment of military or intelligence missions.

(c) CHIEF INFORMATION OFFICER.—

(1) DESIGNATION.—The Secretary of Defense shall—

(A) designate the Under Secretary of Defense for Acquisition and Technology as the chief information officer of the Department of Defense; and

(B) delegate to the Under Secretary the duty to perform the responsibilities of the Secretary under this Act.

(2) OTHER DUTIES.—Section 143(c)(9) does not apply to the chief information officer of the Department of Defense.

(d) ANNUAL REPORT.—The Secretary of Defense shall submit to the Director of the Office of Management and Budget an annual report on the implementation of this Act within the Department of Defense.

(e) PILOT PROGRAMS.—

(1) RECOMMENDATIONS BY SECRETARY OF DEFENSE.—The Secretary of Defense may submit to the Chief Information Officer of the United States a recommendation that a specific information technology pilot program be carried out under section 401.

(2) OVERSIGHT OF RECOMMENDED PROGRAM.—If the Chief Information Officer determines to carry out a pilot program in the Department of Defense under section 401, the Director of the Office of Management and Budget shall supervise the pilot program without regard to any delegation of authority under subsection (a).

SEC. 150. SPECIAL PROVISIONS FOR CENTRAL INTELLIGENCE AGENCY.

(a) OVERSIGHT OF IMPLEMENTATION WITHIN THE CIA.—

(1) DELEGATION OF AUTHORITY FOR INDIVIDUAL PROGRAMS AND SYSTEMS.—(A) Subject to subparagraph (B), the Director of the Office of Management and Budget shall delegate to the Director of Central Intelligence the authority to perform the responsibilities of the Director of the Office of Management and Budget for supervision of the implementation of the requirements of this Act and the policies, regulations, and procedures prescribed by the Director of the Office of Management and Budget under this Act in the case of individual information technology programs (including acquisition programs) and information systems of the Central Intelligence Agency.

(B) The Director of the Office of Management and Budget may revoke, in whole or in part, the delegation of authority under subparagraph (A) at any time that the Director determines that it is in the interests of the United States to do so. In considering whether to revoke the authority, the Director shall take into consideration the reports received under subsection (d).

(2) RESPONSIBILITY OF DIRECTOR OF OMB.—The Director of the Office of Management and Budget shall continue to exercise overall responsibility for compliance by the Central Intelligence Agency with the provisions of this Act and the policies, regulations, and procedures prescribed by the Director under this Act.

(b) IMPLEMENTATION.—

(1) REQUIREMENT.—The Director of Central Intelligence shall implement the provisions of this Act within the Central Intelligence Agency.

(2) COVERED PROGRAMS.—The Director of Central Intelligence shall ensure that the provisions of this Act and the policies and regulations prescribed by the Director of the Office of Management and Budget are applied to all information technology programs of the Central Intelligence Agency, including information technology acquisition programs.

(c) CHIEF INFORMATION OFFICER.—

(1) DESIGNATION.—The Director of Central Intelligence shall—

(A) designate the Deputy Director of Central Intelligence as the chief information officer of the Central Intelligence Agency; and

(B) delegate to the Deputy Director the duty to perform the responsibilities of the Director of Central Intelligence under this Act.

(2) OTHER DUTIES.—Section 143(c)(9) does not apply to the chief information officer of the Central Intelligence Agency.

(d) ANNUAL REPORT.—The Director of Central Intelligence shall submit to the Director of the Office of Management and Budget an annual report on the implementation of this Act within the Central Intelligence Agency.

(e) PILOT PROGRAMS.—

(1) RECOMMENDATIONS BY DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence may submit to the Chief Information Officer of the United States a recommendation that a specific information technology pilot program be carried out under section 401.

(2) OVERSIGHT OF RECOMMENDED PROGRAM.—If the Chief Information Officer determines to carry out a pilot program in the Central Intelligence Agency under section 401, the Director of the Office of Management and Budget shall supervise the pilot program without regard to any delegation of authority under subsection (a).

Subtitle E—Federal Information Council

SEC. 151. ESTABLISHMENT OF FEDERAL INFORMATION COUNCIL.

There is established in the executive branch a "Federal Information Council".

SEC. 152. MEMBERSHIP.

The members of the Federal Information Council are as follows:

(1) The chief information officer of each executive department.

(2) The chief information officer or senior information resources management official of each executive agency who is designated as a member of the Council by the Director of the Office of Management and Budget.

(3) Other officers or employees of the Federal Government designated by the Director.

SEC. 153. CHAIRMAN; EXECUTIVE DIRECTOR.

(a) CHAIRMAN.—The Director of the Office of Management and Budget is the Chairman of the Federal Information Council.

(b) EXECUTIVE DIRECTOR.—The Chief Information Officer of the United States is the Executive Director of the Council. The Executive Director provides administrative and other support for the Council.

SEC. 154. DUTIES.

The duties of the Federal Information Council are as follows:

(1) To obtain advice on information resources, information resources management, and information technology from State, local, and tribal governments and from the private sector.

(2) To make recommendations to the Director of the Office of Management and Budget regarding Federal policies and practices on information resources management.

(3) To establish strategic direction and priorities for a Governmentwide information infrastructure.

(4) To assist the Chief Information Officer of the United States in developing and maintaining the Governmentwide strategic information resources management plan.

(5) To coordinate Governmentwide and multi-agency programs and projects for achieving improvements in the performance of Federal Government missions, including taking such actions as—

(A) identifying program goals and requirements that are common to several agencies;

(B) establishing interagency functional groups under section 161;

(C) establishing an interagency group of senior managers of information resources to review high-risk information technology programs;

(D) identifying opportunities for undertaking information technology programs on a shared basis or providing information technology services on a shared basis;

(E) providing for the establishment of temporary special advisory groups, composed of senior officials from industry and the Federal Government, to review Governmentwide information technology programs, high-risk information technology acquisitions, and issues of information technology policy;

(F) coordinating budget estimates and information technology acquisitions in order to develop a coordinated approach for meeting common information technology goals and requirements; and

(G) reviewing agency programs and processes, to identify opportunities for consolidation of activities or cooperation.

(6) To coordinate the provision, planning, and acquisition of common infrastructure services, such as telecommunications, Governmentwide E-mail, electronic benefits transfer, electronic commerce, and Governmentwide data sharing, by—

(A) making recommendations to the Director of the Office of Management and Budget regarding services that can be provided in common;

(B) making recommendations to the Director regarding designation of an executive agent to contract for common infrastructure services on behalf of the Federal Government;

(C) approving overhead charges by executive agents;

(D) approving a surcharge which may be imposed on selected common infrastructure services and is to be credited to the Common Use Account established by section 331; and

(E) monitoring and providing guidance for the administration of the Common Use Account established by section 331 and the Innovation Loan Account established by section 321 for purposes of encouraging innovation by making financing available for high-opportunity information technology programs, including common infrastructure systems and services.

(7) To assess ways to revise and reorganize Federal Government mission-related and administrative processes before acquiring information technology in support of agency missions.

(8) To monitor and provide guidance for the development of performance measures for agency information resources management activities for Governmentwide applicability.

(9) To submit to the Chief Information Officer of the United States recommendations for conducting pilot projects for the purpose of identifying better ways for Federal Government agencies to plan for, acquire, and manage information resources.

(10) To identify opportunities for sharing information at the Federal, State, and local levels of government and to improve information sharing and communications.

(11) To ensure that United States interests in international information-related activities are served, including coordinating United States participation in the activities of international information organizations.

SEC. 155. SOFTWARE REVIEW COUNCIL.

(a) ESTABLISHMENT.—The Federal Information Council shall establish a Federal Software Review Council.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Federal Information Council, in consultation with the Chief Information Officer of the United States, shall determine the membership of the Federal Software Review Council. The number of members of the Council may not exceed 10 members.

(2) CERTAIN REPRESENTATION REQUIRED.—The Federal Information Council shall provide for the Government, private industry, and college and universities to be represented on the membership of the Software Review Council.

(c) CHAIRMAN.—The Chief Information Officer of the United States shall serve as Chairman of the Federal Software Review Council.

(d) DUTIES.—

(1) CLEARINGHOUSE FUNCTION.—(A) The Federal Software Review Council shall act as a clearinghouse of information on the software that—

(i) is commercially available to the Federal Government; and

(ii) has been uniquely developed for use by one or more executive agencies.

(B) The Federal Software Review Council shall provide advice to heads of executive agencies regarding recommended software engineering techniques and commercial software solutions appropriate to the agency's needs.

(2) SOFTWARE FOR USE IN DEVELOPMENT OF AGENCY SYSTEMS.—The Federal Software Review Council shall submit to the Federal Information Council proposed guidelines and standards regarding the use of commercial software, nondevelopmental items of software, and uniquely developed software in the development of executive agency information systems.

(3) INTEGRATION OF MULTIPLE SOFTWARE.—The Federal Software Review Council shall submit to the Federal Information Council proposed guidance regarding integration of multiple software components into executive agency information systems.

(4) REVIEW OF PROPOSALS FOR UNIQUELY DEVELOPED ITEMS OF SOFTWARE.—(A) In each case in which an executive agency undertakes to acquire a uniquely developed item of software for an information system used or to be used by the agency, the Federal Software Review Council shall—

(i) determine whether it would be more beneficial to the executive agency to use commercial items or nondevelopmental items to meet the needs of the executive agency; and

(ii) submit the Federal Software Review Council's determination to the head of the executive agency.

(B) Subparagraph (A) applies to an information technology acquisition program in excess of $1,000,000.

Subtitle F—Interagency Functional Groups

SEC. 161. ESTABLISHMENT.

(a) IN GENERAL.—The heads of executive agencies may jointly establish one or more interagency groups, known as "functional groups"—

(1) to examine issues that would benefit from a Governmentwide or multi-agency perspective;

(2) to submit to the Federal Information Council proposed solutions for problems in specific common operational areas; and

(3) to promote cooperation among agencies on information technology matters.

(b) REQUIREMENT FOR COMMON INTERESTS.—The representatives of the executive agencies participating in a functional group shall have the following common interests:

(1) Involvement in the same or similar functional areas of agency operations.

(2) Mission-related processes or administrative processes that would benefit from common or similar applications of information technology.

(3) The same or similar requirements for—

(A) information technology; or

(B) meeting needs of the common recipients of services of the agencies.

SEC. 162. SPECIFIC FUNCTIONS.

The functions of an interagency functional group are as follows:

(1) To identify common goals and requirements for common agency programs.

(2) To develop a coordinated approach to meeting agency requirements, including coordinated budget estimates and procurement programs.

(3) To identify opportunities to share information for improving the quality of the performance of agency functions, for reducing the cost of agency programs, and for reducing burdens of agency activities on the public.

(4) To coordinate activities and the sharing of information with other functional groups.

(5) To make recommendations to the heads of executive agencies and to the Director of the Office of Management and Budget regarding the selection of protocols and other standards for information technology, including security standards.

(6) To support interoperability among information systems.

(7) To perform other functions, related to the purposes set forth in section 161(a), that are assigned by the Federal Information Council.

Subtitle G—Congressional Oversight

SEC. 171. ESTABLISHMENT AND ORGANIZATION OF JOINT COMMITTEE ON INFORMATION.

(a) ESTABLISHMENT.—There is established in Congress a Joint Committee on Information composed of eight members as follows:

(1) Four members of the Committee on Governmental Affairs of the Senate appointed by the Chairman of that committee.

(2) Four members of the Committee on Government Reform and Oversight of the House of Representatives appointed by the Chairman of that committee.

(b) TERM OF APPOINTMENT.—The term of service of a member on the joint committee shall expire immediately before the convening of the Congress following the Congress during which the member is appointed. A member may be reappointed to serve on the joint committee.

(c) VACANCIES.—A vacancy in the membership of the joint committee does not affect the power of the remaining members to carry out the responsibilities of the joint committee. The vacancy shall be filled in the same manner as the original appointment.

(d) CHAIRMAN AND VICE CHAIRMAN.—

(1) ELECTION BY COMMITTEE.—The chairman and vice chairman of the joint committee shall be elected by the members of the joint committee from among the members of the joint committee.

(2) BICAMERAL COMMITTEE LEADERSHIP.—The chairman and vice chairman may not be members of the same house of Congress.

(3) ROTATION OF LEADERSHIP POSITIONS BETWEEN HOUSES.—The eligibility for election as chairman and for election as vice chairmanship shall alternate annually between the members of one house of Congress and the members of the other house of Congress.

SEC. 172. RESPONSIBILITIES OF JOINT COMMITTEE ON INFORMATION.

(a) IN GENERAL.—The Joint Committee on Information has the following responsibilities:

(1) To review information-related operations of the Federal Government, including the acquisition and management of information technology and other information resources.

(2) To perform studies of major information resources management issues regarding such matters as the following:

(A) Compatibility and interoperability of systems.

(B) Electronic commerce.

(C) Performance measurement.

(D) Process improvement.

(E) Paperwork and regulatory burdens imposed on the public.

(F) Statistics.

(G) Management and disposition of records.

(H) Privacy and confidentiality.

(I) Security and protection of information resources.

(J) Accessibility and dissemination of Government information.

(K) Information technology, including printing and other media.

(L) Information technology procurement policy, training, and personnel.

(3) To submit to the Committees on Governmental Affairs and on Appropriations of the Senate and the Committees on Government Reform and Oversight and on Appropriations of the House of Representatives recommendations for legislation developed on the basis of the reviews and studies.

(4) To carry out the responsibilities of the joint committee under chapter 1 of title 44, United States Code.

(5) To carry out responsibilities regarding the Library of Congress as provided by the Senate and the House of Representatives.

(b) STUDY REQUIRED.—Upon the organization of the Joint Committee on Information, the joint committee shall consider and develop policies and procedures providing for cooperation among the committees of Congress having jurisdiction over authorizations of appropriations, appropriations, and oversight of departments and agencies of the Federal Government in order to provide incentives for such departments and agencies to maximize effectiveness in the administration of this Act and the amendments made by this Act.

(c) TRANSFERS.—

(1) FUNCTIONS.—The functions of the Joint Committee on Printing and the functions of the Joint Committee of Congress on the Library are transferred to the Joint Committee on Information.

(2) RECORDS.—The records of the Joint Committee on Printing and the records of the Joint Committee of Congress on the Library are transferred to the Joint Committee on Information.

(d) TERMINATION OF SUPERSEDED JOINT COMMITTEES.—The Joint Committee on Printing and the Joint Committee of Congress on the Library are terminated.

SEC. 173. RULEMAKING AUTHORITY OF CONGRESS.

This subtitle is enacted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as the rules relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Subtitle H—Other Responsibilities

SEC. 181. RESPONSIBILITIES UNDER THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.

(a) STANDARDS PROGRAM.—

(1) MISSION AND DUTIES.—Subsection (a) of section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(A) by striking out "The Institute—" in the matter preceding paragraph (1) and inserting in lieu thereof "To the extent authorized by the Director of the Office of Management and Budget, the Director of the Institute shall—" ;

(B) in paragraph (3), by striking out "have responsibility within the Federal Government" and inserting in lieu thereof "carry out the responsibility of the Director of the Office of Management and Budget"; and

(C) in paragraph (4), by striking out "to the Secretary of Commerce for promulgation under section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "to the Director of the Office of Management and Budget under section 124 of the Information Technology Management Reform Act of 1995".

(2) AUTHORITY.—Subsection (b) of such section is amended—

(A) by striking out "In fulfilling subsection (a) of this section, the Institute is authorized" in the matter preceding paragraph (1) and inserting in lieu thereof "In order to carry out duties authorized under subsection (a), the Director of the Institute may, to the extent authorized by the Director of the Office of Management and Budget—";

(B) in paragraph (2), by striking out "Administrator of General Services on policies and regulations proposed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "Director of the Office of Management and Budget on policies and regulations proposed pursuant section 124 of the Information Technology Management Reform Act of 1995";

(C) in paragraph (3), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 124 of the Information Technology Management Reform Act of 1995"; and

(D) in paragraph (4), by striking out "Office of Personnel Management in developing regulations pertaining to training, as required by" and inserting in lieu thereof "Director of the Office of Management and Budget in carrying out the responsibilities regarding training regulations provided under".

(3) AUTHORITY OF DIRECTOR OF OMB.—Such section is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) AUTHORITY OF DIRECTOR OF OMB.—The Director of the Office of Management and Budget may—

"(1) authorize the Director of the Institute to perform any of the functions and take any of the actions provided in subsections (a), (b), or (c), or limit, withdraw, or withhold such authority;

"(2) perform any of the functions and take any of the actions provided in subsections (a), (b), or (c); and

"(3) designate any other officer of the Federal Government in the executive branch to perform any of such functions and exercise any of such authorities.".

(4) TERMINOLOGY.—Such section is further amended by striking out "computer system" each place it appears and inserting in lieu thereof "information system".

(5) DEFINITIONS.—Subsection (e) of such section, as redesignated by paragraph (3), is amended—

(A) in paragraph (1)(B)(v) by striking out "Administrator of General Services pursuant to section 111 of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) in paragraph (2)(B), by striking out "as that term is defined in section 111(a)(2) of the Federal Property and Administrative Services Act of 1949".

(b) INFORMATION SYSTEM SECURITY AND PRIVACY ADVISORY BOARD.—

(1) ESTABLISHMENT.—Subsection (a) of section 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4) is amended—

(A) by striking out "within the Department of Commerce" in the first sentence and inserting in lieu thereof "within the Office of the Chief Information Officer of the United States"; and

(B) by striking out "Secretary of Commerce" both places it appears and inserting in lieu thereof "Director of the Office of Management and Budget".

(2) RECIPIENTS OF ADVICE AND REPORTS FROM BOARD.—Subsection (b) of such section is amended—

(A) by striking out "Institute and the Secretary of Commerce" in paragraph (2) and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "the Secretary of Commerce," in paragraph (3).

(3) TERMINOLOGY.—Such section is further amended by striking out "computer system" each place it appears and inserting in lieu thereof "information system".

(4) DEFINITIONS.—Subsection (g) of such section is amended by striking out "section 20(d)" and inserting in lieu thereof "section 20(e)".

SEC. 182. RESPONSIBILITIES UNDER THE COMPUTER SECURITY ACT OF 1987.

(a) RESPONSIBILITY FOR TRAINING REGULATIONS.—Section 5(c) of the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1729) is amended by striking out "Within six months after the date of the enactment of this Act, the Director of the Office of Personnel Management" and inserting in lieu thereof "The Director of the Office of Management and Budget".

(b) REPEAL OF EXECUTED PROVISION.—Section 5(b) of such Act is amended by striking out "shall be started within 60 days after the issuance of the regulations described in subsection (c). Such training".

TITLE II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—Procedures

SEC. 201. PROCUREMENT PROCEDURES.

(a) RESPONSIBILITY.—The Director of the Office of Management and Budget of the United States shall prescribe in regulations the procedures to be used in conducting information technology acquisitions. The procedures shall be made a part of the Federal Acquisition Regulation.

(b) STANDARDS FOR PROCEDURES.—The Director shall ensure that the process for acquisition of information technology is, in general, a simplified, clear, and understandable process that, for higher cost and higher risk acquisitions, provides progressively more stringent precautions for ensuring that there is full and open competition in an acquisition and that each acquisition timely and effectively satisfies the needs of the Federal Government.

(c) PERFORMANCE MEASUREMENTS.—The regulations shall include performance measurements and other performance requirements that the Director determines appropriate.

(d) USE OF COMMERCIAL ITEMS.—The regulations shall require the head of each executive agency to use, to the maximum extent practicable, commercial items to meet the information technology requirements of the executive agency.

(e) DIFFERENTIATED PROCEDURES AND REQUIREMENTS.—Subject to subsection (b), the Director shall prescribe different sets of procedures and requirements for acquisitions in each of the following categories of acquisitions:

(1) Acquisitions not in excess of $5,000,000.

(2) Acquisitions in excess of $5,000,000 and not in excess of $25,000,000.

(3) Acquisitions in excess of $25,000,000 and not in excess of $100,000,000.

(4) Acquisitions in excess of $100,000,000.

(5) Acquisitions considered as high-risk acquisitions.

(f) DIFFERENTIATION ON THE BASIS OF OTHER FACTORS.—In prescribing regulations under this title, the Director shall consider whether and, to the extent appropriate, how to differentiate in the treatment and conduct of acquisitions of information technology on any of the following additional bases:

(1) The information technology to be acquired, including such considerations as whether the item is a commercial item or an item being developed or modified uniquely for use by one or more executive agencies.

(2) The complexity of the information technology acquisition, including such considerations as size and scope.

(3) The level of risk (at levels other than high risk covered by procedures and requirements prescribed pursuant to subsection (e)), including technical and schedule risks.

(4) The level of experience or expertise of the critical personnel in the program office, mission unit, or office of the chief information officer of the executive agency concerned.

(5) The extent to which the information technology may be used Government wide or by several agencies.

(g) REQUIRED ACTIONS.—The regulations shall require the heads of executive agencies, in planning for and undertaking acquisitions of information technology, to apply sound methodologies and approaches that result in realistic and comprehensive advance assessments of risks, reasonable management of the risks, and maximization of the benefit derived by the Federal Government toward meeting the requirements for which the technology is acquired.

SEC. 202. AGENCY PROCESS.

(a) RESPONSIBILITY.—The head of each executive agency shall, consistent with the regulations prescribed under section 201, design and apply in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the agency.

(b) DESIGN OF PROCESS.—The process shall—

(1) provide for the selection, control, and evaluation of the results of information technology investments of the agency;

(2) be integrated with budget, financial, and program management decisions of the agency; and

(3) incorporate the procedures and satisfy the requirements, including procedures and requirements applicable under various threshold criteria, that are prescribed pursuant to section 201.

(c) BENEFIT AND RISK MEASUREMENTS.—

(1) REQUIREMENT.—The process shall provide for clearly identifying in advance of the acquisition quantifiable measurements for determining the net benefits and risks of each proposed information technology investment.

(2) EXAMPLES OF MEASURES.—(A) Measurements of net benefits could include such measures as cost reductions, decreases in program cycle time, return on investment, increases in productivity, enhanced capability, reductions in the paperwork burden imposed on the public, and improvements in the level of public satisfaction with services provided.

(B) Measures of risk could include such measures as project size and scope, project longevity, technical configurations, unusual security requirements, special project management skills, software complexity, system integration requirements, and existing technical and management expertise.

(d) EVALUATION OF VALUE OF PROPOSED INVESTMENTS.—The process shall require evaluation of the value of a proposed information technology investment to the performance of agency missions, including the provision of services to the public, on the basis of—

(1) the measurements applicable under subsection (c) as well as other applicable criteria and standards; and

(2) a comparison of that investment with other information technology investments proposed to be undertaken by or for the agency.

(e) PERIODIC REVIEW BY SENIOR MANAGERS.—

(1) IN GENERAL.—The process shall provide for senior managers of the executive agency—

(A) to review on a periodic basis the development, implementation, and operation of information technology investments undertaken or to be undertaken by the agency and the information technology acquired under such investments; and

(B) in the case of each investment, to make recommendations to the head of the executive agency regarding actions that should be taken in order to ensure that suitable progress is made toward achieving the goals established for the investment or that the investment, if not making suitable progress, is terminated in a timely manner.

(2) REVIEWS AFTER IMPLEMENTATION.—The implementation and operation reviews provided for under paragraph (1) shall include provisions for senior managers of the executive agency—

(A) upon the implementation of the investment, to evaluate the results of the investment in order to determine whether the benefits projected for the investment were achieved; and

(B) after operation of information systems under the investment begins, to conduct periodic reviews of the systems in order—

(i) to determine whether the benefits to mission performance resulting from the use of such systems are satisfactory; and

(ii) to identify opportunities for additional improvement in mission performance that can be derived from use of such systems.

(f) SPECIFIC ACQUISITION PROCEDURES.—In the awarding of contracts for the acquisition of information technology, the head of an executive agency shall consider the information on the past performance of offerors that is available from the Director of the Office of Management and Budget.

SEC. 203. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The regulations prescribed under section 201 shall require that, to the maximum extent practicable, an executive agency's needs for information technology be satisfied in successive, incremental acquisitions of interoperable systems the characteristics of which comply with readily available standards and, therefore, can be connected to other systems that comply with such standards.

(b) DIVISION OF ACQUISITIONS INTO INCREMENTS.—Under the successive, incremental acquisition process, an extensive acquisition of information technology shall be divided into several smaller acquisition increments that—

(1) are easier to manage individually than would be one extensive acquisition;

(2) address complex information technology problems incrementally in order to enhance the likelihood of achieving workable solutions for those problems;

(3) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any other increment in order to be workable for the purposes for which acquired; and

(4) provide an opportunity for later increments of the acquisition to take advantage of any evolution in technology or needs that occurs during conduct of the earlier increments.

(c) TIMELY ACQUISITIONS.—

(1) AWARD OF CONTRACT.—If a contract for an increment of an information technology acquisition is not awarded within 180 days after the date on which the solicitation is issued, that increment of the acquisition shall be canceled. A subsequent solicitation for that increment of the solicitation, or for a revision of that increment, may be issued. A contract may be awarded on the basis of offers received in response to a subsequent solicitation.

(2) DELIVERY.—(A) The information technology provided for in a contract for acquisition of information technology shall be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.

(B) The Chief Information Officer of the United States may waive the requirement under subparagraph (A) in the case of a particular contract. The Chief Information Officer shall notify Congress in writing of each waiver granted under this subparagraph.

(C) If the information technology to be acquired under a contract is not timely delivered as provided in subparagraph (A) and a waiver is not granted in such case, the contract shall be terminated and the contracting official concerned may issue a new solicitation that—

(i) provides for taking advantage of advances in information technology that have occurred during the 18-month period described in subparagraph (A) and advances in information technology that are anticipated to occur within the period necessary for completion of the acquisition; and

(ii) adjusts for any changes in identified mission requirements to be satisfied by the information technology.

(d) FULL-INCREMENT FUNDING FOR MAJOR AND HIGH-RISK ACQUISITIONS.—

(1) SUBMISSION OF PROGRAM INCREMENT DETAILS TO CONGRESS.—Before initial funding is made available for an information technology acquisition program that is in excess of $100,000,000, the head of the executive agency for which the program is carried out shall submit to Congress information about the objectives and plans for the conduct of that acquisition program and the funding requirements for each increment of the acquisition program. The information shall identify the intended user of the information technology items to be acquired under the

program and each increment and shall include objective, quantifiable criteria for assessing the extent to which the objectives and goals established for the program are achieved.

(2) REQUIREMENT FOR FULL INCREMENT FUNDING.—(A) In authorizing appropriations for an increment of an information technology acquisition program, Congress shall provide an authorization of appropriations for the program increment in a single amount that is sufficient for carrying out that increment of the program. Each such authorization of appropriations shall be stated in the authorization law as a specific item.

(B) In each law making appropriations for an increment of information technology acquisition program, Congress shall specify the program increment for which an appropriation is made and the amount appropriated for that program increment.

(e) COMMERCIAL ITEMS.—

(1) SOURCE.—Except as provided in paragraph (2), a commercial item used in the development of an information system or otherwise being acquired for an executive agency shall be acquired through any of the following means available for the agency that can supply an item satisfying the needs of the agency for the acquisition:

(A) A multiple award schedule contract.

(B) A task or delivery order contract.

(C) A Federal Government on-line purchasing network established by the Chief Information Officer of the United States.

(2) EXCEPTION.—A commercial item need not be acquired from a source referred to in paragraph (1) if an item satisfying such needs is available at a lower cost from another source.

SEC. 204. AUTHORITY TO LIMIT NUMBER OF OFFERORS.

(a) CIVILIAN AGENCY ACQUISITIONS.—Section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)) is amended by adding at the end the following:

"(3) Under regulations prescribed by the Director of the Office of Management and Budget, a contracting officer of an executive agency receiving more than three competitive proposals for a proposed contract for acquisition of information technology may solicit best and final offers from the three offerors who submitted the best offers within the competitive range, as determined on the basis of the evaluation factors established for the procurement. Notwithstanding paragraph (1)(A), the contracting officer should first conduct discussions with all of the responsible parties that submit offers within the competitive range.".

(b) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended by adding at the end the following:

"(5) Under regulations prescribed by the Director of the Office of Management and Budget, a contracting officer of an agency receiving more than three competitive proposals for a proposed contract for acquisition of information technology may solicit best and final offers from the three offerors who submitted the best offers within the competitive range. Notwithstanding paragraph (4)(A)(i), the contracting officer should first conduct discussions with all of the responsible parties that submit offers within the competitive range.".

SEC. 205. EXCEPTION FROM TRUTH IN NEGOTIATION REQUIREMENTS.

(a) CIVILIAN AGENCY ACQUISITIONS.—Section 304A of the Federal Property and Administrative Services Act of 1949 is amended—

(1) by redesignating subsection (i) as subsection (j) and, as so redesignated, is amended by adding at the end the following:

"(4) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995."; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) ADDITIONAL EXCEPTION FOR INFORMATION TECHNOLOGY COMMERCIAL ITEMS.—The head of an executive agency may not require the submission of cost or pricing data in a procurement of any information technology that is a commercial item. However, the head of the executive agency shall seek to obtain from each offeror or contractor the information described in subsection (d)(2)(A)(ii) for the procurement.".

(b) ARMED SERVICES ACQUISITIONS.—Section 2306a of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j) and, as so redesignated, is amended by adding at the end the following:

"(4) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995."; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) ADDITIONAL EXCEPTION FOR INFORMATION TECHNOLOGY COMMERCIAL ITEMS.—The head of an agency may not require the submission of cost or pricing data in a procurement of any information technology that is a commercial item. However, the head of an agency shall seek to obtain from each offeror or contractor the information described in subsection (d)(2)(A)(ii) for the procurement".

SEC. 206. UNRESTRICTED COMPETITIVE PROCUREMENT OF COMMERCIAL OFF-THE-SHELF ITEMS OF INFORMATION TECHNOLOGY.

(a) FULL AND OPEN COMPETITION REQUIRED.—Full and open competition shall be used for each procurement of commercial off-the-shelf items of information technology by or for an executive agency.

(b) INAPPLICABILITY OF CERTAIN PROCUREMENT LAWS.—

(1) FAR LIST.—The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercial, off-the-shelf items of information technology. A provision of law that is properly included on the list pursuant to paragraph (2) may not be construed as being applicable to such contracts. Nothing in this section shall be construed to render inapplicable to such contracts any provision of law that is not included on such list.

(2) PROVISIONS TO BE INCLUDED.—A provision of law described in subsection (c) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Chief Information Officer of the United States, in consultation with the Federal Information Council, makes a written determination that it would not be in the best interest of the United States to exempt such contracts from the applicability of that provision of law.

(c) COVERED LAW.—The list referred to in subsection (b)(1) shall include each provision of law that, as determined by the Chief Information Officer, sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except the following:

(1) A provision of this Act.

(2) A provision of law that is amended by this Act.

(3) A provision of law that is made applicable to procurements of commercial, off-the-shelf items of information technology by this Act.

(4) A provision of law that prohibits or limits the use of appropriated funds.

(5) A provision of law that specifically refers to this section and provides that, notwithstanding this section, such provision of law shall be applicable to contracts for the procurement of commercial off-the-shelf items of information technology.

(d) PETITION TO INCLUDE OMITTED PROVISION.—

(1) PETITION AUTHORIZED.—Any person may submit to the Chief Information Officer a petition to include on the list referred to in subsection (b)(1) a provision of law not included on that list.

(2) ACTION ON PETITION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to include the item on the list unless the Chief Information Officer, in consultation with the Federal Information Council—

(A) has made a written determination described in subsection (b)(2) with respect to that provision of law before receiving the request; or

(B) within 60 days after the date of receipt of the request, makes a such a written determination regarding the provision of law.

(e) DEFINITION.—In this subsection, the term "commercial, off-the-shelf item of information technology" means an item of information technology that—

(A) is a commercial item described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403);

(B) is sold in substantial quantities in the commercial marketplace; and

(C) is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace.

SEC. 207. TASK AND DELIVERY ORDER CONTRACTS.

(a) CIVILIAN AGENCY ACQUISITIONS.—

(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h(d)) is amended by adding at the end the following new paragraph:

"(4) In exercising the authority under this section for procurement of information technology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the Chief Information Officer of the United States determines that, because of unusual circumstances, it is not in the best interests of the United States to award two such contracts.".

(2) DEFINITION.—Section 303K of such Act (41 U.S.C. 253k) is amended by adding at the end the following new paragraph:

"(3) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.".

(b) ARMED SERVICES ACQUISITIONS.—

(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) In exercising the authority under this section for procurement of information technology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the Chief Information Officer of the United States determines that, because of unusual circumstances, it is not in the best interests of the United States to award two such contracts.".

(2) DEFINITION.—Section 2304d of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.".

SEC. 208. TWO-PHASE SELECTION PROCEDURES.

(a) CIVILIAN AGENCIES.—

(1) PROCEDURES AUTHORIZED.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303H the following new section:

"TWO-PHASE SELECTION PROCEDURES

"SEC. 303I. (a) PROCEDURES AUTHORIZED.—The head of an executive agency may use two-phase selection procedures for entering into a contract for the acquisition of information technology when the agency head determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a reliable price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency head solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical and management qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(2) The agency head evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the agency head does not consider cost-related or price-related evaluation factors.

"(3) The agency head selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost and price information.

"(4) The agency head awards the contract in accordance with section 303B(d).

"(c) RESOURCE COMPARISON CRITERIA REQUIRED.—In using two-phase selection procedures for entering into a contract, the agency head shall establish resource criteria and financial criteria applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.

"(d) TWO-PHASE SELECTION PROCEDURES DEFINED.—In this section, the term 'two-phase selection procedures' means procedures described in subsection (b) that are used for the selection of a contractor on the basis of cost and price and other evaluation criteria to provide property or services in accordance with the provisions of a contract which requires the contractor to design the property to be acquired under the contract and produce or construct such property.

"(e) DEFINITION.—In this section, the term 'information technology' has the meaning given the term in section 4 of the Information Technology Management Reform Act of 1995.".

(2) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 303H the following new item:

"Sec. 303I. Two-phase selection procedures.".

(b) DEPARTMENT OF DEFENSE.—

(1) PROCEDURES AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§ 2305a. Two-phase selection procedures

"(a) PROCEDURES AUTHORIZED.—The head of an agency may use two-phase selection procedures for entering into a contract for the acquisition of information technology when the head of the agency determines that three or more offers will be received for such contract, substantial design work must be performed before an offeror can develop a reliable price or cost proposal for such contract, and the offerors will incur a substantial amount of expenses in preparing the offers.

"(b) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The head of the agency solicits proposals that—

"(A) include information on the offerors'—

"(i) technical approach; and

"(ii) technical and management qualifications; and

"(B) do not include—

"(i) detailed design information; and

"(ii) cost or price information.

"(2) The head of the agency evaluates the proposals on the basis of evaluation criteria set forth in the solicitation, except that the head of the agency does not consider cost-related or price-related evaluation factors.

"(3) The head of the agency selects at least three offerors as the most highly qualified to provide the property or services under the contract and requests the selected offerors to submit competitive proposals that include cost and price information.

"(4) The head of the agency awards the contract in accordance with section 2305(b)(4) of this title.

"(c) RESOURCE COMPARISON CRITERIA REQUIRED.—In using two-phase selection procedures for entering into a contract, the head of the agency shall establish resource criteria and financial criteria applicable to the contract in order to provide a consistent basis for comparing the offerors and their proposals.

"(d) TWO-PHASE SELECTION PROCEDURES DEFINED.—In this section, the term 'two-phase selection procedures' means procedures described in subsection (b) that are used for the selection of a contractor on the basis of cost and price and other evaluation criteria to provide property or services in accordance with the provisions of a contract which requires the contractor to design the property to be acquired under the contract and produce or construct such property.

"(e) DEFINITION.—In this section, the term 'information technology' has the meaning given the term in section 4 of the Information Technology Management Reform Act of 1995.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following:

"2305a. Two-phase selection procedures.".

SEC. 209. CONTRACTOR SHARE OF GAINS AND LOSSES FROM COST, SCHEDULE, AND PERFORMANCE EXPERIENCE.

The Director of the Office of Management and Budget shall prescribe in regulations a clause, to be included in each cost-type or incentive-type contract for procurement of information technology for an executive agency, that provides a system for the contractor—

(1) to be rewarded for contract performance exceeding the contract cost, schedule, or performance goals to the benefit of the United States; and

(2) to be penalized for failing—

(A) to adhere to cost, schedule, or performance goals to the detriment of the United States; or

(B) to provide an operationally effective solution for the information technology problem covered by the contract.

Subtitle B—Acquisition Management

SEC. 221. ACQUISITION MANAGEMENT TEAM.

(a) IN GENERAL.—

(1) USE OF AGENCY PERSONNEL.—The head of each executive agency planning an acquisition of information technology shall determine whether agency personnel satisfying the requirements of subsection (b) are available and are to be used for carrying out the acquisition.

(2) USE OF OUTSIDE ACQUISITION TEAM.—If the head of the executive agency determines that such personnel are not available for carrying out the acquisition, the head of that agency shall consider designating a capable executive agent to carry out the acquisition.

(b) CAPABILITIES OF AGENCY PERSONNEL.—

(1) IN GENERAL.—The head of each executive agency shall ensure that the agency personnel involved in an acquisition of information technology have the experience, and have demonstrated the skills and knowledge, necessary to carry out the acquisition competently.

(2) HIGH-RISK INFORMATION TECHNOLOGY PROGRAM ACQUISITIONS.—For an acquisition under a high-risk information technology program—

(A) each of the members of the acquisition program management team (including the management, technical, program, procurement, and legal personnel) shall have experience and demonstrated competence in the team member's area of responsibility; and

(B) the team manager, deputy team manager, and each procurement official on the acquisition management team shall have demonstrated competence in participating in other major information system acquisitions or have other comparable experience.

(c) ACQUISITION WORKFORCE TRAINING.—The head of each executive agency shall ensure that agency personnel used for information technology acquisitions of the agency receive continuing training in management of information resources and the acquisition of information technology in order to maintain the competence of such personnel in the skills and knowledge necessary for carrying out such acquisitions successfully.

SEC. 222. OVERSIGHT OF ACQUISITIONS.

It is the sense of Congress that the Director of the Office of Management and Budget, the Chief Information Officer of the United States, the heads of executive agencies, and the inspectors general of executive agencies, in performing responsibilities for oversight of information technology acquisitions, should emphasize reviews of the operational justifications for the acquisitions, the results of the acquisition programs, and the performance measurements established for the information technology rather than reviews of the acquisition process.

TITLE III—SPECIAL FISCAL SUPPORT FOR INFORMATION INNOVATION

Subtitle A—Information Technology Fund

SEC. 301. ESTABLISHMENT.

There is established on the books of the Treasury a fund to be known as the "Information Technology Fund".

SEC. 302. ACCOUNTS.

The Information Technology Fund shall have two accounts as follows:

(1) The Innovation Loan Account.

(2) The Common Use Account.

Subtitle B—Innovation Loan Account

SEC. 321. AVAILABILITY OF FUND FOR LOANS IN SUPPORT OF INFORMATION INNOVATION.

Amounts in the Innovation Loan Account shall be available to the Director of the Office of Management and Budget, without fiscal year limitation, for lending to an executive agency for carrying out an information innovation program to improve the productivity of the agency.

SEC. 322. REPAYMENT OF LOANS.

(a) REPAYMENT REQUIRED.—The head of an executive agency shall repay the Innovation Loan Account the amount loaned to the executive agency.

(b) TERMS AND CONDITIONS.—The Director of the Office of Management and Budget shall prescribe the terms and conditions for repayment of the loan.

(c) REPAYMENT OUT OF SAVINGS.—The funds to be used by the head of an executive agency for repaying a loan shall be derived as provided in section 323 from savings realized by the agency through increases in the productivity of the agency that result from the information innovation funded (in whole or in part) by the loan. The Director shall prescribe guidelines for computing the amount of the savings.

SEC. 323. SAVINGS FROM INFORMATION INNOVATIONS.

(a) DISPOSITION OF SAVINGS.—Of the total amount saved by an executive agency in a fiscal year through increases in the productivity of the agency that result from information innovations funded (in whole or in part) by loans from the Innovation Loan Account 50 percent shall be credited to the Innovation Loan Account in repayment of loans to the agency from the Fund.

(b) EMPLOYEE INCENTIVES.—The head of an executive agency is authorized to pay monetary incentives to agency personnel who made significant contributions to the achievement of increases in agency productivity that resulted in the savings.

(c) COMPUTATION OF SAVINGS.—For purposes of this section, the amount saved by an executive agency in a fiscal year as a result of increases in the productivity of the agency that are attributable to information innovations funded (in whole or in part) by loans from the Innovation Loan Account shall be computed by the head of the agency in consultation with the chief information officer and chief financial officer of the agency and in accordance with the guidelines prescribed pursuant to section 322(c).

SEC. 324. FUNDING.

(a) INITIAL CAPITALIZATION.—The head of each executive agency shall transfer to the Innovation Loan Account at the beginning of each fiscal year for fiscal years 1996 through 2000 the amount equal to 5 percent of the total amount available to that executive agency for such fiscal year for information resources, as determined by the Chief Information Officer of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Innovation Loan Account, to be available without fiscal year limitation, such sums as may be necessary for making loans authorized by section 321.

Subtitle C—Common Use Account

SEC. 331. SUPPORT OF MULTIAGENCY ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Amounts in the Common Use Account shall be available to the Director of the Office of Management and Budget, without fiscal year limitation for the following purposes:

(1) Acquisitions of information technology to be used by two or more executive agencies.

(2) Expenses, including cost of personal services, incurred for developing and implementing information technology for support of two or more executive agencies.

(b) PROJECTS FUNDED.—The Director of the Office of Management and Budget shall select for funding out of the Common Use Account projects that are projected to meet the following requirements:

(1) Demonstrate the innovative use of information technology to reorganize and improve work processes or to integrate programs and link the information systems of executive agencies.

(2) Provide substantial benefits to the public, such as improved dissemination of information, increased timeliness in delivery of services, and increased quality of services.

(3) Substantially lower the operating costs of two or more executive agencies or programs.

(c) LIMITATION OF FUNDING.—Funding for a particular project shall ordinarily be limited to two fiscal years.

(d) ADDITIONAL REQUIREMENT FOR SELECTION.—In addition to meeting the requirements in subsection (b), the proposal for a project shall include a transition plan for proceeding from a pilot program or the initial stage of the project into operation of the information technology. The transition plan shall identify funding sources for the transition and for the sustainment of operations.

SEC. 332. FUNDING.

(a) INITIAL CAPITALIZATION.—

(1) TRANSFER OF FUNDS.—The initial capitalization of the Common Use Account shall be accomplished by transfer of funds under paragraph (2).

(2) AMOUNT AND SOURCE.—For purposes of paragraph (1), the Administrator of General Services shall transfer, out of the Information Technology Fund established by section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757), the amount equal to the excess of—

(A) the amount of the unobligated balance in that Fund, over

(B) the portion of that unobligated balance that the Administrator, with the approval of the Director of the Office of Management and Budget, determines is necessary to retain for meeting the requirements of the fund for the remainder of the fiscal year in which this Act takes effect under section 1001(a) and the next fiscal year.

(3) TERMINATION OF INFORMATION TECHNOLOGY FUND.—Effective at the end of the fiscal year immediately following the fiscal year in which this Act takes effect under section 1001(a)—

(A) section 110 of the Federal Property and Administrative Services Act (40 U.S.C. 757) is repealed; and

(B) the Information Technology Fund established by that section is terminated.

(b) CHARGES FOR COMMON INFRASTRUCTURE SERVICES.—The Director of the Office of Management and Budget may impose on executive agencies a charge for common infrastructure services to fund the Common Use Account.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Common Use Account, to be available without fiscal year limitation, such sums as may be necessary to fund multiagency acquisitions of information technology.

Subtitle D—Other Fiscal Policies

SEC. 341. LIMITATION ON USE OF FUNDS.

Funds available to an executive agency for information technology may not be expended for a proposed information technology acquisition until the head of the agency certifies in writing in the agency records of that acquisition that the head of the agency has completed a review of the agency's mission-related processes and administrative processes to be supported by the proposed investment in information technology and has established performance measurements for determining improvements in agency performance.

SEC. 342. SENSE OF CONGRESS.

It is the sense of Congress that executive agencies should achieve a 5 percent per year decrease in the cost incurred by the agency for operating and maintaining information technology, and a 5 percent per year increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

SEC. 343. REVIEW BY GAO AND INSPECTORS GENERAL.

(a) REVIEW REQUIRED.—During fiscal year 1996 and each of the first four fiscal years following that fiscal year, the Comptroller General of the United States and the Inspector General of each executive agency or (in the case of an executive agency that does not have an Inspector General) an appropriate audit agency shall, in coordination with each other, review the plans of the executive agency for acquisitions of information technology, the information technology acquisition programs being carried out by the executive agency, and the information resources management of the executive agency.

(b) PURPOSE OF REVIEWS.—The purpose of each of the reviews of an executive agency is to determine, for each of the agency's functional areas supported by information technology, the following:

(1) Whether the cost of operating and maintaining information technology for the agency has decreased below the cost incurred by the agency for operating and maintaining information technology for the agency for fiscal year 1995 by at least 5 percent (in constant fiscal year 1995 dollars) for each of five fiscal years.

(2) Whether, in terms of the applicable performance measurements established by the head of the executive agency, the efficiency of the operations of the agency has increased over the efficiency of the operations of the agency in fiscal year 1995 by at least 5 percent by reason of improvements in information resources management by the agency for each of five fiscal years.

TITLE IV—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

SEC. 401. REQUIREMENT TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Chief Information Officer of the United States shall conduct pilot programs in order to test alternative approaches for acquisition of information technology and other information resources by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of two executive agencies designated by the Chief Information Officer. The head of each designated executive agency shall, with the approval of the Chief Information Officer, select the procuring activities of the agency to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than five pilot programs shall be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 421, 422, and 423, and two pilot programs pursuant to section 424.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $1,500,000,000. The Chief Information Officer shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) INVOLVEMENT OF FEDERAL INFORMATION COUNCIL.—The Chief Information Officer may—

(1) conduct pilot programs recommended by the Federal Information Council; and

(2) consult with the Federal Information Council regarding development of pilot programs to be conducted under this section.

(d) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), the Chief Information Officer shall conduct a pilot program for the period, not in excess of five years, that is determined by the Chief Information Officer to be sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 402. TESTS OF INNOVATIVE PROCUREMENT METHODS AND PROCEDURES.

(a) IN GENERAL.—The Chief Information Officer of the United States shall exercise the authority of the Administrator for Federal Procurement Policy under section 15 of the Office of Federal Procurement Policy Act (41 U.S.C. 413) with regard to the acquisition of information technology and other information resources by executive agencies.

(b) RELATIONSHIP TO PILOT PROGRAM AUTHORITY.—The authority under paragraph (1) is in addition to the authority provided in this title to conduct pilot programs. A test program conducted under subsection (a), and each contract awarded under such test program, are not subject to the limitations on pilot programs provided in this title.

SEC. 403. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The Chief Information Officer of the United States shall require the head of each executive agency conducting a pilot program under section 401 or a test program under section 402 to establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program or a test program may be conducted under section 401 or 402, respectively, the Chief Information Officer shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 404. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program conducted under this title or a test program conducted under section 402, the Chief Information Officer of the United States shall—

(A) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and

(B) provide a copy of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Chief Information Officer recommends, or changes in regulations that the Chief Information Officer considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 405. RECOMMENDED LEGISLATION.

If the Director of the Office of Management and Budget determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

SEC. 406. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs or test programs conducted pursuant to this title.

Subtitle B—Specific Pilot Programs

SEC. 421. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Chief Information Officer of the United States shall carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution, as determined by the Chief Information Officer.

(b) PROGRAM CONTRACTS.—Up to five contracts for one project each may be entered into under the pilot program.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Chief Information Officer from among projects recommended by the Federal Information Council.

SEC. 422. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Chief Information Officer shall carry out a pilot program to test the feasibility of the use of solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DEFINED.—For purposes of this section, solutions-based contracting is an acquisition method under which the Federal Government user of the technology to be acquired defines the acquisition objectives, uses a streamlined contractor selection process, and allows industry sources to provide solutions that attain the objectives effectively. The emphasis of the method is on obtaining from industry an optimal solution.

(c) PROCESS.—The Chief Information Officer shall require use of the following process for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvement results to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives in the specific mission or administrative area to be supported by the information technology to be acquired, a contracting officer, and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS.—Use of source selection factors that are limited to determining the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives to be attained in the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, source selection factors, the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral proposals and acceptance of written supplemental submissions that are limited in size and scope and contain information on the offeror's qualifications to perform the desired work together with information of past contract performance.

(8) SIMPLE EVALUATION.—Use of a simple evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the offerors that are within the competitive range of most of the qualified offerors.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding the qualifications of the offerors, including how the qualifications of each offeror relate to the approaches proposed to be taken by the offeror in the acquisition.

(C) Evaluation of the qualifications of the identified offerors on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, but taking into consideration supplemental written submissions.

(B) Conduct for 30 to 60 days of a program definition phase, funded by the Federal Government—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with the alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 60 to 90 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Chief Information Officer shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of the pilot program.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A)—

(i) the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development; and

(ii) the project shall incorporate all elements of system integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) USE OF EXPERIENCED FEDERAL PERSONNEL.—Only Federal Government personnel who are experienced, and have demonstrated success, in managing or otherwise performing significant functions in complex acquisitions shall be used for evaluating offers, selecting sources, and carrying out the performance phases in an acquisition under the pilot program.

(f) MONITORING BY GAO.—

(1) REQUIREMENT.—The Comptroller General of the United States shall—

(A) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(B) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

(2) EXPIRATION OF REQUIREMENT.—The requirement under paragraph (1)(B) shall terminate after submission of the report that contains the final views of the Comptroller General on the last of the acquisition projects completed under the pilot program.

SEC. 423. PILOT PROGRAM FOR CONTRACTING FOR PERFORMANCE OF ACQUISITION FUNCTIONS.

(a) REQUIREMENT.—The Chief Information Officer of the United States shall carry out a pilot program which provides for the head of an executive agency, or an executive agent acting for the head of an executive agency, to contract for the performance of the contracting and program management functions for an information technology acquisition for the agency.

(b) PARTICIPATING AGENCIES.—The Chief Information Officer shall select five executive agencies to participate, with the consent of the head of the agency, in the pilot program.

(c) OBLIGATION OF FUNDS TO BE BY FEDERAL OFFICIALS.—Funds of the United States may not be obligated by a contractor in the performance of contracting or program management functions of an executive agency under the pilot program.

(d) GAO REVIEW AND ANALYSIS.—The Comptroller General of the United States shall—

(1) monitor and review the results of the pilot program;

(2) compare the use of contract personnel for performance of the contracting and program management functions for an information technology acquisition under the pilot program with the use of agency personnel to perform such functions; and

(3) submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight a report on the comparison, including any conclusions of the Comptroller General.

SEC. 424. MAJOR ACQUISITIONS PILOT PROGRAMS.

(a) FLEXIBLE ACQUISITIONS PILOT PROGRAMS.—The Chief Information Officer of the United States shall carry out two pilot programs, one in the Department of Defense and one in another executive agency, to test and demonstrate for use in major information technology acquisition programs flexible acquisition procedures that accommodate the following during the conduct of the acquisition:

(1) Continuous refinement of—

(A) the agency information architecture for which the information technology is being procured; and

(B) the requirements to be satisfied by such technology within that information architecture.

(2) Incremental development of system capabilities.

(3) Integration of new technology as it becomes available.

(4) Rapid fielding of effective systems.

(5) Completion of the operational increments of the acquisition within 18 months (subject to supplementation or further evolution of the agency information system through follow-on procurements).

(b) COVERED ACQUISITION PROGRAMS.—Each pilot program shall involve one acquisition of information technology that satisfies the following requirements:

(1) The acquisition is in an amount greater than $100,000,000, but the amount of the increments of the acquisition covered by the pilot program does not exceed $300,000,000.

(2) The information technology is to be procured for support of one or more agency processes or missions that have been, or are being, reevaluated and substantially revised to improve the efficiency with which the agency performs agency missions or delivers services.

(3) The acquisition is to be conducted as part of a sustained effort of the executive agency concerned to attain a planned overall information architecture for the agency that is designed to support improved performance of the agency missions and improved delivery of services.

(4) The acquisition program provides for an evolution of an information system that is guided by the overall information architecture planned for the agency.

(5) The acquisition is being conducted with a goal of completing two or more major increments in the evolution of the agency's information system within a 3-year period.

(c) WAIVER OF PROCUREMENT LAWS.—

(1) WAIVER AUTHORITY.—The head of an executive agency carrying out a pilot program under this section may, with the approval of the Chief Information Officer of the United States, waive any provision of procurement law referred to in paragraph (2) to the extent that the head of the agency considers necessary to carry out the pilot program in accordance with this section.

(2) COVERED PROCUREMENT LAWS.—The waiver authority under paragraph (1) applies to the following procurement laws:

(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(B) Chapter 137 of title 10, United States Code.

(C) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(D) Sections 8, 9, and 15 of the Small Business Act (15 U.S.C. 637, 638, and 644).

(E) Any provision of law that, pursuant to section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), is listed in the Federal Acquisition Regulation as being inapplicable—

(i) to contracts for the procurement of commercial items; or

(ii) in the case of a subcontract under the pilot program, to subcontracts for the procurement of commercial items.

(F) Any other provision of law that imposes requirements, restrictions, limitations, or conditions on Federal Government contracting (other than a limitation on use of appropriated funds), as determined by the Chief Information Officer of the United States.

(d) OMB INVOLVEMENT.—

(1) IN GENERAL.—The Chief Information Officer of the United States shall closely and continuously monitor the conduct of the pilot programs carried out under this section.

(2) ASSIGNMENT OF OMB PERSONNEL TO PROGRAM TEAM.—In order to carry out paragraph

(1) effectively, the Chief Information Officer of the United States shall assign one or more representatives to the acquisition program management team for each pilot program.

(e) TERMINATION OF PILOT PROGRAM FOR UNSATISFACTORY PERFORMANCE.—The Chief Information Officer of the United States shall terminate a pilot program under this section at any time that the Chief Information Officer determines that the acquisition under the program has failed to a significant extent to satisfy cost, schedule, and performance requirements established for the acquisition.

(f) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—The Director of the Office of Management and Budget shall submit to Congress reports on each pilot program carried out under this section as follows:

(A) An interim report upon the completion of each increment of the acquisition under the pilot program.

(B) A final report upon completion of the pilot program.

(2) CONTENT OF FINAL REPORT.—The final report on a pilot program shall include any recommendations for waiver of the applicability of procurement laws to further evolution of information systems acquired under the pilot program.

TITLE V—OTHER INFORMATION RESOURCES MANAGEMENT REFORMS

SEC. 501. TRANSFER OF RESPONSIBILITY FOR FACNET.

Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended—

(1) in subsection (a), by striking out "Administrator" the first place it appears inserting in lieu thereof "Chief Information Officer of the United States"; and

(2) by striking out "Administrator" each place it appears and inserting in lieu thereof "Chief Information Officer".

SEC. 502. ON-LINE MULTIPLE AWARD SCHEDULE ORDERING.

(a) DEVELOPMENT AND IMPLEMENTATION OF SYSTEM DESIGNS.—In order to provide for the economic and efficient procurement of commercial information technology, the Chief Information Officer of the United States shall establish competing programs for the development and testing of up to three system designs for providing for Government-wide, on-line computer purchasing of commercial items of information technology.

(b) REQUIRED SYSTEM CAPABILITIES.—Each of the system designs shall be established as an element of the Federal acquisition computer network (FACNET) architecture and shall, at a minimum—

(1) provide basic information on the prices, features, and performance of all commercial items of information technology available for purchasing;

(2) provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available;

(3) enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors;

(4) enable users to place, and vendors to receive, on-line computer orders for products and services available for purchasing;

(5) enable ordering users to make payments to vendors by bank card, electronic funds transfer, or other automated methods in cases in which it is practicable and in the interest of the Federal Government to do so; and

(6) archive data relating to each order placed against multiple award schedule contracts using such system, including, at a minimum, data on—

(A) the agency or office placing the order;

(B) the vendor receiving the order;

(C) the products or services ordered; and

(D) the total price of the order.

(c) USE OF SYSTEMS.—Under guidelines and procedures prescribed pursuant to subsection (d), the head of an executive agency may use a system developed and tested under this section to make purchases in a total amount of not more than $5,000,000 for each order.

(d) GUIDELINES AND PROCEDURES.—The Chief Information Officer shall prescribe guidelines and procedures for making purchases authorized by subsection (c). The guidelines and procedures shall ensure that orders placed on the system referred to in that subsection do not place any requirements on vendors that are not customary for transactions involving sales of the purchased commodities to private sector purchasers.

(e) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer shall submit to Congress a report on the Chief Information Officer's decision on implementation of an electronic marketplace for information technology. The report shall contain a description of the results of the programs established under subsection (a).

SEC. 503. UPGRADING INFORMATION EQUIPMENT IN AGENCY FIELD OFFICES.

(a) AUTHORITY TO USE MICRO-PURCHASE PROCEDURES.—Under the authority, direction, and control of the head of an executive agency and subject to subsection (b), the head of a field office of that agency may use micro-purchase procedures to procure up to $20,000 of upgrades for the computer equipment of that office each year in increments not exceeding $2,500 each. Procurements within that limitation shall not be counted against the $20,000 annual limitation provided under section 32(c)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(c)(2)).

(b) CERTIFICATION REQUIREMENT.—The head of a field office may procure an upgrade for computer equipment in accordance with subsection (a) only if the head of the field office determines in writing that the cost of the upgrade does not exceed 50 percent of the cost of purchasing replacement equipment for the equipment to be upgraded. The head of the field office shall include a written record of the determination in the agency records of the procurement.

(c) MICRO-PURCHASE PROCEDURES DEFINED.—In this section, the term "micro-purchase procedures" means the procedures prescribed under section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) for purchases not in excess of the micro-purchase threshold (as defined in that section).

SEC. 504. DISPOSAL OF EXCESS COMPUTER EQUIPMENT.

(a) AUTHORITY TO DONATE.—The head of an executive agency may, without regard to the procedures otherwise applicable under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), convey without consideration all right, title, and interest of the United States in any computer equipment under the control of such official that is determined under title II of such Act as being excess property or surplus property to a recipient in the following order of priority:

(1) Elementary and secondary schools under the jurisdiction of a local educational agency and schools funded by the Bureau of Indian Affairs.

(2) Public libraries.

(3) Public colleges and universities.

(b) INVENTORY REQUIRED.—Upon the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official and identify in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) the equipment, if any, that is excess property or surplus property.

(c) DEFINITIONS.—In this section:

(1) The terms "excess property" and "surplus property" have the meanings given such terms in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(2) The terms "local educational agency", "elementary school", and "secondary school" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 505. LEASING INFORMATION TECHNOLOGY.

(a) ANALYSIS BY GAO.—The Comptroller General of the United States shall perform a comparative analysis of—

(1) the costs and benefits of purchasing new information technology for executive agencies;

(2) the costs and benefits of leasing new information technology for executive agencies;

(3) the costs and benefits of leasing used information technology for executive agencies; and

(4) the costs and benefits of purchasing used information technology.

(b) LEASING GUIDELINES.—Based on the analysis, the Comptroller General shall develop recommended guidelines for leasing information technology for executive agencies.

SEC. 506. CONTINUATION OF ELIGIBILITY OF CONTRACTOR FOR AWARD OF INFORMATION TECHNOLOGY CONTRACT AFTER PROVIDING DESIGN AND ENGINEERING SERVICES.

Notwithstanding any other provision of law, a contractor that provides architectural design and engineering services for an information system under an information technology program of an executive agency is not, solely by reason of having provided such services, ineligible for award of a contract for procurement of information technology under that program or for a subcontract under such a contract.

SEC. 507. ENHANCED PERFORMANCE INCENTIVES FOR INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.

(a) ARMED SERVICES ACQUISITIONS.—

(1) CLARIFICATION OF REQUIREMENTS FOR SYSTEM OF INCENTIVES.—Subsection (b) of section 5001 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3350; 10 U.S.C. 2220 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by designating the second sentence as paragraph (2);

(C) by inserting "(1)" after "(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—"; and

(D) by adding at the end the following:

"(3) The Secretary shall include in the enhanced system of incentives, to the extent that the system applies with respect to programs for the acquisition of information technology (as defined in section 4 of the Information Technology Management Reform Act of 1995), the following:

"(A) Pay bands.

"(B) Significant and material pay and performance incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the information technology acquisition program in relation to cost goals, performance goals, and schedule goals.

"(C) Provisions for pay incentives and performance incentives to be awarded under the system only if—

"(i) the cost of the information technology acquisition program is less than 90 percent of the baseline established for the cost of the program;

"(ii) the period for completion of the information technology program is less than 90 percent of the period provided under the baseline established for the program schedule; and

"(iii) the results of the phase of the information technology program being executed exceed the performance baselines established for the system by more than 10 percent.

"(D) Provisions for unfavorable personnel actions to be taken under the system only if the information technology acquisition program performance for the phase being executed exceeds by more than 10 percent the cost and schedule parameters established for the program phase and the performance of the system acquired or to be acquired under the program fails to achieve at lease 90 percent of the baseline goals established for performance of the program.".

(2) RECOMMENDED LEGISLATION.—Subsection (c) of such section is amended by adding at the end the following: "The Secretary shall include in the recommendations provisions necessary to implement the requirements of subsection (b)(3).".

(3) IMPLEMENTATION OF INCENTIVES SYSTEM.—Section 5001 of the Federal Acquisition Streamlining Act of 1994 is further amended by adding at the end the following:

"(d) IMPLEMENTATION OF INCENTIVES SYSTEM.—(1) The Secretary shall complete the review required by subsection (b) and take such actions as are necessary to provide an enhanced system of incentives in accordance with such subsection not later than October 1, 1997.

"(2) Not later than October 1, 1996, the Secretary shall submit to the Committees on Armed Services and on Governmental Affairs of the Senate and the Committees on National Security and on Government Reform and Oversight of the House of Representatives a report on the actions taken to satisfy the requirements of paragraph (1).".

(b) CIVILIAN AGENCY ACQUISITIONS.—

(1) CLARIFICATION OF REQUIREMENTS FOR SYSTEM OF INCENTIVES.—Subsection (b) of section 5051 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3351; 41 U.S.C. 263 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by designating the second sentence as paragraph (2);

(C) by inserting "(1)" after "(b) ENHANCED SYSTEM OF PERFORMANCE INCENTIVES.—"; and

(D) by adding at the end the following:

"(3) The Deputy Director shall include in the enhanced system of incentives, to the extent that the system applies with respect to programs for the acquisition of information technology (as defined in section 4 of the Information Technology Management Act of 1995), the following:

"(A) Pay bands.

"(B) Significant and material pay and performance incentives to be awarded, and significant and material unfavorable personnel actions to be imposed, under the system exclusively, or primarily, on the basis of the contributions of personnel to the performance of the information technology acquisition program in relation to cost goals, performance goals, and schedule goals.

"(C) Provisions for pay incentives and performance incentives to be awarded under the system only if—

"(i) the cost of the information technology acquisition program is less than 90 percent of the amount established as the cost goal for the program under section 313 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263);

"(ii) the period for completion of the program is less than 90 percent of the period established as the schedule goal for the program under such section; and

"(iii) the results of the phase of the program being executed exceed the performance goal established for the program under such section by more than 10 percent.

"(D) Provisions for unfavorable personnel actions to be taken under the system only if the information technology acquisition program performance for the phase being executed exceeds by more than 10 percent the cost and schedule goals established for the program phase under section 313 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263) and the performance of the system acquired or to be acquired under the program fails to achieve at lease 90 percent of the performance goal established for the program under such section.".

(2) RECOMMENDED LEGISLATION.—Subsection (c) of such section is amended by adding at the end the following: "The Deputy Director shall include in the recommendations provisions necessary to implement the requirements of subsection (b)(3).".

(3) IMPLEMENTATION OF INCENTIVES SYSTEM.—Section 5051 of the Federal Acquisition Streamlining Act of 1994 is further amended by adding at the end the following:

"(d) IMPLEMENTATION OF INCENTIVES SYSTEM.—(1) The Deputy Director shall complete the review required by subsection (b) and take such actions as are necessary to provide an enhanced system of incentives in accordance with such subsection not later than October 1, 1997.

"(2) Not later than October 1, 1996, the Deputy Director shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a report on the actions taken to satisfy the requirements of paragraph (1).".

TITLE VI—ACTIONS REGARDING CURRENT INFORMATION TECHNOLOGY PROGRAMS

SEC. 601. PERFORMANCE MEASUREMENTS.

(a) IMPLEMENTATION OF REQUIREMENT FOR PERFORMANCE MEASUREMENTS.—The chief information officer of an executive agency shall ensure that performance measurements are prescribed for each significant current information technology acquisition program of the agency.

(b) QUALITY OF MEASUREMENTS.—The performance measurements shall be sufficient to provide—

(1) the head of the executive agency with adequate information for making determinations for purposes of subsections (b)(2) and (c)(2) of section 146; and

(2) the Director of the Office of Management and Budget with adequate information for making determinations for purposes of paragraphs (1)(B) and (2)(B) of section 123(g).

SEC. 602. INDEPENDENT ASSESSMENT OF PROGRAMS.

(a) ASSESSMENT REQUIRED.—The head of each executive agency shall provide for an assessment to be made of each of the current information technology acquisition programs of the agency that exceed $100,000,000.

(b) INDEPENDENCE OF ASSESSMENT.—The head of the executive agency shall provide for the assessment to be carried out by the Inspector General of the agency (in the case of an agency having an Inspector General), a contractor, or another entity who is independent of the head of the executive agency.

(c) PURPOSES.—The purposes of the assessment of a program are to determine the following:

(1) To determine the status of the program in terms of performance objectives and cost and schedule baselines.

(2) To identify any need or opportunity for improving the process to be supported by the program.

(3) To determine the potential for use of the information technology by other executive agencies on a shared basis or otherwise.

(4) To determine the adequacy of the program plan, the architecture of the information technology being acquired, and the program management.

SEC. 603. CURRENT INFORMATION TECHNOLOGY ACQUISITION PROGRAM DEFINED.

For purposes of this title, a current information technology acquisition program is—

(1) an information technology acquisition program being carried out on the date of the enactment of this Act; and

(2) any other information technology acquisition program that is carried out through any contract entered into on the basis of offers received in response to a solicitation of offers issued before such date.

TITLE VII—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 701. REMEDIES.

Section 3554(b) of title 31, United States Code, is amended by adding at the end the following:

"(4) If the Comptroller General makes a determination described in paragraph (1) in the case of a protest in a procurement of information technology, the Comptroller General may submit to the Chief Information Officer of the United States a recommendation to suspend the procurement authority of a Federal agency for the protested procurement.".

SEC. 702. PERIOD FOR PROCESSING PROTESTS.

Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out "paragraph (2)" in the second sentence and inserting in lieu thereof "paragraphs (2) and (5)"; and

(2) by adding at the end the following:

"(5)(A) The requirements and restrictions set forth in this paragraph apply in the case of a protest in a procurement of information technology.

"(B) The Comptroller General shall issue a final decision concerning a protest referred to in subparagraph (A) within 45 days after the date the protest is submitted to the Comptroller General.

"(C) The disposition under this subchapter of a protest in a procurement referred to in subparagraph (A) bars any further protest under this subchapter by the same interested party on the same procurement.".

SEC. 703. DEFINITION.

Section 3551 of title 31, United States Code, is amended by adding at the end the following:

"(4) The term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.".

TITLE VIII—RELATED TERMINATIONS, CONFORMING AMENDMENTS, AND CLERICAL AMENDMENTS

Subtitle A—Related Terminations

SEC. 801. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Office of Information and Regulatory Affairs in the Office of Management and Budget is terminated.

SEC. 802. SENIOR INFORMATION RESOURCES MANAGEMENT OFFICIALS.

In each executive agency for which a chief information officer is designated under section 143(a), the designation of a senior information resources management official under section 3506(a)(2) of title 44, United States Code, is terminated.

Subtitle B—Conforming Amendments

SEC. 811. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) MULTIYEAR CONTRACTS.—Section 2306b(k) of title 10, United States Code, is amended by striking out "property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies" and inserting in lieu thereof "information technology (as defined in section 4 of the Information Technology Management Reform Act of 1995".

(b) SENSITIVE DEFENSE ACTIVITIES.—Section 2315 of such title is repealed.

SEC. 812. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)" and inserting in lieu thereof "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995";

(2) in subsection (g), by striking out "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)" and inserting in lieu thereof "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)";

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

SEC. 813. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) AVAILABILITY OF FUNDS FOLLOWING RESOLUTION OF A PROTEST.—Section 1558(b) of title 31, United States Code, is amended by striking out "or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f))".

(b) GAO PROCUREMENT PROTEST SYSTEM.—Section 3552 of such title is amended by striking out the second sentence.

SEC. 814. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code,is amended to read as follows:

"§ 310. Chief information officer

"(a) The Secretary shall designate a chief information officer for the Department in accordance with section 143(a) of the Information Technology Management Reform Act of 1995.

"(b) The chief information officer shall perform the duties provided for chief information officers of executive agencies under the Information Technology Management Reform Act of 1995.".

SEC. 815. PROVISIONS OF TITLE 44, UNITED STATES CODE, AND OTHER LAWS RELATING TO CERTAIN JOINT COMMITTEES OF CONGRESS.

(a) JOINT COMMITTEE ON INFORMATION.—

(1) REPLACEMENT OF JOINT COMMITTEE ON PRINTING.—Chapter 1 of title 44, United States Code, is amended by striking out the chapter heading and all that follows through the heading for section 103 and inserting in lieu thereof the following:

"CHAPTER 1—JOINT COMMITTEE ON INFORMATION

"Sec.
"101. Joint Committee on Information.
"102. Remedial powers.

"§ 101. Joint Committee on Information

"There is a Joint Committee on Information established by section 101 of the Information Technology Management Reform Act of 1995.

"§ 102. Remedial powers".

(2) REFERENCES TO JOINT COMMITTEE.—The provisions of title 44, United States Code, are amended by striking out "Joint Committee on Printing" each place it appears and inserting in lieu thereof "Joint Committee on Information".

(b) REFERENCES TO JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—

(1) MISCELLANEOUS REFERENCES.—Section 82 of the Revised Statutes (2 U.S.C. 132a), section 203(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(i)), section 1831 of the Revised Statutes (40 U.S.C. 188), and section 801(b)(2) of Public Law 100-696 (102 Stat. 4608; 40 U.S.C. 188a(b)(2)) are amended by striking out "Joint Committee of Congress on the Library" and inserting in lieu thereof "Joint Committee on Information".

(2) SUPERSEDED PROVISION.—Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is repealed.

(3) CONTINUATION OF AUTHORITY.—Section 2 of the Act of March 3, 1883 (22 Stat. 587) is amended under the heading "SENATE." by striking out the undesignated paragraph relating to the exercise of powers and discharge of duties of the Joint Committee of Congress upon the Library by the Senate members of the joint committee during the recess of Congress (22 Stat. 592; 2 U.S.C. 133).

(c) OTHER REFERENCES.—A reference to a joint committee of Congress terminated by section 102(d) in any law or in any document of the Federal Government shall be deemed to refer to the Joint Committee on Information established by section 101.

SEC. 816. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the term 'information technology' has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995;".

(b) OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—Chapter 35 of such title is amended—

(1) by striking out section 3503 and inserting in lieu thereof the following:

"§ 3503. Chief Information Officer of the United States

"The Director of the Office of Management and Budget shall delegate to the Chief Information Officer of the United States the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions."; and

(2) by striking out section 3520.

(c) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NIST.—Section 3504(h)(1)(B) of such title is amended by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))" and inserting in lieu thereof "paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (20 U.S.C. 278g-3(a))".

(d) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)" and inserting in lieu thereof "the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)".

(e) SENIOR INFORMATION RESOURCES MANAGEMENT OFFICIALS.—Section 3506(a)(2) of such title is amended—

(1) in subparagraph (A), by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)"; and

(2) by adding at the end the following:

"(C) An agency for which a chief information officer is designated under section 143(a) of the Information Technology Management Reform Act of 1995 may not designate a senior official under this paragraph.".

SEC. 817. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out "or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies".

SEC. 818. OTHER LAWS.

(a) COMPUTER SECURITY ACT OF 1987.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724) is amended by striking out "by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))".

(b) PUBLIC LAW 101-520.—Section 306(b) of Public Law 101-520 (40 U.S.C. 166 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) the Information Technology Management Reform Act of 1995; and".

(c) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(d) NATIONAL SECURITY ACT OF 1947.—Section 3 of the National Security Act of 1947 (50 U.S.C. 403c) is amended by striking out subsection (e).

Subtitle B—Clerical Amendments

SEC. 821. AMENDMENT TO TITLE 10, UNITED STATES CODE.

The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2315.

SEC. 822. AMENDMENT TO TITLE 38, UNITED STATES CODE.

The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Chief information officer.".

SEC. 823. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) CHAPTER 1.—The item relating to chapter 1 in the table of chapters at the beginning of title 44, United States Code, is amended to read as follows:

"1. Joint Committee on Information .. 101".

(b) CHAPTER 35.—The table of sections at the beginning of chapter 35 of such title is amended—

(1) by striking out the item relating to section 3503 and inserting in lieu thereof the following:

"3503. Chief Information Officer of the United States.";

and

(2) by striking out the item relating to section 3520.

TITLE IX—SAVINGS PROVISIONS

SEC. 901. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Administration Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director of the Office of Management and Budget, the Chief Information Officer of the United States, any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS AND APPLICATIONS.—

(1) TRANSFERS OF FUNCTIONS NOT TO AFFECT PROCEEDINGS.—This Act and the amendments made by this Act shall not affect any proceeding, including any proceeding involving a claim or application, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Administration Board of Contract Appeals on the effective date of this Act.

(2) ORDERS IN PROCEEDINGS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Director of the Office of Management and Budget, the Chief Information Officer of the United States, or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

TITLE X—EFFECTIVE DATES

SEC. 1001. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect one year after the date of the enactment of this Act.

(b) TITLE VI.—Title VI shall take effect on the date of the enactment of this Act.

SYNOPSIS OF THE INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT

The Act reflects the growing importance that information resources management plays in contributing to efficient government operations and provides more appropriate procedures for the procurement of information technology given today's realities. The Act places focus on the management of information technology as well as the processes supported by that technology, rather than simply on the procedures and process used to acquire information technology. Key features of this bill include the establishment of a national Chief Information Officer (CIO) within the Office of Management and Budget, creation of CIOs within each executive agency; simplification of the acquisition process; and emphasis on improving mission-related and administrative processes before acquiring information technology or automation. There are 10 titles to the bill which are summarized below.

Title I (Responsibility for Acquisition of Information Technology) contains Subtitle A (General Authority) repeals the Brooks Act and provides the heads of executive agencies with direct authority to procure information technology. This authority is subject to the direction and control of the Director of the Office of Management and Budget (OMB).

Subtitle B (Director of the Office of Management and Budget) assigns responsibility for the efficient use and acquisition of information resources by the executive agencies to the Director of OMB. The Director is to act through the CIO defined in Subtitle C of this title.

The Director is responsible for maximizing the productivity, efficiency, effectiveness of information resources in the government, and for establishing policies and guidelines related to improving the performance of information resources functions and activities; investing in and acquiring information resources; and reviewing and revising (reengineering) mission-related and administrative processes. Concise, simple regulations to implement the above requirements and other provisions of the Act should be made part of the Federal Acquisition Regulations. The Director is responsible for reviewing overall agency information resources management performance and for establishing information technology standards for the government with the exception of those information system security requirements required by the Department of Defense and Central Intelligence Agency which shall be developed by the Department of Defense and Central Intelligence Agency.

The Director of OMB has the authority and responsibility and is required to terminate any high risk information technology program or program phase or increment that exceeds its established goals for cost or schedule by 50 percent or does not achieve at least 50 percent of its performance goals; and requires the Director to consider terminating any high risk information technology program or program phase or increment that exceeds its established goals for cost or schedule by 10 percent or does not achieve at least 90 percent of its performance goals.

Subtite C (Chief Information Office of the United States) establishes the Office of the CIO within OMB. The CIO is appointed by the President, at Executive Level II, with Senate confirmation. The CIO is the principal advisor to the Director of OMB on matters of information resources management, and is delegated the responsibilities of the Director under this Act. The CIO' is responsible for, among other things, developing and maintaining a governmentwide strategic information resources management plan; developing proposed legislative or regulatory changes needed to improve government information resources management; reviewing agency information resources management regulations and practices; and coordinating with the Administrator of the Office of Federal Procurement Policy on federal information technology procurement policies. The CIO is required to review all high risk information technology programs before an agency may carry out or proceed with that program.

Subtitle D (Executive Agencies) assigns responsibility and accountability for carrying out agency information resources management activities and for complying with the requirements of this Act and related policies established by the national CIO to the head of each executive agency. Agencies are allowed to procure information technology costing under $100 million without OMB approval, while the national CIO must approve all information technology acquisitions over $100 million. Each agency is required to establish an agency CIO. The agency CIO is responsible for ensuring that agency mission-related and administrative processes are reviewed and improvement opportunities identified, and appropriate changes made to those processes before investing in supporting information technology.

The head of the agency is required to terminate any information technology program or program phase or increment that exceeds it established goals for cost or schedule by 50 percent or does not achieve at least 50 percent of its performance goals; and consider terminating any program or program phase or increment that exceeds its established goals for cost or schedule by 10 percent or does not achieve at least 90 percent of its performance goals. The agency CIO is required to monitor program cost, schedule and performance goal modifications, and consider the number and impact of such changes when deciding whether to continue or terminate the program.

The Department of Defense and Central Intelligence Agency are each delegated total responsibility for this Act, including that for high risk information technology programs. The delegation may be revoked, in whole or part, by the Director of OMB. Both agencies are required to provide the Director of OMB with an annual report on the status of their implementation of this Act.

Subtitle E (Federal Information Council) establishes a council composed of agency CIOs and others designated by the Director of OMB who shall serve as chairperson. The Council will establish strategic direction for the federal information infrastructure, offer information resources management advice and recommendations to the Director, and establish a committee of senior managers to review high risk information technology programs. A Software Review Council is established under the Federal Information Council to develop guidelines related to software engineering, integration of software systems, and use of commercial-off-the-shelf software.

Subtitle F (Interagency Functional Groups) authorizes agencies to jointly create governmentwide or multi-agency groups which will focus on functions, processes, or activities which are common to more than one agency and facilitate common information technology solutions for common problems and processes. Recommendations of the functional groups are provided to the Director of OMB or Federal Information Council as appropriate.

Subtitle G (Congressional Oversight) creates the Joint Committee on Information; composed of eight members, four appointed

by the chair of both the Senate Committee on Governmental Affairs and the House of Representatives Committee on Government Reform and Oversight. Members serve for one Congress but may be reappointed. The Committee is responsible for reviewing the acquisition and management of information resources issues. This Act transfers functions and records of the Joint Committee on Printing and the Joint Committee of Congress on the Library to the Joint Committee on Information and terminates those Joint Committees.

Subtitle H (Other Responsibilities) transfers responsibilities related to development of information standards identified in the Computer Security Act of 1987 and the National Institute for Standards and Technology Act to the Director of OMB, and transfers responsibility for the Information Systems Security and Privacy Advisory board to the national CIO.

Title II (Process for Acquisitions of Information Technology) contains two subtitles. Subtitle A (Procedures) requires the Director of OMB to develop clear, concise information technology acquisition procedures and guidelines. The acquisition procedures and guidelines will be based on the following cost thresholds: under $5 million, $5–$25 million, $25–100 million, and $100 million and above. The procedures should reflect the increasing program risk associated with higher dollar acquisitions, the type of information technology procured (e.g., commodity, services), and other information technology issues. The procedures must include guidance for developing performance measures for information technology programs and using commercial items where appropriate.

Executive agencies are required to implement agency-wide acquisition procedures and guidelines which are based on and consistent with the above OMB-developed procedures, and establish a mechanism to periodically review agency information technology acquisitions. Agency acquisition procedures must include methods for determining program risks and benefits, guidelines for incremental acquisition and implementation of information technology, and establish an 18 month deadline for delivery of information technology program increments. Procurements of commercial off the shelf (COTS) information technology will be exempt from all procurement laws (identified by the national CIO in consultation with the Federal Information Council) except those which require full and open competition. Agencies will be allowed to limit to three the number of offerors who can submit best and final offers; use a two-phase solicitation process; and reward or penalize vendors based on contract performance measures.

Subtitle B (Acquisition Management) requires the head of an executive agency to establish minimum qualifications for information technology acquisition personnel and to provide for continuous training of those personnel. The head of each executive agency is required to determine whether agency personnel are available or whether an executive agent should be used to carry out an information technology acquisition. The subtitle expresses the sense of Congress that management oversight should focus on the mission-related and administrative processes supported by information technology and the results or effects of information technology acquisitions on those processes, rather than focus on the acquisition process and its procedures.

Title III (Special Fiscal Support for Information Innovation) contains four subtitles which address funding issues associated with this Act. Subtitle A (Information Technology Fund) establishes an information technology fund with two separate accounts in the Treasury, the Innovation Loan Account and the Common Use Account.

Subtitle B (Innovation Loan Account) directs that funds contained in the Innovation Loan Account be available for providing loans to agencies which have identified an innovative information technology solution to an agency problem. Loans are to be repaid by the agency by reimbursing the Account with 50 percent of the annual savings achieved by the information technology program funded by the such loans. This account will initially be funded by transferring five percent of each agency's information technology budget to the account for each of five fiscal years beginning in FY96.

Funds to support multi-agency and governmentwide information infrastructure services or acquisition programs will be funded by the second information technology fund account as defined in Subtitle C (Common Use Account). In selecting programs to be funded using the Common Use Account, the Director of OMB will consider criteria such as whether the program provides an innovative solution for reorganizing processes; supports interoperability among two or more agencies; or improves service to the public. Funding from this account is limited to two fiscal years. The Common Use Account will be funded initially by the transfer of unobligated funds held in the existing GSA Information Technology Fund and in the future by fees assessed users of the common information technology service or program.

Subtitle D (Other Fiscal Policies) requires the head of each executive agency to certify that mission-related and/or administrative process(es) have been reviewed and revised (reengineered) before funds may be expended to acquire an information technology program that supports those process(es). The subtitle states that improvements in information resources management should enable agencies to decrease information technology operation and maintenance costs by five percent and increase efficiency of agency operations by five percent. The Comptroller General, agency Inspector General or other audit agency is required to conduct an independent review of the executive agency's information resources plans, acquisitions, and management for five fiscal years beginning in FY96 to determine whether the agency's information technology operating and maintenance costs have decreased by at least five percent annually and whether agency operational efficiency, as measured by performance goals, has increased at least five percent.

Title IV (Information Technology Acquisition Pilot Programs) contains two subtitles related to pilot programs authorized under this Act. Subtitle A (Conduct of Pilot Programs) authorizes the National CIO to conduct, with advice of the federal Information Council, five pilot programs designed to evaluate alternative approaches for acquiring and implementing information technology programs. The CIO is limited to a total of $1.5 billion for the conduct of the pilot programs. Agencies selected to carry out a pilot program acquisition are required to develop criteria which can be used to measure the success of the effort, and the national CIO must submit to Congress a test plan that identifies how the pilot effort will be measured against its objectives. The national CIO to provide the results of pilot programs conducted under this Act to the Director, OMB and Congress within six (6) months of their completion, and recommendations regarding information technology legislation to Congress.

Subtitle B (Specific Pilot Programs) identifies the five specific pilot programs authorized under this Act. The first, the Share-in-Savings Pilot Program, is designed for information technology acquisitions in which the government seeks a creative or innovative solution from industry. Up to five contracts are authorized under the pilot. The savings achieved by the vendor's innovative solution will be shared between the vendor and government.

The second pilot, the Solutions-Based Contracting Pilot Program, is designed for programs in which the information technology need or problem is similar to one found in the private sector, and is based on industry providing proven business solutions to government problems. Contractors will be selected based primarily on the contractor's qualifications and past performance. A maximum of 10 programs valued between $25 million and $100 million and 10 programs valued between $1 million and $5 million for small business are authorized under this pilot program, and will be carried out by up to two civilian agencies and one defense agency.

Third, the Pilot Program for Contracting for Performance of Acquisition Functions, will allow up to five agencies to contract with the private sector to conduct procurement and management functions related to an information technology acquisition. An agency selected for this pilot program will award a contract to a vendor who will be responsible for performing all the work associated with procuring and managing an information technology acquisition.

The final two pilot programs, the Major Acquisitions Pilot Program, are authorized for acquisitions of information technology over $100 million. The pilots will be carried out by a selected civilian agency and by a defense agency, and will be limited to a 3 year test period and $300 million total funding limit. The two pilots initiated under this pilot program are intended to, among other things, identify ways to incrementally build information systems, allow systems to keep pace with technology advancements.

Title V (Other Information Resources Management Reforms) contains seven sections related to various information technology initiatives. This title transfers responsibility for the Federal Acquisition System Network (FACNET) to the national CIO, and authorizes the nation CIO to establish up to three competing programs for the development and testing of system designs which will be part of FACNET and which support the electronic purchase of commercial information technology items. Based on the results of the design and test, the CIO is to report recommendations regarding implementation of an electronic marketplace for purchasing commercial information technology to Congress.

The title authorizes the head of a field office, under authority and direction of the head of the executive agency for that field office, to sue micro-purchase procedures to procure up to $20,000 per year for computer hardware upgrades in increments of $2,500, in addition to the $20,000 limit provided under the Federal Acquisition Streamlining Act of 1994.

The title authorizes the head of an executive agency to give excess or surplus information technology equipment to public elementary and secondary schools, public libraries, or public universities or colleges, and requires agencies to maintain an inventory of its equipment to support this process.

The Comptroller General of the U.S. is required to analyze the costs and benefits of buying versus leasing new or used information technology and develop guidelines for agencies based on that analysis. The title authorizes contractors who provide the design or engineering support for an information system design, to also compete for or be part of a contractor team which bids on and/or wins the contract for implementing the information system. Finally, the title contains provisions for pay and performance incentives for personnel involved in information technology acquisitions.

Title VI (Actions Regarding Current Information Technology Programs) contains three subsections related to ongoing or existing information technology programs. The title requires the head of an executive agency to establish performance measures for all ongoing agency information technology programs and requires that such measures be used to support decisions regarding program continuation or termination. The head of an executive agency is also required to obtain an independent assessment of each current agency information technology program over $100 million to identify opportunities for improving or reengineering the process supported by the information technology program; and determine whether the program is meeting current agency needs and strategic plans.

Title VII (Procurement Protests) amends current law to allow the Comptroller General, in the case of information technology acquisition protests, to recommend that an agency's procurement authority be suspended for that acquisition. This title also requires the Comptroller General to issue a decision relating to an information technology protest within 45 days and bars further protest to the Comptroller General under this subchapter once a decision is made.

Title VIII (Conforming and Clerical Amendments) contains three subtitles. Subtitle A (Related Terminations) eliminates the Office of the Information and Regulatory Affairs (OIRA) within OMB, and eliminates the position of Senior Information Resources Management Official in agencies which are required to have a CIO under this Act. Subtitle B (Conforming Amendments) identifies conforming amendments that modify Titles 10, 28, 31, 38, 44, 49 of the United States Code; the Computer Security Act of 1987; the National Security Act of 1947; National Energy Conservation Policy Act; and Public Law 101–520 for consistency with the provisions of this Act. Subtitle C (Clerical Amendments) provides clerical changes to Title 10, Title 38 and Title 44 of United States Code which provide consistency with this Act.

Title IX (Savings Provisions) allows selected information technology actions and acquisition proceedings, including claims or applications, which have been initiated by or are pending before the Administrator of the General Services Administration or the General Services Administration Board of Contract Appeals to be continued under their original terms until terminated, revoked, or superseded in accordance with law by the Director of OMB, the national CIO, by a court, or operation of law. The Director of OMB is authorized to establish regulations for transferring such actions and proceedings.

Title X (Enactment) makes this Act and amendments made by this Act, with the exception of Title VI, effective one (1) year after enactment. Title VI will take effect on the date of the enactment of this Act.

Mr. LEVIN. Mr. President, I am pleased to join my colleague, Senator COHEN, in cosponsoring the Information Technology Management Reform Act of 1995. This bill is the product of months of work by Senator COHEN and his staff, who have engaged in an extensive review of problems with Government purchases of information technology systems and endeavored to come up with a comprehensive legislative solution to those problems.

The bill that they have put together would dramatically revise Federal procurement procedures for information technology products and services by repealing the Brooks Act of 1965, eliminating the requirement for a "delegation of procurement authority" by the General Services Administration, and ending the unique role of the General Services Board of Contract Appeals in information technology bid protests.

In the place of these laws, the Cohen bill would establish a new Chief Information Officer, or CIO in the Office of Management and Budget and in each of the 23 major Federal agencies and give them responsibility for information management and the acquisition of information technology. It would create a Federal Information Council to coordinate governmentwide and multiagency information technology acquisitions and a Software Review Council to act as a clearinghouse for commercial and off-the-shelf software programs that could meet agency needs.

The bill would require governmentwide guidelines to assist agencies in assessing their information technology needs, mandate up-front acquisition planning and risk management, establish goals for information technology costs and efficiency improvements, and provide performance incentives for vendors and agency personnel who perform well. It would favor incremental purchases of information technology over a period of years, streamline contracting requirements, establish a series of pilot programs to test innovative procedures, and consolidate administrative bid protests in the General Accounting Office.

Mr. President, much has changed in the 30 years since Congress adopted the Brooks Act. In 1965, we were buying main frame computers, which were centrally located, managed, and acquired by a small core of Government computer experts. Today, by contrast, every Government agency is trying to take advantage of a rapidly evolving commercial marketplace for personal computers, packaged software, and other information technology products and services. Our rigid and centralized Government computer acquisition systems are having increasing difficulty keeping up.

So it is very much time for us to reexamine those acquisition systems from the ground up. It is appropriate for us to ask why bid protest procedures and standards that have met our needs for products ranging from toasters to fighter aircraft cannot also meet our needs in the area of computer procurement. It is appropriate for us to ask whether we still need the centralized approach of the Brooks Act, under which the General Services Administration is responsible for approving computer purchases by other Federal agencies.

Just as important, I think it is time for us to take another look at the increasingly complex and unwieldy Government specifications used in computer procurements today. Does it really make sense that in an era of rapidly evolving commercial technology, the Government is still trying to design its own computer systems? Isn't there some way that we can better harness the know-how of the private sector to do this for us? The bill we are introducing today takes some steps in this direction; I hope that as we consider this issue in hearings and markup, we will be able to do even more.

So I congratulate Senator COHEN and his staff for the leadership they have shown in putting these issues on the table. I congratulate them for the bold and comprehensive approach that they have taken to the problems of acquiring information technology.

At the same time, Mr. President, there are some provisions in this bill which I do not support in their current form. For example, several provisions call for the automatic termination of contracts and solicitations, and even automatic pay adjustments for Federal employees, based on artificial formulas which are intended to reflect the performance of agency employees and contractors. I believe that every acquisition program presents its own unique challenges, which cannot be evaluated with a single mechanistic formula. For this reason, I do not think that business judgments about contract terminations and pay adjustments can or should be made on the basis of such formulas.

Similarly, I am concerned by provisions of the bill that would overturn the prohibition on organizational conflicts of interest in acquisitions of information technology. I agree that we need to consider new types of competition, including design-build contracts and two-step procurements, in purchases of information technology. That does not mean, however, that we should abandon all concern about providing a level playing field for all participants in such purchases.

I am also reserving judgment on the new organizational structures established by the bill, including the chief information officers in OMB and each of the 23 major Federal agencies, and the two new councils. We recently passed the reauthorization of the Paperwork Reduction Act, which places responsibility for information management in the Office of Information and Regulatory Affairs. This bill would

take those functions out of that office and establish a new position and a new office. I want to carefully review the consequences of such a proposal to determine whether this possible enlargement of the bureaucracy brings sufficient benefits to justify the cost.

Finally, I do not look with favor on the establishment of a new Joint Committee on Information. At a time when we are trying to down-size our own committee system, with particular attention being paid to the role of joint committees, I am very leery of creating a whole new congressional entity just to oversee information management. I believe it is fair for us to ask whether we need to establish new oversight structures, or whether we could instead trust Federal agencies to make their own information technology purchases pursuant existing congressional and agency oversight mechanisms and the streamlined policies and procedures established in the bill.

I hope that we will continue to work on these and other aspects of the bill in hearings and at markup. Overall, however, the Cohen bill is an impressive effort to address some very real problems with the way we purchase and manage information technology in the Federal Government today. I may not agree with everything in the bill, but I do believe that it points us in the right direction. I am pleased to be an original cosponsor of the bill, and I look forward to working with Senator COHEN as we move forward to modernize our information technology acquisition laws.

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

S. 947. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 regarding impact aid payments, and for other purposes; to the Committee on Labor and Human Resources.

IMPACT AID PROGRAM TECHNICAL AMENDMENTS ACT

Mr. PRESSLER. Mr. President, today I am introducing a bill to make technical improvements in the Impact Aid Program. Last year, I was pleased to be the lead sponsor of the initial Impact Aid reauthorization. That bill was incorporated into the Improving America's Schools Act, now Public Law 103–382.

As my colleagues know, the Impact Aid Program is an ongoing Federal responsibility. More than 2,600 school districts enrolling more than 20 million children depend on the program. In South Dakota for example, Impact Aid is the lifeblood of more than 55 school districts. Without it, these districts could not recoup the lost tax base caused by a Federal presence.

As with any legislation of this scope, corrections often need to be made. The bill I am introducing today fine-tunes last year's reauthorization in several ways. The bill first makes technical changes in section 8002, which reimburses districts for Federal land. During the reauthorization, language was omitted which permitted districts which had been formerly consolidated to retain their eligibility. It was not the intent of the authorizing committees to exclude these districts. The provision in my bill would restore eligibility to more than 80 school districts, allowing them to receive the revenue they had planned on.

Second, a hold harmless agreement for section 8002 school districts also would be put in place. The reauthorization made dramatic changes in the formula for section 8002. The hold harmless provision would prevent a district's payment from being decreased below 85 percent of its payment for the previous year. This agreement would protect section 8002 school districts and expedite payments while the Department of Education works out the new calculations. This brings section 8002 into line with the other sections of the law, which also contain hold harmless provisions.

Third, the bill would make several clarifications in section 8003, the section which authorizes funding for heavily impacted districts. One of these provisions clarifies the legal use of supplemental funds received by section 8003 districts from the Department of Defense. These school districts should not have these supplemental payments counted against their regular section 8003 payments. The Department of Defense payments were intended as additional payments for capital outlay expenses, not as funds for day-to-day operations.

Fourth, the bill amends the law regarding "civilian b" students. "B" students are those whose parents either live or work on Federal property. In the past, school districts could be eligible for "b" funds if either 15 percent or 2,000 students in impacted average daily attendance [ADA] are "b" students. The reauthorization changed this language so that only school districts with 15 percent impacted ADA and 2,000 impacted students may qualify. This change excluded many previously eligible schools from the program, especially in small States such as South Dakota. This change tilts the program in favor of large urban areas at the expense of small rural areas. Many, if not most, school districts in South Dakota do not have 2,000 students in ADA, much less 2,000 impacted students.

Finally, the bill would allow two districts in South Dakota, Bonesteel-Fairfax and Wagner, to claim eligibility for section 8003 for the current year. These two schools meet all the criteria for section 8003 funds, but could not qualify because of regulations that prevented them from amending their application after September 30. Allowing these two districts to claim eligibility would not alter section 8003 payments to other schools.

This bill represents no departures in policy from previous legislation. It would require no new funds. It simply would clear up several areas of uncertainty and enable the program to run more efficiently. This bill enjoys bipartisan support. The Impact Aid Program has been operating successfully for more than 40 years. These changes will help the program continue to run smoothly for years to come.

Mr. President, as we begin this year's appropriations process, the Impact Aid Program is in danger once again of being drastically cut. Again, I remind my colleagues that it is due to a Federal presence that nearby schools lose tax revenue and have to rely on the Impact Aid Program. It would be most unfair to federally impacted districts and the children they serve if the Federal government opted to deny them both a tax base and Federal support. Without this Federal support, local and county governments would be forced to either raise taxes or cut services to its citizens. A Federal presence should not force local governments to make that choice.

Impact Aid is a continuing responsibility that Congress cannot shirk. I look forward to working with my colleagues on both sides of the aisle to further enhance this program in the year ahead.

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. 947

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

SECTION 1. IMPACT AID.

(a) HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

"(g) FORMER DISTRICTS.—

"(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st

Congress) as such section was in effect on September 30, 1994.

"(h) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay a local educational agency under subsection (b)—

"(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

"(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

"(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

"(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.".

(b) COMPUTATION OF PAYMENT.—Paragraph (3) of section 8003(a) of such Act (20 U.S.C. 7703(a)) is amended by striking "and such" and inserting ", or such".

(c) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—Subsection (f) of section 8003 of such Act (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking "only if such agency" and inserting "if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency"; and

(B) by adding at the end the following new subparagraph:

"(C) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

"(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

"(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State."; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "(other than any amount received under paragraph (2)(B))" after "subsection";

(ii) in subclause (I) of clause (i), by striking "or the average per-pupil expenditure of all the States";

(iii) by amending clause (ii) to read as follows:

"(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency."; and

(iv) by amending clause (iii) to read as follows:

"(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

"(I) under this Act; or

"(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses."; and

(B) by amending subparagraph (B) to read as follows:

"(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

"(i) the product of—

"(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

"(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

"(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.".

(d) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

"(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

"(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) shall derive the per-pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per-pupil expenditure data for such second year.".

(e) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(f) APPLICATIONS FOR INCREASED PAYMENTS.—

(1) PAYMENTS.—(A) Notwithstanding any other provision of law—

(A) the Bonesteel-Fairfax School District #26-5, South Dakota, and the Wagner Community School District #11-4, South Dakota, shall be eligible to apply for payment for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994); and

(B) the Secretary of Education shall use a subgroup of 10 or more generally comparable local educational agencies for the purpose of calculating a payment described in subparagraph (A), and the local contribution rate applicable to such payment, for a local educational agency described in such subparagraph.

(2) APPLICATION.—In order to be eligible to receive a payment described in subsection (a), a school district described in such subsection shall apply for such payment within 30 days after the date of enactment of this Act.

(3) CONSTRUCTION.—Nothing in this section shall be construed to require a local educational agency that received a payment under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on September 30, 1994) for fiscal year 1994 to return such payment or a portion of such payment to the Federal Government.

Mr. DASCHLE. Mr. President, today, along with Senator PRESSLER and Congressman JOHNSON, I am introducing legislation making technical amendments to the Impact Act law to clarify the eligibility requirements for aid to federally impacted school districts. Federal Impact Aid is essential to the education and development of thousands of children across the United States.

Some of the provisions of Public Law 103-382, last year's reauthorization of the Elementary and Secondary Education Act, were not clearly known or fully understood until the implementation of the law was underway. Now that implementation is underway, one area of the law that demands clarification is that governing payments to section 8002 schools (formerly section 2).

Section 8002 provides a payment in lieu of taxes to those school districts which have lost at least 10 percent of the assessed value of their taxable land due to Federal acquisition. It provides partial compensation for the presence of Federal property within a school district's borders. Prior to Public Law 103-382, Congress included specific statutory protection to school districts that consolidated with districts that included Federal property. However, this provision was not included in Public Law 103-382; therefore, formerly eligible districts are not deemed ineligible.

The new law jeopardizes the eligibility of consolidated school districts that are eligible based on former district status. Previously, section 2 authorized reimbursements to a school district in which the Federal Government had acquired, since 1938, at least 10 percent of the taxable assessed value of the district. In many cases, especially in South Dakota, schools have found it necessary to consolidate, and the old law provided a safeguard for those schools. This safeguard provision

in section 2 enabled districts to be eligible for funds if one or more of the consolidating districts was a former district with a 10 percent Federal impact. However, under Public Law 103–382, to be eligible for section 8002 payments, the current district itself must be affected by 10 percent or more, not counting any former school districts.

The elimination of the safeguard language will have a devastating effect on section 8002 schools in South Dakota. Under the new law, 18 of the 21 school districts in South Dakota that currently receive section 2 funds would be ineligible. Although the dollar amounts received may seem small, the funds are critical to enable these districts to provide basic educational needs.

The legislation we are introducing today would reinstate the former safeguard for section 8002 schools. It is important to note that our bill would not allow newly consolidated school districts to claim eligibility.

This bill also brings the hold harmless provisions for section 8002 districts, at 85 percent, in line with those governing other sections of the law; makes a technical correction regarding "civilian b" students; clarifies that supplemental payments from other Federal agencies used for capital outlays should not be counted against the district's overall supplemental payments; authorizes the adjustment of prior year financial data to accommodate current year need; and allows certain districts to apply for section 8003 funds if excess funds are remaining.

I hope these technical amendments can be adopted expeditiously.

By Mr. DORGAN (for himself, Mr. HELMS, Mr. INOUYE, Mr. LEAHY, Mr. MURKOWSKI, and Mr. ROBB):

S. 948. A bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes; to the Committee on Finance.

ORGAN DONATION INSERT CARD ACT

Mr. DORGAN. Mr. President, I rise today to reintroduce legislation that proposes an inexpensive public education campaign to encourage organ donation. Senators INOUYE, LEAHY, ROBB, MURKOWSKI, and HELMS join me in this effort. And my good friend in the House of Representatives, DICK DURBIN, is introducing the same bill in that body today.

The Organ Donation Insert Card Act would direct the Treasury Department to enclose organ donation information when it mails next year's Federal Income Tax refunds.

THE SHORTAGE OF ORGAN DONORS

The most common tragedy of organ donation is not the patient who receives a transplant and dies, but the patient who has to wait too long and dies before a suitable organ can be found. Three thousand people will die this year because their bodies simply cannot wait any longer for the needed transplant.

In the meantime, the number of people added to the waiting list continues to increase dramatically. More than 40,000 people are currently on the waiting list—double the number on the list 5 years ago. Just in the last year, 9,000 people have been added to the waiting list, and a new name is added every 18 minutes.

Organ transplants can only happen if a grieving family authorizes the donation of their loved one's organs. Even a signed organ donor card does not ensure a donation because the next-of-kin must also agree to the donation.

I certainly understand that it is difficult for families to cope with the unexpected death of a loved one. Often, potentially life-saving transplants never occur because family members hesitate to permit organ donation at this emotionally demanding time. However, if family members can remember that a loved one talked to them about this matter, they are more likely to authorize the donation.

That's why it's so important for willing donors to discuss their wishes with their families before a tragedy can occur. Many family members will never have to act on these wishes. But if this difficult decision does arise, something good can come from this misfortune.

THE ORGAN DONATION INSERT CARD PROPOSAL

My legislation provides a simple, inexpensive way for the Federal Government to help educate potential donors and their families about organ donation.

My legislation would direct the Secretary of the Treasury to enclose with each income tax refund mailed next year information that encourages organ donation. The information would include a detachable organ-donor card. It would also include a message urging recipients to sign the card, tell their family they are willing to be an organ donor, and encourage their family to permit organ donation should the decision prove necessary.

The Treasury Department has said that enclosing this information with every tax refund would reach about 70 million households at a cost of only $210,000. The population that would receive these insert cards is very appropriate for the organ donation appeal.

The medical and transplant recipient communities strongly support this proposal. In fact, last year, more than 20 of these organizations endorsed this legislation.

By increasing public awareness and encouraging family discussion about organ donation, this legislation would increase the number of donors and reduce the number of people who die while waiting for transplants. I urge my colleagues to cosponsor and support this important measure.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD.

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

S. 948

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 "Organ Donation Insert Card Act".

SEC. 2. ORGAN DONATION INFORMATION INCLUDED WITH INCOME TAX REFUND PAYMENTS.

(a) IN GENERAL.—The Secretary of the Treasury shall include with any payment of a refund of individual income tax made during the period beginning on February 1, 1996, and ending on June 30, 1996, a copy of the document described in subsection (b).

(b) TEXT OF DOCUMENT.—The Secretary of the Treasury shall, after consultation with the Secretary of Health and Human Services and organizations promoting organ donation, prepare a document suitable for inclusion with individual income tax refund payments which—

(1) encourages organ donation;

(2) includes a detachable organ donor card; and

(3) urges recipients to—

(A) sign the organ donor card;

(B) discuss organ donation with family members and tell family members about the recipient's desire to be an organ donor if the occasion arises; and

(C) encourage family members to request or authorize organ donation if the occasion arises.

THE ORGAN DONATION INSERT CARD ACT

WHAT THE LEGISLATION DOES

This legislation directs the Secretary of the Treasury to enclose with each income tax refund check mailed between February 1 and June 30 of next year a card that encourages organ donation.

The insert would include a detachable organ-donor card. It also would include a message urging individuals to sign the card, tell their families about their willingness to be an organ donor, and encourage their family members to request or authorize organ donation if the occasion arises.

The text of the card would be developed by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services and organizations promoting organ donation.

WHY THE LEGISLATION IS NEEDED

The most common tragedy of organ transplantation is not the patient who receives a transplant and dies, but the patient who has to wait too long and dies before a suitable organ can be found. More than 3,000 people on the waiting list will die this year before receiving a transplant.

The demand for organs greatly exceeds the supply. More than 40,000 people now are waiting for an organ transplant, including over 1,400 children and more than 25,000 people who must have kidney dialysis while they wait for a kidney to become available. Meanwhile, another person is added to the list every 18 minutes.

We lose many opportunities for organ donation because people hesitate to authorize organ donation for themselves or their family members. Even a signed donor card does

not ensure a donation because the next-of-kin must authorize the donation.

By encouraging organ donation and disseminating information about the importance of family discussion, this legislation could expand the pool of potential donors, increase the likelihood that families will authorize donation upon the death of a loved one, and reduce the number of people who die while waiting for organ transplants.

IMPLEMENTATION

Every year, the Treasury Department already puts an insert card in refund check mailings. According to the Treasury Department, the cost of the insert cards is $210,000. In recent years, the insert cards have offered special coins for sale. Switching from an appeal about coins to an appeal about organ donation for one year could save many lives for many years to come.

About 70 million households would receive the organ donor information and card. The population that would receive these cards is very appropriate for the organ donation appeal. For most transplants, the optimum age range for organ donors is 15 to 65. Individuals who receive refunds tend to be adults below retirement age. They tend to be of prime age for organ donation and often are the next-of-kin of others who could be prime candidates for organ donation.

More than 20 organizations in the medical and transplant recipient communities endorsed this proposal last year.

By Mr. GRAHAM (for himself, Mr. ROBB, Mr. WARNER, Mr. HEFLIN, Mrs. KASSEBAUM, Mr. INOUYE, and Mr. SHELBY):

S. 949. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington; to the Committee on Banking, Housing, and Urban Affairs.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT

Mr. GRAHAM. Mr. President, It is my distinct honor to introduce, with my colleagues, Senators ROBB, WARNER, KASSEBAUM, HEFLIN, INOUYE, and SHELBY, the George Washington Commemorative Coin Act of 1995.

On December 14, 1799, the United States lost its most honored patriot, a living embodiment of the ideals of the American Revolution. Unlike his contemporaries, many Americans today do not understand President Washington's importance, and while his reputation as America's greatest hero has remained for the most part intact, it seems that each generation knows less about George Washington than the previous one.

The George Washington Commemorative Coin Act of 1995 will focus public attention on the significance of our first President and the legacy he left behind. This legislation would authorize the Secretary of the Treasury to mint 100,000 gold coins in 1999, commemorating the 200th anniversary of Washington's death. The sale of these coins will cover costs that the Federal Government will incur in the minting of the coin and will provide a $35 surcharge which will be transferred to Mount Vernon.

The George Washington Commemorative Coin Act was recommended by the Citizens Commemorative Advisory Committee in its initial report to Congress last November, and was drafted with the assistance of the U.S. Mint.

Mount Vernon has the distinction of being the beloved home of our first President as well as our Nation's oldest and foremost historic preservation project. The proceeds from the sale of the coin will be added to Mount Vernon's endowment for the preservation of George Washington's home and the continuation of Mount Vernon's efforts to educate the American public about his life and accomplishments.

Mr. President, I urge my colleagues to join me in supporting the George Washington Commemorative Coin Act of 1995, thus ensuring that future generations have a full understanding of the importance of our Nation's first President.

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. 949

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 "George Washington Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR COINS.—The Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue not more than 100,000 $5 coins, each of which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this act shall be emblematic of George Washington, the first President of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Mount Vernon Ladies' Association and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning May 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after November 1, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $35 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association to be used—

(1) to supplement the endowment of the Mount Vernon Ladies' Association, which shall be a permanent source of support for the preservation of George Washington's home; and

(2) for the continuation and expansion of the efforts of the Mount Vernon Ladies' Association to educate the American public about the life of George Washington.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Mount Vernon Ladies' Association as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

Mr. WARNER. Mr. President, I rise today with my good friend, Senator BOB GRAHAM, to introduce legislation that will be a source of support for Mount Vernon, the home of George Washington, the first President of the United States of America. The land, including Mount Vernon estate, has been in the Washington family since it was first patented in 1674 to John Washington, first of the name in America, and great-grandfather of George Washington. The estate served as home and, ultimately, final resting place for our first President and his wife, the former Martha Dandridge Custis. Indeed, Mount Vernon and the tomb of George Washington are held in such veneration that every ship of the United States Navy, while passing this spot, lowers its flag to half mast, tolls its bell and calls its crew to attention. Mount Vernon was declared as neutral ground by both North and South during the Civil War.

Mount Vernon is maintained by the Mount Vernon Ladies' Association, a nonprofit organization which scrupulously restored the estate following George Washington's own plans of detail and furnishings. Encompassing 487 acres, the grounds are landscaped according to Washington's records and notations to his estate manager. Mount Vernon is visited by more than 500,000 people a year.

The legislation which I am introducing today would authorize the U.S. Mint to produce a commemorative coin to honor the 200th anniversary of the death of George Washington. After recovery of minting and production costs, the proceeds of the George Washington commemorative coin, conservatively estimated at $5–$10 million, will be used for the preservation of George Washington's home and the expansion and continuation of Mount Vernon's efforts to educate the American public about our first President's life and accomplishments. This campaign will assure the full preservation and continued operation of the home of the first President of the United States.

Mr. President, George Washington was the living embodiment of the ideals of the American Revolution. His death in 1799 brought about an outpouring of grief remarkable even by modern standards. Unlike his contemporaries, many Americans today do not understand Washington's importance in creating the beginnings of a Nation that would become the most powerful and free country in the world. This legislation is an important step toward bringing all Americans closer to this great man.

I thank the Chair.

Mr. ROBB. Mr. President, I rise today with my colleagues from Florida and Virginia, Senators GRAHAM and WARNER, to introduce the George Washington Commemorative Coin Act.

This legislation requires the Secretary of the Treasury to issue a coin in the year 1999 commemorating the 200th anniversary of the death of George Washington. The surcharges raised from the selling of the coins will go to the Mount Vernon Ladies Association for the preservation of Mount Vernon and help the American people about the life and the legacy of our Nation's first President.

This is an important endeavor, Mr. President, because George Washington is one of our Nation's most prominent and beloved founding fathers. Before serving as President of a young Nation during its first 8 difficult years, Washington was a distinguished soldier and statesmen. After commanding the Virginia forces during the French and Indian Wars at the age of 23, Washington went on to serve his State and Nation as a member of both the Virginia House of Burgesses and the First Continental Congress. As Commander of the Continental Army during the Revolutionary War, he led the defeat of the most powerful nation on earth, and in doing so, allowed for the establishment of a bold experiment we call America.

As Virginius Dabney once wrote:

> George Washington epitomized what subsequent generations have come to recognize as a great, a good, a brave and a patriotic American. Without him there would have been no victory in war, no stability in peace. He came as close as anyone in our history to being the indispensable man.

In approving the George Washington Commemorative Coin Act, Mr. President, this Congress helps preserve the legacy of George Washington for future generations of the great nation he helped create and sustain.

I urge my colleagues to support this important legislation.

By Mrs. BOXER (for herself, Mr. KENNEDY, Mr. KERRY, Mr. SARBANES, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. AKAKA, Mr. INOUYE, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. ROBB, Mr. GRAHAM, and Mr. LAUTENBERG):

S. 950. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on mineral exploration, development, or production activity in adjacent State waters, and for other purposes; to the Committee on Energy and Natural Resources.

COASTAL STATES PROTECTION ACT OF 1995

Mrs. BOXER. Mr. President, today the Republican Congress took the first step to destroy the California coastline and the coastlines of other States. We Democrats in Congress want to make sure it is their last.

Congressman GEORGE MILLER and I are introducing legislation that will offer Republicans a comfortable path away from coastal destruction.

I say comfortable because this bill is based on States' rights and local control—two concepts embraced by Republicans—at least in theory.

Simply put, the Boxer-Miller bill—the Coastal States Protection Act of 1995—says that when a State establishes a drilling moratorium on part or all of its coastal water, our legislation would extend that protection to Federal workers.

It does a State no good to protect its own waters which extend 3 miles from the coast only to have drilling from 4 miles to 200 miles of Federal waters jeopardizing the entire State's coastline including the State's protected waters.

An oilspill in Federal waters will rapidly foul State beaches, contaminate the nutrient rich ocean floor upon which a local fishery industry depends, and endangers habitat on State tidelands.

Our bill simply directs the Secretary of the Interior to cease leasing activities in Federal waters where the State has declared a moratorium on such activities thus coordinating Federal protection with State protection.

Our bill has a fundamental philosophy—do no harm to the magnificent coastlines of America and respect State and local State laws.

Those groups endorsing our bill include the Center for Marine Conservation, the Natural Resources Defense Council, American Oceans Campaign, and the Safe Oceans Campaign.

Original cosponsors of the Moynihan bill include Senators MURRAY, KENNEDY, KERRY, SARBANES, MIKULSKI, AKAKA, INOUYE, BIDEN, FEINSTEIN, HOLLINGS, ROBB, GRAHAM, and LAUTENBERG.

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. 950

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 "Coastal States Protection Act".

SEC. 2. STATE MORATORIA ON OFFSHORE MINERAL LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) STATE MORATORIA.—When there is in effect with respect to lands beneath navigable waters of a coastal State a moratorium on oil, gas, or other mineral exploration, development, or production activities established by statute or by order of the Governor, the Secretary shall not issue a lease

for the exploration, development, or production of minerals on submerged lands of the outer Continental Shelf that are seaward of or adjacent to those lands.".

ADDITICNAL COSPONSORS

S. 12

At the request of Mr. ROTH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 254

At the request of Mr. LOTT, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 401

At the request of Mr. LEAHY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Indiana [Mr. COATS] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 815

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows.

S. 847

At the request of Mr. GREGG, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 34, a joint resolution prohibiting funds for diplomatic relations and most favored nation trading status with the Socialist Republic of Vietnam unless the President certifies to Congress that Vietnamese officials are being fully cooperative and forthcoming with efforts to account for the 2,205 Americans still missing and otherwise unaccounted for from the Vietnam War, as determined on the basis of all information available to the United States Government, and for other purposes.

SENATE RESOLUTION 97

At the request of Mr. HELMS, his name was added as a cosponsor of Senate Resolution 97, a resolution expressing the sense of the Senate with respect to peace and stability in the South China Sea.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. CRAIG], the Senator from Wyoming [Mr. SIMPSON], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

SENATE RESOLUTION 117

At the request of Mr. ROTH, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Resolution 117, a resolution expressing the sense of the Senate that the current Federal income tax deduction for interest paid on debt secured by a first or second home located in the United States should not be further restricted.

SENATE RESOLUTION 137—RELATING TO FUNDS FOR THE SENATE PAGE RESIDENCE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Resolved, That effective on and after June 18, 1995, amounts withheld by the Secretary of the Senate under section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b–6) shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b–7).

AMENDMENTS SUBMITTED

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

REID (AND FEINSTEIN) AMENDMENT NO. 1427

Mr. REID (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; as follows:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. LIMITATION OF NATIONAL MAXIMUM SPEED LIMIT TO CERTAIN COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. National maximum speed limit for certain commercial motor vehicles";

(2) in subsection (a)—

(A) by inserting ", with respect to motor vehicles" before "(1)"; and

(B) in paragraph (4), by striking "motor vehicles using it" and inserting "vehicles driven or drawn by mechanical power manufactured primarily for use on public highways (except any vehicle operated exclusively on a rail or rails) using it";

(3) by striking subsection (b) and inserting the following:

"(b) MOTOR VEHICLE.—In this section, the term 'motor vehicle' has the meaning provided for 'commercial motor vehicle' in section 31301(4) of title 49, United States Code, except that the term does not include any vehicle operated exclusively on a rail or rails.";

(4) in the first sentence of subsection (e), by striking "all vehicles" and inserting "all motor vehicles"; and

(5) by redesignating subsection (i) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. National maximum speed limit for certain commercial motor vehicles.".

(2) Section 153(i)(2) of title 23, United States Code, is amended to read as follows:

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

(3) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

(4) Section 410(i)(3) of title 23, United States Code, is amended to read as follows:

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except any vehicle operated exclusively on a rail or rails.".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1428

Mr. LAUTENBERG (for himself Mr. DEWINE, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 440, supra; as follows:

Beginning on page 26, strike line 14 and all that follows through page 28, line 9, and insert the following:

SEC. 115. POSTING OF MAXIMUM SPEED LIMITS.

(A) IN GENERAL.—Section 154 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 154. Posting of speed limits";

(2) in subsection (a)—

(A) in the first sentence—

(i) by inserting "failed to post" before "(1)";

(ii) by striking "in excess of" each place it appears and inserting "of not more than"; and

(iii) in paragraph (4), by striking "not"; and

(B) in the second sentence, by striking "established" and inserting "posted";

(3) by striking subsection (e); and

(4) by redesignating subsection (i) as subsection (e).

(b) CERTIFICATION.—The first sentence of section 141(a) of title 23, United States Code, is amended by striking "enforcing" and inserting "posting".

(c) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 154 and inserting the following:

"154. Posting speed limits.".

(2) Section 157(d) of title 23, United States Code, is amended by striking "154(f) or".

MACK AMENDMENT NO. 1429

Mr. CHAFEE (for Mr. MACK) proposed an amendment to the bill, S. 440, supra; as follows:

SEC. . SENSE OF THE SENATE REGARDING THE FEDERAL-STATE FUNDING RELATIONSHIP FOR TRANSPORTATION.

Findings:

(1) the designation of high priority roads through the National Highway System is required by the Intermodal Surface Transportation Efficiency Act (ISTEA) and will ensure the continuation of funding which would otherwise be withheld from the states.

(2) the Budget Resolution supported the re-evaluation of all federal programs to determine which programs are more appropriately a responsibility of the States.

(3) debate on the appropriate role of the federal government in transportation will occur in the re-authorization of ISTEA.

Therefore, it is the Sense of the Senate that the designation of the MHS does not assume the continuation or the elimination of the current federal-state relationship nor preclude a re-evaluation of the federal-state relationship in transportation.

ROTH AMENDMENTS NOS. 1430–1431

(Ordered to lie on the table.)

Mr. ROTH submitted two amendments intended to be proposed by him to the bill, S. 440, supra; as follows:

AMENDMENT NO. 1430

At the appropriate place in title I, insert the following:

SEC. 1 . INTERCITY RAIL INFRASTRUCTURE INVESTMENT.

(a) INTERSTATE RAIL COMPACTS.—

(1) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(A) retaining an existing service or commencing a new service;

(B) assembling rights-of-way; and

(C) performing capital improvements, including—

(i) the construction and rehabilitation of maintenance facilities;

(ii) the purchase of locomotives; and

(iii) operational Improvements, including communications, signals, and other systems.

(2) FINANCING.—An interstate compact established by States under paragraph (1) may provide that, in order to carry out the compact, the States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(C) on such terms and conditions as the States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law.

(b) ELIGIBILITY OF PASSENGER RAIL AS SURFACE TRANSPORTATION PROGRAM PROJECT.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ", railroads," after "highways)"; and

(2) in paragraph (2)—

(A) by inserting ", all eligible activities under section 5311 of title 49, United States Code," before "and publicly owned";

(B) by inserting "or rail passenger" after "intercity bus"; and

(C) by inserting before the period at the end the following: ", including terminals and facilities owned by the National Railroad Passenger Corporation".

(c) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.".

(d) ELIGIBILITY OF PASSENGER RAIL FOR MASS TRANSPORTATION FUNDING.—Section 5311 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting ", including an operator of intercity passenger rail transportation service" before the period at the end; and

(2) in subsection (b), by adding at the end the following:

"(3) Grants for intercity passenger rail service under this section shall be used to preserve the maximum choice of passenger modes in areas other than urbanized areas.".

AMENDMENT NO. 1431

At the appropriate place in title I, insert the following:

SEC. 1 . INTERCITY RAIL INFRASTRUCTURE INVESTMENT.

(a) INTERSTATE RAIL COMPACTS.—

(1) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(A) retaining an existing service or commencing a new service;

(B) assembling rights-of-way; and

(C) performing capital improvements, including—

(i) the construction and rehabilitation of maintenance facilities;

(ii) the purchase of locomotives; and

(iii) operational improvements, including communications, signals, and other systems.

(2) FINANCING.—An interstate compact established by States under paragraph (1) may provide that, in order to carry out the compact, the States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(C) on such terms and conditions as the States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law.

(b) ELIGIBILITY OF PASSENGER RAIL AS NATIONAL HIGHWAY SYSTEM PROJECT.—Section 103(i) of title 23, United States Code, is amended by adding at the end the following:

"(14) Construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operation.".

(c) ELIGIBILITY OF PASSENGER RAIL AS SURFACE TRANSPORTATION PROGRAM PROJECT.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting ", railroads," after "highways)"; and

(2) in paragraph (2)—

(A) by inserting ", eligible activities under section 5311 of title 49, United States Code," before "and publicly owned";

(B) by inserting "or rail passenger" after "intercity bus"; and

(C) by inserting before the period at the end the following: ", including terminals and facilities owned by the National Railroad Passenger Corporation".

(d) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.".

(e) ELIGIBILITY OF PASSENGER RAIL FOR MASS TRANSPORTATION FUNDING.—Section 5311 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting ", including an operator of intercity passenger rail transportation service" before the period; and

(2) in subsection (b), by adding at the end the following:

"(3) Grants for intercity passenger rail service under this section shall be used to preserve the maximum choice of passenger modes in areas other than urbanized areas.".

INHOFE AMENDMENT NO. 1432

Mr. CHAFEE (for Mr. INHOFE) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place, insert:

SECTION . QUALITY THROUGH COMPETITION.

(a) CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.—Section 112(b)(2) of title 23, United States Code, is amended by adding at the end the following new subparagraphs:

"(C) PERFORMANCE AND AUDITS.—Any contract or subcontract awarded in accordance with subparagraph (A), whether funded in whole or in part with Federal-aid highway funds, shall be performed and audited in compliance with cost principles contained in the Federal acquisition regulations of part 31 of title 48 of the Code of Federal Regulations.

"(D) INDIRECT COST RATES.—In lieu of performing its own audits, a recipient of funds under a contract or subcontract awarded in accordance with subparagraph (A) shall accept indirect cost rates established in accordance with the Federal acquisition regulations for 1-year applicable accounting periods by a cognizant Federal or State government agency, if such rates are not currently under dispute. Once a firm's indirect cost rates are accepted, the recipient of such funds shall apply such rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and shall not be limited by administrative or de facto ceilings of any kind. A recipient of such funds requesting or using the cost and rate data described in this subparagraph shall notify any affected firm before such request or use. Such data shall be confidential and shall not be accessible or provided, in whole or in part, to another firm or to any government agency which is not part of the group of agencies sharing cost data under this subparagraph, except by written permission of the audited firm. If prohibited by law, such cost and rate data shall not be disclosed under any circumstances.

"(E) EFFECTIVE DATE/STATE OPTION.—Subparagraphs (C) and (D) shall take effect upon the date of enactment of this Act; Provided, however, that if a State, during the first regular session of the State legislature convening after the date of enactment of this Act, adopts by statute an alternative process intended to promote engineering and design quality, reduce life-cycle costs, and ensure maximum competition by professional companies of all sizes providing engineering and design services, such subparagraphs shall not apply in that State."

JEFFORDS (AND LEAHY) AMENDMENT NO. 1433

Mr. CHAFEE (for Mr. JEFFORDS for himself and Mr. LEAHY) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place, insert the following:

SEC. . FEDERAL SHARE FOR ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) (as amended by section 417 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388; 106 Stat. 1565)) is amended—

(1) in paragraph (2), by striking "and" at the end and inserting "or"; and

(2) in paragraph (3), by striking "section 143 of title 23" and inserting "a project for the construction, reconstruction, or improvement of a development highway on a Federal-aid system, as described in section 103 of such title (as in effect on the day before the date of enactment of this Act) (other than the Interstate System), under section 143 of such title".

DASCHLE (AND OTHERS) AMENDMENT NO. 1434

Mr. BAUCUS (for Mr. DASCHLE, Mr. HARKIN, and Mr. KERREY) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . VEHICLE WEIGHT AND LONGER COMBINATION VEHICLES EXEMPTION FOR SIOUX CITY, IOWA.

(a) VEHICLE WEIGHT LIMITATIONS.—The proviso in the second sentence of section 127(a) of title 23, United States Code, is amended by striking "except for those" and inserting the following: "except for vehicles using Interstate 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and vehicles using Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska, and except for".

(b) LONGER COMBINATION VEHICLES.—Section 127(d)(1) of title 23, United States Code, is amended by adding at the end the following:

"(F) IOWA.—In addition to vehicles that the State of Iowa may continue to allow to be operated under subparagraph (A), the State of Iowa may allow longer combination vehicles that were not in actual operation on June 1, 1991, to be operated on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota and Interstate 129 between Sioux City, Iowa, and the border between Iowa and Nebraska.".

BOXER AMENDMENT NO. 1435

Mr. BAUCUS (for Mrs. BOXER) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . REVISION OF AUTHORITY FOR CONGESTION RELIEF PROJECT IN CALIFORNIA.

Item 1 of the table in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2029) is amended by striking "Construction of HOV Lanes on I-710" and inserting "Construction of automobile and truck separation lanes at the southern terminus of I-710".

KOHL AMENDMENT NO. 1436

Mr. BAUCUS (for Mr. KOHL) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . APPLICABILITY OF CERTAIN VEHICLE WEIGHT LIMITATIONS IN WISCONSIN.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a), the single axle weight, tandem axle weight, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the 104-mile portion with respect to the operation of any vehicle that could legally operate on the 104-mile portion before the date of enactment of this subsection.".

SMITH (AND OTHERS) AMENDMENT NO. 1437

Mr. SMITH (for himself, Mr. GREGG, Ms. SNOWE, Mr. CAMPBELL, Mr. KEMPTHORNE, Mr. THOMAS, and Mr. BROWN) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . ELIMINATION OF PENALTIES FOR NONCOMPLIANCE WITH MOTORCYCLE HELMET AND AUTOMOBILE SAFETY BELT REQUIREMENTS.

Section 153 of title 23, United States Code, is amended—

(1) by striking out subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

McCAIN (AND OTHERS) AMENDMENT NO. 1438

Mr. McCAIN (for himself, Mr. SMITH, and Mr. FEINGOLD) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . PROHIBITION ON NEW HIGHWAY DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Notwithstanding any other law, neither the Secretary of Transportation nor any other officer or employee of the United States may make funds available for obligation to carry out any demonstration project described in subsection (b) that has not been authorized, or for which no funds have been made available, as of the date of enactment of this Act.

(b) PROJECTS. Subsection (a) applies to a demonstration project or program that the Secretary of Transportation determines—

(1)(A) concerns a State-specific highway project or research or development in a specific State; or

(B) is otherwise comparable to a demonstration project or project of national significance authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2027); and

(2) does not concern a federally owned highway

THURMOND (AND OTHERS) AMENDMENT NO. 1439

Mr. WARNER (for Mr. THURMOND, Mr. HOLLINGS, Mr. HELMS, Mr. FAIRCLOTH, and Mr. WARNER) proposed an amendment to the bill, S. 440, supra; as follows:

On page 34, strike lines 17 through 24 and insert:

"(dd) United States Route 220 to United States Route 1 near Rockingham;

"(ee) United States Route 1 to the South Carolina State line;

"(ff) South Carolina State line to Charleston, South Carolina; and".

On page 35 between lines 13 and 14, insert:

"(ee) United States Route 220 to United States Route 74 near Rockingham;

"(ff) United States Route 74 to United States Route 76 near Whiteville;

"(gg) United States Route 74/76 to the South Carolina State line in Brunswick County;

"(hh) South Carolina State line to Charleston, South Carolina".

On page 34, strike lines 8 and 9 and insert:

"(iii) In the states of North Carolina and South Carolina, the corridor shall generally follow—".

SIMON (AND OTHERS) AMENDMENT NO. 1440

Mr. WARNER (for Mr. SIMON for himself, Ms. MOSELEY-BRAUN, Mr. HARKIN, and Mr. GRASSLEY) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.

For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110, chapter 48), shall be treated as if the agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified in accordance with section 129(a)(6) of the title.

GREGG (AND OTHERS) AMENDMENT NO. 1441

Mr. WARNER (for Mr. GREGG for himself, Mr. BOND, and Mrs. HUTCHISON) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . MORATORIUM ON CERTAIN EMISSIONS TESTING REQUIREMENTS.

(a) MORATORIUM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not require adoption or implementation by a State of a test-only or I/M240 enhanced vehicle inspection and maintenance program as a means of compliance with section 182 of the Clean Air Act (42 U.S.C. 7511a), but the Administrator may approve such a program if a State chooses to adopt the program as a means of compliance.

(2) REPEAL.—Paragraph (1) is repealed effective as of the date that is 1 year after the date of enactment of this Act.

(b) PLAN APPROVAL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this subsection as the "Administrator") shall not disapprove a State implementation plan revision under section 182 of the Clean Air Act (42 U.S.C. 7511a) on the basis of a regulation providing for a 50-percent discount for alternative test-and-repair inspection and maintenance programs.

(2) CREDIT.—If a State provides data for a proposed inspection and maintenance system for which credits are appropriate under section 182 of the Clean Air Act (42 U.S.C. 7511a), the Administrator shall allow the full amount of credit for the system that is appropriate without regard to any regulation that implements that section by requiring centralized emissions testing.

(3) DEADLINE.—The Administrator shall complete and present a technical assessment of data for a proposed inspection and maintenance system submitted by a State not later than 45 days after the date of submission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CHAFEE. 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 Tuesday, June 20, 1995, to conduct a semiannual oversight hearing of the Resolution Trust Corporation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 20, 1995, at 11 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 20, 1995, at 2 p.m.

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

SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet for a hearing on the Privatization of Sallie Mae and Connie Lee, during the session of the Senate on Tuesday, June 20, 1995 at 9:30 a.m.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Tuesday, June 20, 1995 beginning at 10 a.m. in room SD-215, to conduct a hearing on the business and financial practices of the American Association of Retired Persons.

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through June 16, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $5.6 billion in budget authority and $1.4 billion in outlays. Current level is $0.5 billion over the revenue floor in 1995 and below by $9.5 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.0 billion, $3.1 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated June 8, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through June 16, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent

Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated June 8, 1995, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JUNE 16, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,238.7	1,233.1	−5.6
Outlays	1,217.6	1,216.2	−1.4
Revenues:			
1995	977.7	978.2	0.5
1995–99	5,415.2	5,405.7	−9.5
Deficit	241.0	238.0	−3.1
Debt Subject to Limit	4,965.1	4,803.4	−161.7
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	(3)
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JUNE 16, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	378,096	757,783	
Offsetting receipts	−250,027	−250,027	
Total previously enacted	1,238,376	1,213,992	978,466
ENACTED THIS SESSION			
1995 Emergency Supplementals and Rescissions Act (P.L. 104–6)	−3,386	−1,008	
Self-Employed Health Insurance Act (P.L. 104–7)			−248
Total enacted this session	−3,386	−1,008	−248
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	−1,887	3,189	
Total current level[1]	1,233,103	1,216,173	978,218
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	5,641	1,432	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JUNE 16, 1995—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over budget resolution			518

[1] In accordance with the Budget Enforcement Act, the total does not include $3,905 million in budget authority and $7,442 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.•

TRIBUTE TO HENRY STRAUSS

• Mr. DODD. Mr. President, I rise today to recognize a distinguished citizen of my home State of Connecticut, Henry Strauss, on the occasion of his 80th birthday.

Mr. Strauss was born in New York City in 1915, where he attended New York City public schools and was an intercollegiate diving champion at his alma mater, New York University.

In 1940 he married his wife Joan and a year later began active duty in the U.S. Navy, where he served with distinction. He survived the worst noncombat disaster in the history of the Navy in a gale off the coast of Newfoundland. For helping save the lives of his shipmates, Mr. Strauss was cited for heroism and commissioned to command a subchaser in the South Pacific through some of the worst naval combat of the war. He retired from the Navy in 1946 as a lieutenant junior grade.

Upon his return from the war, Mr. Strauss moved to Connecticut to raise two daughters and start his own business. Through this company, Henry Strauss Productions, Mr. Strauss pioneered the use of film to teach, train, increase people's productivity, and promote understanding between cultures. Clients of Henry Strauss Productions included the U.S. Army, the State Department, IBM, United States Steel, and Pan American Airways.

He was the first American filmmaker allowed by the Soviet Government to make a documentary film on that country, a project he completed in 1960. Other films he made for his clients included films on England, Spain, Tahiti, and Africa. His career culminated with an Academy Award nomination for best documentary for his film "Art Is."

Henry Strauss's love of the sea has brought him to navigate six of the seven oceans of the world, compete and place in some of the world's most prestigious yachting competitions, and earn distinguished membership into the Explorers' Club, the Cruising Club of America, and the New York Yacht Club.

Throughout his life he has successfully encouraged his two daughters and three grandchildren to be civic-minded and politically active citizens.

Once again I would like to congratulate Henry Strauss on this auspicious occasion.•

THE RAINBOW HOUSE/ARCO IRIS

• Mr. SIMON. Mr. President, today, I would like to pay tribute to the Rainbow House/Arco Iris, a shelter for battered women located in the Chicago area. Since 1982, Rainbow House has provided shelter, counseling, and support services for over 5,000 battered women and their children.

Recognizing that shelters are not the sole answer to domestic violence, the Rainbow House has been actively committed to developing an energetic community education and prevention initiative. This important organization has presented hundreds of community education workshops for thousands of teachers and students. The goal—to stop the problem before it starts by teaching young children how to express their strong feelings without violence.

Domestic abuse is a serious and pervasive problem in our culture. In fact, abuse is the single largest cause of injury to women. The FBI estimates that a woman is beaten in the United States every 15 seconds.

Family abuse, including child abuse is found on every level of society, regardless of race, education, age, or income. The National Coalition Against Domestic Violence estimates that in 50 percent of the families where a woman is being beaten, children are being abused as well.

Ten years ago there were fewer than a dozen shelters for battered women nationwide. Now, Rainbow House is 1 of more than 600. It is with great pleasure and admiration that I recognize the work of this fine organization.•

PROVIDING FOR DEPOSIT OF FUNDS FOR SENATE PAGE RESIDENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 137, submitted earlier by Senators DOLE and DASCHLE.

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

The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 137) to provide for the deposit of funds for the Senate page residence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, that the motion to reconsider be laid on the table, and that any statements related to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 137) was agreed to, as follows:

S. RES. 137

Resolved, That effective on and after June 18, 1995, amounts withheld by the Secretary of the Senate under section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b-6) shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b-7).

LEGISLATIVE LINE-ITEM VETO ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 4) a bill to grant the power to the President to reduce budget authority.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 4) entitled "An Act to grant the power to the President to reduce budget authority", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Line Item Veto Act".

SEC. 2. LINE ITEM VETO AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any dollar amount of any discretionary budget authority specified in an appropriation Act or conference report or joint explanatory statement accompanying a conference report on the Act, or veto any targeted tax benefit which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than ten calendar days (not including Sundays) after the date of enactment of an appropriation Act providing such budget authority or a revenue or reconciliation Act containing a targeted tax benefit.

(b) DEFICIT REDUCTION.—In each special message, the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by that message.

(c) SEPARATE MESSAGES.—The President shall submit a separate special message for each appropriation Act and for each revenue or reconciliation Act under this section.

(d) LIMITATION.—No special message submitted by the President under this section may change any prohibition or limitation of discretionary budget authority set forth in any appropriation Act.

(e) SPECIAL RULE FOR FISCAL YEAR 1995 APPROPRIATION MEASURES.—Notwithstanding subsection (a)(2), in the case of any unobligated discretionary budget authority provided by any appropriation Act for fiscal year 1995, the President may rescind all or part of that discretionary budget authority under the terms of this Act if the President notifies the Congress of such rescission by a special message not later than ten calendar days (not including Sundays) after the date of enactment of this Act.

SEC. 3. LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session, beginning on the first calendar day of session after the date of submission of the special message, during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which only disapproves, in whole, rescissions of discretionary budget authority or only disapproves vetoes of targeted tax benefits in a special message transmitted by the President under this Act and—

(A) which does not have a preamble;

(B)(i) in the case of a special message regarding rescissions, the matter after the enacting clause of which is as follows: "That Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(ii) in the case of a special message regarding vetoes of targeted tax benefits, the matter after the enacting clause of which is as follows: "That Congress disapproves each veto of targeted tax benefits of the President as submitted by the President in a special message on _____", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(C) the title of which is as follows: "A bill disapproving the recommendations submitted by the President on _____", the blank space being filled in with the date of submission of the relevant special message and the public law to which the message relates.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision of a revenue or reconciliation Act determined by the President to provide a Federal tax deduction, credit, exclusion, preference, or other concession to 100 or fewer beneficiaries. Any partnership, limited partnership, trust, or S corporation, and any subsidiary or affiliate of the same parent corporation, shall be deemed and counted as a single beneficiary regardless of the number of partners, limited partners, beneficiaries, shareholders, or affiliated corporate entities.

(4) The term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LINE ITEM VETOES.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission/receipts disapproval bill introduced in the House of Representatives not later than the third calendar day of session beginning on the day after the date of submission of a special message by the President under section 2.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—(1) The committee of the House of Representatives to which a rescission/receipts disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the eighth calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further

consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission/receipts disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed two hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than one bill described in subsection (c) or more than one motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission/receipts disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this Act.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SEC. 6. REPORTS OF THE GENERAL ACCOUNTING OFFICE.

Beginning on January 6, 1996, and at one-year intervals thereafter, the Comptroller General shall submit a report to each House of Congress which provides the following information:

(1) A list of each proposed Presidential rescission of discretionary budget authority and veto of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each rescission of discretionary budget authority or veto of a targeted tax benefit was accepted or rejected by Congress.

(2) The total number of proposed Presidential rescissions of discretionary budget authority and vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(3) The total number of Presidential rescissions of discretionary budget authority or vetoes of a targeted tax benefit submitted through special messages for the fiscal year ending during the preceding calendar year and approved by Congress, together with their total dollar value.

(4) A list of rescissions of discretionary budget authority initiated by Congress for the fiscal year ending during the preceding calendar year, together with their dollar value, and an indication of whether each such rescission was accepted or rejected by Congress.

(5) The total number of rescissions of discretionary budget authority initiated and accepted by Congress for the fiscal year ending during the preceding calendar year, together with their total dollar value.

(6) A summary of the information provided by paragraphs (2), (3) and (5) for each of the ten fiscal years ending before the fiscal year during this calendar year.

SEC. 7. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Amend the title so as to read: "An Act to give the President item veto authority over appropriation Acts and targeted tax benefits in revenue Acts.".

Mr. DOLE. I move that the Senate disagree to the House amendments, request a conference 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. ROTH, Mr. STEVENS, Mr. THOMPSON, Mr. COCHRAN, Mr. MCCAIN, Mr. GLENN, Mr. LEVIN, Mr. PRYOR, Mr. SARBANES, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM of Texas, Mr. COATS, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. DODD.

Mr. DOLE. Mr. President, let me indicate that the Senator from Kentucky, Senator FORD, will want to make a statement on that particular item after I obtain consent.

ORDERS FOR WEDNESDAY, JUNE 21, 1995

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m., on Wednesday, June 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and under the provisions of a previous unanimous-consent agreement, the Senate immediately go into executive session for 3 hours of debate on the nomination of Dr. Foster; I further ask unanimous consent that if cloture is not invoked on the Foster nomination on Wednesday, the Senate then resume consideration of S. 440, the National Highway System bill and at that time the Senator from Maine be recognized to offer an amendment regarding helmets.

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

Mr. DOLE. As a reminder for all Senators, the Senate will debate the Foster nomination from 9 a.m. to 12 noon tomorrow, with a cloture vote occurring on the nomination at 12 noon. If

cloture is not invoked at that time, the Senate will resume the highway bill.

We hope to complete the bill tomorrow evening. We will have rollcall votes throughout the day. I do not know of any conflicts tomorrow evening. Tonight, there are a number of conflicts, including the President and Mrs. Clinton have invited all Members to the White House for a picnic plus other things. I know that Senators have obligations to attend.

If cloture is not invoked Wednesday, a second vote on cloture will occur at 2 p.m. on Thursday.

If there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order following the remarks of Senator FORD and Senator SANTORUM.

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

LINE-ITEM VETO

Mr. FORD. As the majority leader indicated as it relates to the line-item veto, I voted for the line-item veto when it left here because I think it is important that we put that into the structure.

When I spoke earlier, just before passage of the line-item veto legislation, I tried to tell my colleagues that the proposal that left here, in my opinion, was too cumbersome; that if we had the Interior appropriations bill that we had last session, there would be 2,040 pieces of legislation under that one bill. Then the President would have to sign 2,040 pieces of legislation in order to either sign them or veto them or line item it, however it might be. So it really is not a line-item veto; it becomes a multiple choice.

It reminds me when I was Governor that we would have a commission authorized, the Governor, to go to New York to sign bonds for highway projects, or whatever it might be. They give you one pen and there would be 49 other pens up there and you sign your name down here and the other 49 pens would work and all those bonds would move aside and then you sign them again.

That is basically what we are trying to do, I think, or cause the President to have to do once these pieces of legislation come up for line-item veto.

When I was Governor I had three options. I had line-item veto. The three options: one, I could line item it and send a message to the legislature why I had vetoed or line itemed that particular piece of legislation or that item in that legislation. The legislature could consider it. They could either sustain the Governor's veto or override it.

The second option I had was to reduce an amount. If we did not need to spend all of it—we had a 2-year budget, we did not need to spend all that money in the first year. We could reduce it, and you draw a line through it, initial it, send a message to the legislature, and they could either sustain or override the veto.

The third option I had was to line item a phrase. That may be a direction—"You cannot use any money for so and so," or "If you are going to use money, you have to do it this way." The Governor had the right to eliminate a phrase.

Those are the only three things. It was simple, direct, and the legislature had an opportunity to sustain or override the veto.

What I am asking tonight, as the conferees were appointed for the line-item veto legislation in conference, is that they look very seriously at what the Senate has done in sending their piece of legislation to conference.

I think simpler is better. It is easy, it is direct. A message must come. And that message, then, can either be accepted or declined. Either sustain the veto or override the veto. I think that is what we ought to do.

Mr. President, I voted in support of the line-item veto when it left here in the hopes that it would be reduced and made somewhat simple so we could line-item veto, we could partially veto—or a phrase; it does not have to be all.

A line-item veto, when you try to explain it to your constituents back home, they think that gives the President the right to take some pork out of the budget.

Right now he has to sign 2,040 pieces of legislation for one appropriations bill. Just one. We are getting into thousands and thousands of pieces of legislation. I think that is wrong.

I hope the conferees will take into consideration my remarks tonight. I would be glad to work with them in any way. And several in this Chamber have had experience as Governors using the line-item veto. In my 4 years as Governor, it was seldom even considered.

It can be done and I think it can be done in the right sort of way. I thank the Chair for its courtesy. I yield the floor.

WHERE IS THE BUDGET?

Mr. SANTORUM. Thank you, Mr. President. First, I would like to thank the Chair for his indulgence in spending the time that I am supposed to be in the chair presiding and doing that for me. As customary, the Senator from Virginia is always there to do the gentlemanly thing and fill in a need. I appreciate very, very much the indulgence of the Senator.

I am back to continue my vigil in requesting the President put forward a balanced budget resolution. The last time I appeared here on the Senate floor was the night the President announced his balanced budget resolution. I had sketchy details at the time but did not have the full package that the President presented.

We have gotten it. It is about 6 or 7 pages, double-sided, about that big, that thick. That is his budget proposal, compared to his first budget proposal which was about this thick, to give the comparison, the amount of detail.

As Members have heard on the Senate floor today and in newspapers and other places, it just does not measure up. The President uses a whole lot of assumptions that are exaggerated and made to make the projections of the economic growth and interest rates and everything else look rosy, and as a result, gets to a balanced budget through his numbers with smoke and mirrors.

The Congressional Budget Office, who, in a State of the Union Address in 1993, he stated would be the numbers that he would use—that everyone should use because they are the most accurate—that he would use in determining whether we get to a balanced budget, scores the Clinton budget as continuing deficits of $200 billion or more. It is a straight line. Deficits do not come down at all under this budget proposal as scored by the Congressional Budget Office.

The people who scored his budget over 10 years as getting the deficit to zero were the Office of Management and Budget, which is over in the Department of Treasury, which is his own people scoring his own numbers, which are, as was said, rosy assumptions. The nonpartisan Congressional Budget Office, the one that the President says we have to use, says that we have $200 billion deficits into the future for the next 10 years.

So, as a result, I have to come back and add another number to this chart, which says, "Days with no proposal to balance the budget from President Clinton."

I gave a period of time to give him the benefit of the doubt to get the numbers up here to let us see what the specifics were, whether this would be scored by a neutral party, the Congressional Budget Office, as a balanced budget resolution. In fact it has come back to be not balanced. It is disappointing.

I just want to go over a couple of the details of the budget and then I want to address, finally, this chart which has gotten a little publicity here, of late.

First, the details of the budget. The Republican budget gets to balance by the year 2002. What are the deficits that are estimated by the Congressional Budget Office under the Clinton budget: $196 billion in 1996, $221 billion in 1997, $199 billion in 1998, $213 billion in 1999, $220 billion again in the year 2000; $211 billion in 2001, $210 billion in 2002, $207 billion in 2003, $209 billion in 2004, and $209 billion again in the year

2005; over $2 trillion in additional debt over the next 10 years under his revised budget which he says gets us to zero, which the Congressional Budget Office says gets us to even worse shape than we are now, $209 billion as opposed to $175 billion projected this year. So we have made no progress even under Clinton II.

Let us look at the specifics of Clinton II. If you compare the Clinton second budget to his first budget, the one he submitted to the Congress in February that nobody in this Chamber voted for—99 "no" votes, 1 "absent"—under the Clinton first budget in discretionary spending, that is nonentitlement spending, he cuts over 5 years, $2 billion from his first budget. This new revised budget that is going to be tough, that is going to get us to zero, that is going to do all these things—make the tough decisions, face up to the music for the American public, that he went on national television to tell us how important it was, now to come to the table and make these tough choices—$2 billion over 5 years.

Under his first budget he was to spend, just to give an idea of the magnitude of the numbers we are talking about, over the first 5 years in his first budget he submitted in February that did not come to balance—it did not even pretend to come to balance—total discretionary spending over that 5-year period, $2.730 trillion. That is the total discretionary spending accounted for in the Clinton first budget.

The Clinton second budget—new, improved, I am going to get you to balance, make the tough decisions, tighten the belt some more, we have gotten the message from the American public, I know you want me to deliver—not $2.730 but $2.728 trillion. So over 5 years he reduced discretionary spending by $2 billion. That is not a Weight Watchers approach to the budget. You are not going to loosen any notches on $2 billion out of $2.7 trillion.

So how does he do it, if he does not cut discretionary? He admits he does not cut discretionary. You cannot play around with those numbers. How does he do it? He looks at these cuts in the outyears. He does not do much in the first few years. He sort of back-end loads it.

In fact, of the 10-year budget that he has proposed, you would think if we are going to cut money over 10 years you would do it on a straight line. You cut so much per year every year to get to balance. It does not take much of a mathematician, which I am not, to figure out if you were going to cut the same amount every year to get your balance, sort of a straight line down, you would have to get about 10 percent a year. That is what you would figure.

In the first year the President cuts 2 percent; 2 percent of his cuts first year, 3 percent next, 4 percent next, 5 percent next, in years 9 and 10, 17—almost 18 percent of the cuts and almost 21 percent of the cuts; the last 2 years, long after—that is three Presidents from now—he decides that is when we are going to do all the cutting.

It is a lot easier if you are sitting in the White House and look two or three Presidents down the road and have them do all the tough work. He does not do any of the tough work under the rest of his administration or the potential next administration. So again, all the tough decisions are put off to future Congresses and future Presidents and none of the real tough decisions are made now.

I say that in criticism of the President's budget. But I will say that I appreciate that he at least came to the table. He did not come to the table with much. He is not going to feed a lot of people with what he has at the table, but he at least came. He entered into the debate, he made some, I think, relevant comments when he came to some of the health care programs and how they had to be on the table. I know it upset folks on the other side of the aisle but at least he came and said we have an obligation to do this.

I hope he comes back with some real budgets and with some real numbers that show that we will do this. So I unfortunately will have to come back and talk more about how the President has not come through with a budget.

There are a couple of things I want to comment on in wrapping up, and again I appreciate the indulgence of the Senator from Virginia.

There was an article in the Washington Post on Sunday about how some of my colleagues were upset with this chart I have on the floor because of its irreverence, some may suggest, in its title. I was criticized by Members that I should not, in a chart, refer to the President by his first name.

I did a little looking back, as to how the other side treated Republican Presidents when they were in the majority—when they were here and the President was a Republican. I found just a few things. We did not do an extensive research—frankly, you did not have to do extensive research to quickly find references to Presidents which were in my opinion a heck of a lot more pejorative in nature than mentioning the President's first name in a chart.

In the 99th Congress, the next-to-the-last Congress, when President Reagan served as President, there were 77 references by Members to the term "Reaganomics." That at the time was not a flattering term. "Reaganomics," 77 times. In the 100th Congress 42 times. The term "Reaganomics" appeared in the journal here in the U.S. Senate, used by Members of the U.S. Senate to describe Ronald Reagan's fiscal policies. That is not a very nice thing to say. Yet I do not recall any of those comments being made and Members being attacked for that.

I have, from the CONGRESSIONAL RECORD here, March 3, 1989, the Senator from South Carolina, the junior Senator from South Carolina referring to President Reagan as "Ronnie," in his discussion. I do not assume to use any more familiar terms in referring to the current President.

I have, from the CONGRESSIONAL RECORD of 1991, the Senator from Massachusetts who used the term, not only on November 15, but on November 7 and November 1, the phrase "waiting for George," George Bush, the President of the United States. "Waiting for George is more frustrating than waiting for Godot." He used that phrase several times during debate in 1991 with respect to the unemployment compensation extension.

So, I mean, I also will refer back to the Senator from Massachusetts, September 20, 1988, during the campaign where he referred to the then-Vice President, candidate for President, as "Where was George then?" That was, as I mentioned before, the reason for this chart. The term "Where's George" was a popular saying back in 1988. And it was a popular saying, not as the Senator from North Dakota said to me while on debate the other day, at the Convention, the Democratic National Convention in 1988, but also on the floor of the U.S. Senate.

So, I think before we get a little high and mighty about the reverence paid to people, I do say "Days with no proposal to balance the budget from President Clinton." We try to be respectful and I am respectful of the office of the President and of President Clinton, but I think this chart is well within the bounds of decorum here in the U.S. Senate, and I do so with the greatest amount of respect and also with a very sincere effort to try to bring the President's attention back to this issue, to where he can become a relevant player in making budget policy for this country, which I think the country needs.

Whether we like it or not, the President has to sign the budget reconciliation. So he needs to be relevant to this process. We need the President. We cannot do it alone. We would like to be able to do it alone but we cannot. That is not the way the Constitution set it up. He needs to be relevant and needs to be involved. And I appreciate the first step he took, and his advisers who encouraged him to come to the fore and make that suggestion.

Now it is time to come and do a little harder work and get that—sharpen that pencil a little bit and start working with real numbers to come up with real solutions to the problems that face this country.

Mr. President, I yield the floor.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 9 a.m. tomorrow, June 21, 1995.

Thereupon, the Senate, at 7:29 p.m, recessed until Wednesday, June 21, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 20, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. LUCAS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 1995.

I hereby designate the Honorable FRANK D. LUCAS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority and minority leader, limited to not to exceed 5 minutes and not to exceed 9:50 a.m.

RETURN ON INVESTMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, good morning. It is appropriations season again and the money is tight everywhere, as we all know, as we discussed the budget in this town. However, there is a $2 billion expenditure that I do not believe is receiving the scrutiny it deserves; the money we are spending on continued United States operations in Haiti.

During this very painful process where even the good programs are likely to be cut in Washington, I have been particularly disheartened by the reports I have been receiving from Haiti and by how little return the American taxpayer seems to be getting for the precious tax dollars the Clinton administration is spending there.

We know that the total costs will run well past the $2 billion, that is "B," billion, mark or if our soldiers leave as scheduled in February of next year, 1996. This is an extraordinary sum of money. In fact, to put it in perspective, we could have given every person in Haiti $300; more than the average Haitian makes in a year, incidentally.

What will we have to show for it when it is all said and done? That is the question. I sincerely hope that we will have at least two free and fair elections. In fact, I am going to travel to Haiti later this week as the head of an elections observation team for a firsthand look at the electoral process for the elections this Sunday.

From the briefings I have received, though, I fear that this weekend's parliamentary and local elections may be dangerously close to falling below internationally accepted standards for good elections. And it is not for lack of money.

In fact, it seems the Clinton administration had to learn the hard way that doing things in a country with a history of political turmoil and a near vacuum in infrastructure and democratic government costs a lot more to get done than it does to get things done here in the United States.

While the FEC estimates that an American election costs around $2 a ballot, recent reports in the Arkansas Democrat I saw indicate that it will cost United States taxpayers between $10 and $15 per ballot in Haiti. That adds up to $30 million in administrative costs alone just to hold elections in Haiti.

Of course, this does not include the Presidential elections expected for sometime in December, if all goes well. Still more disheartening is the fact that once again, as in 1934, the United States may depart Haiti leaving nothing behind to help Haitians consolidate the progress they have made.

There are very serious gaps in the long-term picture. The constitutionally required permanent electoral council was never formed and the provisional electoral council is just that, it is provisional and it is struggling and not working as well as it needs to be.

Thus, we will leave behind no cadre of trained individuals to carry forth the democratic electoral process. We will leave behind no institutionalization of the justice system, the judicial system, which is a prerequisite for any democratic society.

A further concern is the police force. The Aristide government is resisting President Clinton and his team not to build a large, well-trained, independent police force. This is no doubt the legacy of his bad experience with former Haitian dictators' military police forces, but it nevertheless remains deeply troubling.

At the time U.S. forces are scheduled to leave, next February, barely 4,000 newly trained police will be in place. If training continues as scheduled, the program could produce a maximum of maybe 6,000 police. Would this be enough police, given the dissolution of the Haitian military and the historical propensity in Haiti for chaos? Will this provide stability for a country with nearly 7 million people, 4,000 police? I do not think so.

If there is anything that Haiti needs it is law and order, democratic law and order. That means a set of laws that apply equally and effectively to all citizens, a judiciary and a police force answerable to the democratically elected government.

I think every American, including people like myself who opposed the armed invasion of Haiti and entangling military occupation, are hoping that we will leave enough in Haiti for Haitians to build on; that a few years down the road we will not be faced with the same crisis all over again, starting with a great refugee crisis into Florida.

Frankly, I am not convinced that is happening, though. I hope every American will write their Congressman or Congresswoman and demand a full accounting of spending on United States and United Nations operations in Haiti by this administration. We are asking all Americans to tighten their belts still another notch. They deserve to know whether or not they are getting a reasonable return on the $2 billion-plus investment of their tax dollars that the Clinton administration has spent in that small Caribbean nation.

Mr. Speaker, where has all that money gone? And what did the U.S. taxpayer get for it? That is the question that deserves an answer.

SO MUCH FOR OPEN RULES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Well, well, well, well, here we go again, Mr. Speaker. The Rules Committee has really become the first line of defense for sacred cows. Today we are going to be taking up another rule that once again shuts out all sorts of amendments that would knock out sacred cows around this place.

Let us talk about that a little further. When we bring up the legislative branch appropriations bills, many of us

thought that it was very important to have a ban on gifts to staff and Members. Once and for all, get the lobbyists' gifts out of here. It taints the whole place. People are tired of that. You know what? In this group that pledged open rules, we are not allowed to offer that amendment. That amendment has been denied. Keep the gifts coming. Boy, is that wrong.

We also have two major committees that do nothing. They have no legislative jurisdiction. There were amendments to try and go after these. One has a staff of over $6 million a year; the other is over $3 million a year. The one that has the over $6 million, the last thing it did was a 300-page report defending the right of billionaires to be able to give up their U.S. citizenship and move offshore to avoid paying taxes. Now, that is not something I feel like funding, thank you.

Not only that, we have two tax committees that have legislative jurisdiction. Why do we need this third one that is really nothing but a select committee?

Why am I angry? Well, we did away with all the other select committees, ones that dealt with children and families, the one that dealt with hunger, and the one that dealt with the elderly. Those are gone. Those were people ones, but when you talk about taxes you cannot have enough staff up here protecting billionaires. No, no. no, we have to preserve them. So we have the Rules Committee denying any amendments to take those out, because if those amendments came to the floor, they are afraid people might vote for them. Well, so much for open rules.

I must say this saddens me very, very much. People may remember at the end of the 100 days I suppose I misbehaved. I climbed up on the top of this dome and I hung out a sign that said "Sold," because I feel I am watching this place being sold right under my eyes. It is like sold to the highest bidder; sold to the highest gift-giver. We are becoming a major, major coin-operated legislative machine.

There are ways to prevent that. There are ways to prevent that with campaign finance reform, with the gift ban, with doing away with committees that are just defending the super-rich who have their lobbyists up here protecting their special interest in the Tax Code. There are ways we can do that. But we cannot do that if we are denied the right to even bring these up as real amendments on the floor.

So far they have not denied my right to come here and at least talk about it. I suppose that is next. But we cannot do anything meaningful about it because the process has been shut down.

Now, I think for Americans this is a very serious issue, a very serious issue. We know that lobbyists can come in here and turn things around. We know they have been here a long time. But we now know we are seeing them in a magnitude greater than we have ever seen.

I was for the gift ban before they moved in with this magnitude. But for heaven's sakes, I think before the cynicism just gets so deep that we all drown in it we need to get to these basic House cleaning rules.

We really need to clean all this stuff up. We need to make the Tax Code look like it is working for the average person rather than working on the average person. We should be focusing much more on issues and how they affect children and families. Instead, we did away with the one committee that monitored that type of thing.

We ought to be standing up against hunger. That has been one of the great things that this country has done traditionally, is fed the world with this great breadbasket we have. No, we did away with that committee.

But, by golly, today we will not even have the chance to save $10 million and do away with the one that is protecting the billionaires over there on the Joint Committee on Taxation and do away with the Joint Economic Committee.

Have you ever seen an economist that has come out with anything that is on target yet? Why do we keep buying more and more and more of those, especially when we do not look at these other issues that are so critical?

So I rise with great sadness, and I hope many people think, very, very long and hard before they vote for this rule, because when you vote for this rule, remember, you have totally shut out the ability of being able to bring up these kind of amendments once more.

If you rememeber, last week when we did the defense bill, we had a rule that prevented us from bringing the defense number down to what the Pentagon wanted. This must stop. Think about that when you vote for the rule and vote "no."

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 13 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us always, O God, that honest communication between people demands that we not only speak but we also listen, that we not only express our ideas and feelings but we also heed the words and feelings of others, that we not only hear the sounds of conversation but actually contemplate the meaning intended by such words. May we, gracious God, appreciate that before we can act faithfully, we must also listen faithfully to that which others say to us. So let us truly commit ourselves to listen to others—in word and thought and meaning and purpose. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance will be led by the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 652. An act to provide for a pro-competitive de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 219) "An act to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NICKLES, Mr. STEVENS, Mr. THOMPSON, Mr. GRASSLEY, Mr. GLENN, Mr. LEVIN, and Mr. REID, to be the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The chair will recognize each side for fifteen 1-minutes.

DIME STORE DEFICIT REDUCTION

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, earlier this year some Members of Congress were infected with the me too but syndrome. As we discussed welfare reform they would say, "I'm for welfare reform, but" or when we passed a tough crime bill they said, "Me too, but, not that bill."

Now it appears a strain of that virus has infected the White House. President Clinton seems to have come down with me too not as much and I have no details syndrome.

The President told us last week that he was for spending cuts just not as much as Congress and he offered no specifics for his so-called budget plan. He claimed he was for tax cuts for hard working middle class Americans. But the House plan would allow families to keep too much of what they earn. And now we learn this week that the Clinton budget II, still leaves our children with huge annual deficits.

Mr. Speaker, we should not be fooled. As this House is trying to save the next generation from bankruptcy, the President is offering dime store deficit deduction.

STAND UP FOR WORKING PEOPLE

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, the morning talk shows were having a great time, for they were talking about how the Congress was getting ready as a legislative body of the United States of America to do our own budget. As we address the appropriations for this Congress, there is a lot of smoke and mirrors, and I have come to stand on behalf of the working people.

What are we doing with this appropriation? We are cutting out jobs for working people, the folding room, hard-working citizens who have been working for many, many years, dedicated and loyal, providing mail service to this House—they will lose their jobs. The Printing Office, skilled craftsmen who have been working and contributing to this House, they, too, it seems will lose their jobs. And then the citizens who come to work here, they may be driving a 1967 Chevrolet, but they are coming to the Congress to work. What do we do? We cut out their parking lot just so a few extra dollars can go somewhere else.

Mr. Speaker, if we are going to do real appropriating and let us be real fair, do not cut valuable services and real jobs for working Americans who work in lower level positions. Let us stand on the side of Americans who work, the citizens who come to work every day in the folding room, the Printing Office, and, yes, those individuals who drive far to come to work for the citizens of the United States of America who need just a simple unfancy parking lot to park in.

Smoke and mirrors, that is this appropriation. Vote "no" on this congressional budget appropriation process. There are no real cuts only smoke and mirrors—vote to save jobs.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, last month 238 employees of the National Immunization Program held a conference at the luxurious Century Plaza Hotel in downtown Beverly Hills.

The event cost $1,015,900.

This money could be used to immunize 13,500 babies. But I suppose a conference among bureaucrats in beautiful Beverly Hills was more important.

I am told the conference organizers selected Beverly Hills because of a recent outbreak of measles in Los Angeles. I wonder how many of the infected were in Beverly Hills at the time of the conference.

For whittling away taxpayer dollars so that bureaucrats can live high on the hog, the National Immunization Program gets my Porker of the Week Award.

SHAME, WASHINGTON POST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Washington Post bought eight brand-new printing presses, $250 million, a quarter of a billion dollars. They got them from Mitsubishi of Japan, who they said was the low bidder over Rockwell International.

Beam me up. How many, Mr. Speaker, how many businesses in Japan buy ads in the Washington Post? How many Japanese read the Washington Post? How many Japanese buy the Washington Post?

Shame, Washington Post. Hide your face, and while you are hiding your face, on behalf of all the workers at Rockwell International who are not allowed to bid in Japanese markets, shove your printing presses up your low bid.

CONGRATULATING THE HOUSE ON CORRECTIONS DAY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just wanted to take a minute to congratulate the House. Later on today we will pass the provision in the rules which creates Corrections Day. Later, after that, we will establish the bipartisan committee or task force which will be reviewing proposals for Corrections Day. Later, after that, we will establish the bipartisan committee or task force which will be reviewing proposals for Corrections Day.

This is an idea which first developed earlier this year, and people said, "Isn't there some way to correct the bureaucracy when it is doing things that make no sense?" I think it is a sign of real progress that on a bipartisan basis we were able to work out both the arrangement to establish a procedure for Corrections Day and we were able to establish, with the minority leader, a proposal and a list of names so there will be genuine bipartisanship in pursuing this, I think it is an example of working together.

We can get something good done for the American people, and we can cut some of the nonsense out of the Federal Government.

So I commend the Committee on Rules for its diligence, and I commend the gentlewoman from Nevada [Mrs. VUCANOVICH] and the others who worked so hard to make this come true.

WHAT WE ARE NOT DOING TODAY

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I think that it is important, after just hearing from Speaker GINGRICH, what we are going to do and what we are not going to do today.

Well, I will have to ask the empty Chamber what we are not going to do today.

What we are not going to do today is deal with the question of billionaires and the tax loopholes they can take in renouncing their citizenship. What we are not going to do today is to add a gift ban, a meaningful gift ban, which many of us have taken voluntarily, that requires, that allows, that makes sure that we do not fall under undue influence.

What is important to ask today is not what we are doing with some of these poll-driven, cynical ideas that seem to reach out to the common denominator, but, rather what we are not doing up here. We are not taking care of Medicare. We are cutting Medicare to give a tax break to the most wealthy.

We have got to look not at what we are doing today but what we are not doing, and what they are planning to do.

WE WILL BALANCE THE BUDGET

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, we will balance the budget. This will not be easy, but we will balance the budget, but not quite as soon as we would like, but we are going to do it.

How will we do this? We are going to have to rein in the spending, and we will rein in the spending.

The way that we should look at each expenditure, as this budget comes before us, look at each expenditure in this way: Is this spending so important that we are willing to borrow the money to do it? We do not have the money. We have debt now. We do not have the money. Borrow the money to do it and force our children and grandchildren to pay interest on it for the rest of their lives, to lower their standard of living to pay interest on that money for the rest of their lives? If it is that important, then we should spend the money, and if it is not, we should delete it.

BAN GIFTS FROM LOBBYISTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the American public strongly favors banning gifts from lobbyists to Members of Congress, yet, again and again, the Republican leadership has turned back Democratic efforts to pass gift ban legislation. Yesterday, yet another Democratic gift ban amendment ran up against yet another Republican stonewall.

The Baldacci amendment to the legislative appropriations bill we will consider today would have prohibited legislative funds from going to any Member or employee who has accepted a gift from a paid lobbyist, a lobbying firm, or an agent of a foreign principal. Yet, the Republican leadership will not even allow this amendment to come to the floor for a vote.

Perks and privileges demean this institution and everyone who serves here. We are here to do the people's business and we are well compensated for that. We do not need paid vacations, frequent flier miles, or free meals to sweeten the deal. It is high time Republicans live up to their rhetoric on reform and join Democrats to clean up Congress and ban gifts from lobbyists.

PEOPLE OF AMERICA KNOW HOW TO BALANCE THE BUDGET

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, balancing the budget is serious and difficult business. This was made even plainer this week when it was made known by the Congressional Budget Office that the President's plan to balance the budget in 10 years, which, by the way, is far longer than most Americans want to take to balance the budget, that his plan is out of balance by roughly $200 billion a year and is still out of balance at the end of 10 years by, I think, $209 billion.

Now, I am sure that the President and all of his people worked very hard on this plan to balance the budget, and the fact that it is out of balance every year roughly $200 billion and still out of balance in year 10, over $200 billion, indicates how difficult balancing the budget is.

Mr. Speaker, I will tell you where the real wisdom is in how to balance the budget, and that is outside the beltway. Let us go out to real America where people work and earn a living and balance their budget day in and day out, year in and year out. They will have the answer of how to do it here.

IN SUPPORT OF NIH FUNDING

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, the Republicans want to balance the budget, provide tax cuts for the wealthy, and increase defense spending at the expense of vital programs that serve the health of every American.

In their budget plan, they have proposed a $2.8 billion cut in funding for the National Institutes of Health, the world's leading biomedical research institution.

Their plan would jeopardize our Nation's health and our economy.

It would limit medical advances for life-threatening diseases such as heart disease and cystic fibrosis.

It would reduce the number of new technologies and treatments which save billions in annual medical care costs.

It would also threaten America's status as the premier health research center of the world and the 726,000 jobs this industry has created.

A cut of this magnitude is not only wrong, it lacks public support. Over 91 percent of Americans want us to spend more, not less, on health research.

M.D. Anderson Cancer Center, located in my district, is one of the best cancer research facilities in the world. The cancer center was among the first institutions to conduct trials of the new anticancer drug taxol, now being used to treat over a dozen types of cancer. NIH provided the resources to help M.D. Anderson develop this drug.

I do not believe the American people want us to reduce experiments which could provide a breakthrough in the treatment or cure for breast cancer, Hodgkin's disease, or melanoma.

If NIH's budget is reduced, M.D. Anderson and other institutions across the Nation would face even tighter budgets. These facilities would be forced to eliminate thousands of research-associated jobs.

Let us not risk America's role in biomedical research. If we do, our Nation could face a serious health care crisis down the road.

PRESIDENT'S BUDGET OUT OF BALANCE

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, a week ago the President of the United States spoke to the American people and entered, reentered the debate. He had sort of been AWOL for several months about the budget, and he reentered the debate, came in from the cold and said that he was presenting us with a balanced budget, or a budget that would be in balance after 10 years.

Republicans, while wishing that he had probably been there a lot sooner, generally welcomed him and asked him to be a part of it and looked forward to that and felt good about that, felt good he was going to enter back into the fray.

We have now found out from the CBO that, in fact, this budget that was presented is not in balance at all. In fact, it shows $200 billion deficits through the 5th year, through the 6th year, through the 7th year, through the 10th year. Every single year, it goes from $191 billion to about $210 billion.

It reminds me a great deal of the same situation we had in 1992, where the President campaigned from the center and then, after he was elected, governed from the left. Here we have a situation where the claim was made a week ago there was a balanced budget when, in fact, it is not.

LEGAL SERVICES FOR THE POOR

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, very soon now, this House will be engaged in a great debate as to whether or not to preserve legal services to the poor as is now a part of the Federal establishment.

There is general agreement across the board from those who want to zero it out altogether and not spend one penny in the support of legal services from the Federal Government to those who would expand the legal services grouping, as we now know it; somewhere in the middle lies the final principle upon which this House will take action.

Do we want to provide legal services access to the courts for the poor? The answer is resoundingly probably, yes. But do we want to allocate Federal funds to a private corporation to dole out these sums to help the poor in the various States, or do we want to shrink the amount of money, send it to the States in the form of block grants and have them decide how to provide legal services for the poor?

These are the outlines for the debate that is yet to come.

IMPORTANT INFORMATION ABOUT SUDDEN INFANT DEATH SYNDROME [SIDS]

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today, Representative TIM JOHNSON of South Dakota and I want to send a wake-up call to our colleagues about the No. 1 killer of infants during their first year of life: Sudden infant death syndrome, otherwise known as SIDS or crib death.

SIDS is defined as the "Sudden death of an infant under 1 year of age which remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and review of the clinical history."

The tragic and unexpected loss of a newborn is devastating to parents. What makes this disheartening experience even more agonizing is when doctors have no medical explanation for the infant's death.

SIDS is the leading cause of death among infants between the ages of 1 week and 1 year and strikes infants of all countries and cultures—in the United States alone, there are between 6,000 to 7,500 infants who unexpectedly die of SIDS each year.

As a new Member of the 104th Congress, I remain committed to increasing national public awareness about SIDS and educating parents about steps they can take to reduce the risks of SIDS.

In 1994, a national "Back to Sleep" public education campaign was launched by Federal and private entities.

The goal of this campaign is to encourage parents to place healthy babies on their backs or sides to sleep which research has shown to reduce the risk of SIDS.

Representative JOHNSON and I have sent important information to each office about the "Back to Sleep" campaign and SIDS public service announcements. We encourage our colleagues to send this vital message about SIDS prevention home to your constituents.

WHAT A DIFFERENCE A REPUBLICAN MAJORITY MAKES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, the new Republican majority has decided to set an example for everyone else to follow. Today we are bringing to the floor our own funding bill, the legislative branch appropriations for fiscal year 1996. It may come as a shock to the American people, but, this year we are cutting our own budget by $155 million. Yes, $155 million.

Mr. Speaker, what a difference a Republican majority can make. We have worked hard to eliminate unnecessary programs, privatize programs, and to streamline this huge bureaucracy that we call our home away from home. We are going to make Congress work better with less money. In fact, if every other program in the Federal Government were being proportionately reduced, we would save more than $130 billion during the next fiscal year.

Mr. Speaker, what a difference a Republican majority makes.

□ 1020

EFFICIENCY, COST SAVINGS ARE HALLMARKS OF LEGISLATIVE BRANCH APPROPRIATIONS BILL

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, the Republican majority continues to make good on our promise to change the status quo by cutting Government. Today we are bringing to the floor two measures to prove our dedication—the legislative branch appropriations bill, and legislation to establish a Corrections Day.

Through the legislative branch bill, we will reduce our own budget by $155 million for the next fiscal year. We have cut congressional staff and eliminated unnecessary programs.

Corrections Day will help purge the Federal Government of ridiculous red tape. It will especially help State and local officials, who have been dealing with ridiculous regulations for too long.

Mr. Speaker, a smaller, less costly, and more efficient Government is our goal.

EXTENSION OF AGREEMENT ON FISHERIES BETWEEN LATVIA AND THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–86)

The SPEAKER pro tempore (Mr. UPTON) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Latvia Extending the Agreement of April 8, 1993, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Riga on March 28, 1995, and April 4, 1995, extends the 1993 Agreement to December 31, 1997.

In light of the importance of our fisheries relationship with the Republic of Latvia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 20, 1995.*

CUT CORPORATE WASTE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, corporate welfare is defined as payment of Federal assistance in the form of subsidies, tax credits, and payments to business.

Such corporate welfare has grown to be so widespread that nearly every member of the Fortune 500 receives some sort of subsidy. Besides the enormous burden corporate waste places on the Federal budget, subsidies serve to weaken businesses; incentive to be competitive, efficient, and productive.

Reducing corporate subsidies is an important step in controlling spending. By sharply reducing these programs, we could eliminate unproductive programs while freeing much-needed funds for deficit reduction. In fact, cutbacks in corporate waste would have far more impact in reducing the deficit than many of the current efforts by Republicans to cut discretionary spending.

The Republicans have proposed to cut billions from programs that assist families, children, seniors, farmers, and veterans. Yet, while Republicans seek to gut programs that allow American families to make ends meet, over $160 billion a year in corporate welfare is buried in our Tax Code in the form of giveaways and loopholes.

It is indefensible to ask Americans to sacrifice without asking big business to do its fair share. I challenge the majority to cut aid to dependent corporations.

PROVIDING FOR CONSIDERATION OF H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 169 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 169

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may postpone until a time during future consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 169 is a structured rule, providing for the consideration of H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

The rule waives section 302(f), prohibiting consideration of legislation which exceeds a committee's allocation of new entitlement authority, and section 308(a) which requires a cost estimate in committee reports on new entitlement authority of the Budget Act against consideration of the bill.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule also waives clause 2, prohibiting unauthorized appropriations of legislative provisions in an appropriations bill, and clause 6, prohibiting reappropriations, of rule XXI against provisions in the bill.

In addition, the rule makes in order only the amendments printed in the report on the rule, to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report. The amendments are considered as read and are not subject to amendment or a demand for a division of the question in the House or Committee of the Whole. Also, all points of order are waived against the amendments.

House Resolution 169 permits the Chairman of the Committee of the Whole to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, as in last year's legislative branch appropriations rule, House Resolution 169 is a fairly standard structured rule to allow for the consideration of H.R. 1854. Amendments were made in order that allow the full House to make changes in areas where there are true differences of opinion. Last year, a total of 43 amendments were submitted to the Rules Committee and 12 of those were made in order. This year, 33 amendments were filed at the Rules Committee, and House Resolution 169 makes 11 in order. Of this year's group of filed amendments, less than one-half, by the way, Mr. Speaker, of the amendments filed were submitted on time and several were repetitive. A full dozen of these amendments dealt with franked mail and the Rules Committee made three amendments that affect Members mailings in order. We also allow amendments that would restore functions that some Members want to retain. In addition, we allow the full House to vote on an amendment that would allow Members to return unspent portions of their office expense allotments to the Treasury to be used for deficit reduction.

Mr. Speaker, I have the privilege in being the only Member of Congress to currently serve on both of the Speaker-appointed committees, and in my role on the Committee on House Oversight, I am very proud of the reforms achieved in H.R. 1854 based on the recommendations by House Oversight. We had some tough choices to make, but getting our own House in order and tightening our own buckles is a necessary step if we are ever going to achieve a balanced Federal budget; which is, of course, our goal.

H.R. 1854 incorporates House Oversight plans to revolutionize the internal workings of the House of Representatives, and over the next few months alone, save the taxpayers $7 million by streamlining operations. This bill is below the subcommittee's 602(B) allocation and is over 8 percent below last year's spending level. H.R. 1854 eliminates, consolidates and reduces, paving the way for privatization of functions that will likely be less costly when performed in some instances by the private sector. Quite frankly, House Oversight and the legislative branch subcommittee did such a fine job that there really is not much room for improvement by way of further reductions on the floor.

I would like at this time to commend the gentleman from California [Mr. THOMAS], chairman of the Committee on House Oversight, as well as the gentleman from California [Mr. PACKARD], chairman of the Subcommittee on Legislative, and of course the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full Committee on Appropriations, for their excellent work in bringing this bill forward. I believe, Mr. Speaker, that House Resolution 169 is a necessarily structured and yet fair rule, and I would urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we reluctantly oppose this rule for the legislative branch appropriations bill.

We are aware of the dilemma faced by the new majority in fashioning a rule for the consideration of this spending bill, which has for the past several years has proved especially contentious. We very much would like to be able to support this rule, but we do not oppose it because it makes in order only 11 of the 33 amendments that met the required pre-filing deadline. We do not oppose it because it waives points of order against provisions in the bill that violate House rules. We do not oppose this rule because it does not represent the "free and open legislative process" under which amendments are not blocked—the type of rule promised by the gentleman from New York—who is now the distinguished and able chairman of the Committee on Rules—

when we debated the rule on this same spending measure last year.

Mr. Speaker, we oppose this modified closed rule because it does not make in order amendments that deal with some of the most significant issues raised by the spending priorities in the bill. We oppose the rule because it denies Members the opportunity to vote on important reform and spending amendments.

During committee consideration of the rule late yesterday, we sought to make in order those amendments; our attempts were defeated each time on a party-line vote.

We argued that Members of the House should be allowed to vote on the deficit reduction lockbox amendment offered by Representatives BREWSTER and HARMAN. After all, the hallmark of the bill before us is that it cuts the spending of the legislative branch of Government; ends several of its functions and programs, and turns others over to the private sector.

As a consequence, we felt it only fair that the House have the opportunity to debate what happens to those savings, and whether or not they can be directly applied to reducing the Federal deficit.

Unfortunately, the majority on the committee voted once again to deny Representatives BREWSTER and HARMAN the opportunity to address this deficit reduction issue on the floor of the House.

We also felt strongly that a responsible amendment dealing with funding for the Office of Technology Assessment should be in order. The OTA is a nonpartisan research organization that provides Congress with valuable and timely information about issues in the legislation we are considering. It has strong bipartisan support in the Congress. Many of us on both sides of the aisle are concerned that the Appropriations Committee has acted precipitously in eliminating funding for this important research arm of Congress.

The rule makes in order one of the two amendments filed by the gentleman from New York [Mr. HOUGHTON] which is written to retain a smaller version of the OTA. Unfortunately, the amendment made in order is not the one favored by the author; he testified before the Rules Committee that he preferred his amendment that retains for the OTA some of the autonomy it currently has, and which has been a large part of its success.

The amendment required a waiver of the rule prohibiting legislative provisions in an appropriations bill. But, Mr. Speaker, since the rule itself provides a waiver of this point of order for other provisions in the bill and also waives all points of order against the amendments that are allowed, we felt it would have been equitable and certainly not unreasonable to protect the amendment Mr. HOUGHTON had hoped would be made in order.

The majority on the committee also refused to make in order several reform amendments, including one offered by the gentlewoman from Colorado [Mrs. SCHROEDER] to abolish the Joint Committee on Taxation. The Schroeder amendment should have been made in order, especially since the new majority intends to end or weaken one of its major functions—reviewing the tax returns of individuals and corporations with refunds that exceed $1 million, a function that saved the taxpayers of this country $16 million last year alone.

Our colleagues will also remember, of course, that we have, in the past, come to rely on the Joint Tax Committee as a voice of independence. But recent actions, including the 300-page report on the billionaire expatriates, have called its autonomous nature into question.

This amendment, along with another offered by the gentleman from Minnesota [Mr. MINGE], to eliminate funding now for the Joint Economic Committee, would have helped in our effort to streamline congressional operations, as well as save taxpayers money.

We are also being denied the opportunity to bring a gift ban to a vote. The committee refused to make in order an amendment offered by the gentleman from Maine [Mr. BALDACCI], that would have prohibited the acceptance of gifts by Members, their staffs, and the officers of the House.

As Members know, Mr. Speaker, we have been attempting to vote on a gift ban since the first day of this Congress, when the majority voted down a rules change that would have implemented a similar provision as a House rule.

We believe that officially ending this practice of accepting gifts would go a long way toward restoring faith in Congress by removing the appearance of impropriety by Members. This amendment would have given us the chance to vote on this important issue, the resolution of which has been dragged out far too long.

Mr. Speaker, this rule unfortunately also denies us the right to vote on another long-overdue congressional reform, a bipartisan amendment that would have ended the personal use of frequent flier miles by Members of Congress.

In conclusion, Mr. Speaker, we believe the Members of this body deserve the chance to debate and vote on a handful of amendments that could, in fairness, have been made in order by this modified closed rule. They addressed important congressional reform issues and the continuation of the OTA with some semblance of autonomy; they should have been a part of today's debate, and should not have been denied consideration.

This legislation is obviously essential if we want to continue to do well what we were sent here to do: Represent the people in our districts and legislate with their best interests and the interests of the Nation in mind at all times.

Mr. Speaker, we regret that we are unable to support the rule for this very important legislation.

We urge our colleagues to vote against the previous question so that we will be able to consider the important budget and reform amendments that were denied by the majority of the Committee on Rules and locked out of the amendment process.

If the Brewster-Harman lockbox amendment and the Baldacci gift ban amendment had been made in order, we would have had more spending cuts and more reform, and we shall ask our colleagues to give us the opportunity to make these important amendments part of the process today.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker and my colleagues, I will not consume very much time. Let me just say I rise in strong support of the rule. Like most of the rules on legislative branch appropriations bills adopted by the House in recent years, this is a structured rule. My colleague from Miami, FL, has so stated. He is a very valuable member of our Committee on Rules and also a very, very important member of the Committee on House Oversight. As he has stated, the rule provides for the consideration of a total of 11 amendments, or substitute amendments, 5 of which are Republicans', 4 of which are Democrats', and 2 of which are bipartisan.

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The rule will give the House an opportunity to work its will on most of the major issues relating to this bill.

Mr. Speaker, I heard some criticism of this rule and of the bill before us, but let me tell Members how important this is. We have just enacted a budget in this Congress which is going to realize a balanced budget in 7 years. I would have preferred to have it be 5 years, but, nevertheless, 7 years guaranteed, I think, is certainly a step in the right direction.

What does this legislative appropriation bill do? This sets the tone for exactly what we are going to be doing throughout the entire Federal Government when we restructure that government. We have reduced committees, we have reduced subcommittees, and, to drive a point home, that means 833 fewer employees, 833 fewer employees. If you look at my good friend RON PACKARD's committee report on page 16, it talks about the savings that are arrived at from reducing 833 employees. That means less taxpayers' money that goes to the contribution to pension

benefits for employees and for Members of Congress, it means less taxpayers' money that is appropriated to pay the congressional employees' share of health care costs, and so it goes, on and on and on.

Well, if that saves several million dollars, just think what is going to happen when we abolish the Department of Education, with 7,000 employees; when we abolish the Department of Commerce with 36,000 employees; and the Department of Energy with 18,000 employees. Think how fewer contributions there are going to be of taxpayer dollars going to benefits for those employees of the Federal work force. We are not reducing the amount for the Federal work force that pays for those benefits, but we are reducing the total amount of dollars. That is what we need to do.

So for anyone who wants to vote against this rule or the legislative appropriations bill, they are making a big mistake, because this does set that tone. For the first time in years I am going to vote for a legislative appropriations bill, because it reduces the spending on this Congress and sets the right tone. I urge all Members to do the same thing.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, I rise in opposition to the rule because, among other reasons, the amendment of the gentleman from New York [Mr. HOUGHTON], preserving OTA, was not put in order.

Mr. Speaker, I rise in support of the amendment to retain OTA. I have served on the OTA board for 4 years, and I feel strongly that this agency should be retained.

I have three main points I want to make concerning OTA in my brief comments today. My first point is that the work of OTA is not simply a luxury to Congress, the work done by OTA cannot and will not be replicated by any other organization.

Second, I want to point out that OTA exists as a result of growing awareness over the early part of the 20th century of the ever-increasing need for sound scientific analysis in policymaking. Much careful thought went into creating OTA, and we should be equally careful as we consider what its future should be.

Congress will not get a lot of symbolic mileage out of eliminating OTA. With all the inefficient organizations we have to cut in the Federal Government, eliminating a small agency that is considered a model of efficiency by experts across the political spectrum is not the way to score political points.

During the joint hearing on congressional support agencies on February 2 of this year, a number of experts on congressional reform from across the political spectrum discussed OTA. Each witness praised the expertise of OTA reports, and several witnesses noted that OTA could serve as a model of efficiency and organization for other government entities.

No one questioned the objectivity of OTA, nor were there serious concerns raised about the utility of their reports. The only argument made for eliminating OTA was that the organization was not essential to the Congress. The question then comes down to the necessity of having OTA continue its work for Congress.

I think we all can agree that Congress is being called upon to legislate in a world which only becomes more technically complex, we clearly have a need for good technical analysis from an objective and professional organization.

Some say we should go directly to the outside experts, and that objective and balanced advice should be obtained that way. This is based on the belief that professional standards in the technical fields are sufficient that Congress does not need an office to help sort out competing scientifically based claims.

As a medical professional, I know enough about science to know that there is a lot of ground for differing interpretation and presentation of scientific facts. In my own field, I can make judgments about what constitutes solid evidence. But we are incapable of making those sorts of judgments outside of our own fields. I would have very little basis to judge good or bad scientific advice outside of my own area of medicine.

In OTA, we keep on hand a small but highly trained group of experts in numerous technology related fields. They have no institutional or economic agenda to push. They exist to sort out competing arguments, to explain seemingly contradictory facts, and then present them to us so that we may make our policy decisions with these complicated scientific perspectives sorted out.

Here is an example of why it would be difficult to rely directly on experts or the private sector to fill the functions of OTA.

Many of us have been concerned over the past several years about the emergence of bacterial disease resistant to many of our antibiotics. What is unknown is how serious a problem this truly is, and how we should deal with it. Presumably we could go directly to the experts, the microbiologists and infectious disease specialists.

But we might expect these professionals could have a conflict of interest, and might overstate the problem, in hopes of obtaining more funding for surveillance and basic research. OTA has no stake in this issue other than to serve the policymaking needs of the Congress.

They can afford to be objective and ask the question, Is this truly a public health crisis, and what needs to be done about it? The OTA is just a few months away from having a report completed on this question, and it will almost certainly shed important light on a problem which is a significant cause for public concern.

We must recognize that OTA exists as a result of a long history of recognition by Federal policymakers that policy requires data and analysis. The National Academy of Sciences argued for the creation of OTA, because they—among others—recognized that the pace of science demanded an expanded capacity for Congress to obtain balanced technical advice.

The number of scientific and technology issues, the pace of change and the complexity of these issues will only increase in the next decade. It strikes me as precisely the wrong time for impulsive acts like the elimination of an entity that exists because of a long, carefully considered need for such assistance.

OTA was not some luxury created based on some monetary whim. OTA exists because policymakers found a significant gap that was not filled by the existing experts, think tanks, academic centers, or other sources.

The National Academy of Sciences, Institute of Medicine and National Academy of Engineering continues to this day to strongly support the continuation of OTA.

Furthermore, we should not expect that an entity like OTA can be quickly recreated. OTA has accumulated an experienced staff in an amazingly broad range of science and technology issues, and that have a considerable amount of institutional memory in addition to their technical expertise.

A hasty decision to fire these professionals would undo many years of careful thought and painstaking hiring.

The American people sent a lot of new people to Congress in November to act; but they did not send them here to act impulsively or with shortsightedness. I think that if we have learned anything it is that the public can usually tell the difference.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD], the distinguished chairman of the Subcommittee on Legislation of the Committee on Appropriations.

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a structured rule, a rule that I think is very fair. It will give complete opportunity for us to debate every issue that I think is important to be debated. Frankly, I want to express my appreciation as chairman of the subcommittee to the Committee on Rules for providing us with this very fair and open opportunity for debate.

In reference to OTA, I must make some comment. We will have a complete opportunity to debate OTA. There are two amendments made in order. One is to restore virtually all of OTA to where it is now, 85 percent of it. Then a second amendment, offered by the gentleman from New York [Mr. HOUGHTON]. We will have complete opportunity to debate OTA. Frankly, I think that the Committee on Rules was very fair in that area.

I also want the Members of the House to know that we spent considerable time and effort in trying to craft a bill that would do some of the fundamental things that Congress and we think the voters have called upon the House to do, and that is to downsize Government, and to start with themselves.

This bill does that. This sets the model. This sets the mold for all the rest of Government to follow in downsizing, in consolidating, in eliminating, and in cutting those areas that Government needs to cut, and we have started with the Congress and the related agencies that support the Congress in this bill.

It is a very good bill. We have given considerable effort and bipartisan debate before we come to the floor of the House to it. This rule gives us a chance to debate those very issues that were debated and were still controversial in the committee and subcommittee. We do not believe there should be any need for additional amendments. In fact, we would have preferred less amendments. But the Committee on Rules, in their good judgment, balanced the amendments to both sides of the aisle, and we think that we will have an opportunity to debate the important issues.

We like the rule, we appreciate the Committee on Rules, and I strongly urge the Members of the House to vote in support of the resolution.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today we take up the 2d of our 13 appropriations bills, this time the legislative branch appropriations bill. Sadly, the rule on this bill once again does not include the Brewster-Harman bipartisan lockbox amendment.

Later today we will also resume consideration and vote on the military construction appropriations bill. The rule on that bill did not include the Brewster-Harman bipartisan lockbox amendment.

Let me explain what is sad about this and why I will vote against the rule to this bill and the rule to future appropriations bills, so long as they do not include the Brewster-Harman bipartisan lockbox amendment.

The lockbox is a very simple concept. It is supported by or was supported by 418 Members of this House and I believe all members of the Committee on Rules when it was voted on earlier this spring. What it says is a cut is a cut. It is a mechanism whereby when we cut spending on an appropriations bill, as we did last Friday when we voted down a proposal for an Army museum that would cost $14 million, the money that is saved is scored in a lockbox. It could be called anything, but it is separately and identifiably set aside. That means that when the House bill passes, that lockbox money is identified. When the Senate bill passes, whatever is in the Senate lockbox is identified, and the conferees are required to come out with a figure somewhere between the House and Senate number. That final amount in savings must go to deficit reduction.

These are not actual dollar bills that are in a box. This is less money that has to be borrowed, and it is money that comes off the 602(b) allocation.

I want to explain to my colleagues if we do not do this, we are deceiving the American people. We are saying that we are cutting spending, when we are not. Instead, we are giving a certain kind of power to the appropriators that the American people do not understand that they have. It is not the right thing to do in this House in my view, to cut spending and then to reallocate that spending without people knowing about it.

So one more time, colleagues, deficit hawks, all of you, let me urge that we change this rule to make in order the Brewster-Harman lockbox amendment and that we make clear to the American people that we are not kidding, that the money saved comes off the bottom line, and that the deficit will go down because of the courageous actions we take in this body.

Vote "no" on this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague on the Committee on Rules, the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague and dear friend, the gentleman from Florida, Mr. LINCOLN DIAZ-BALART, for yielding me this time. I must say that it has been a pleasure to have him on the Committee on Rules and I am pleased to see him managing these legislative efforts.

Mr. Speaker, in the time I have been in Congress, we have had much discussion about the need to look close to home as we work to bring balance to our Federal budget. Not only is there an actual real need to clamp down on unnecessary and lower priority spending—but there is also a very important symbolic need behind that effort. My mail strongly suggests the American people are willing to make some sacrifices in order to bring down our deficit and begin paying off our debt. But they want to be sure that the sacrifice is spread fairly, all the way around—and they sure want to know that their elected officials are leading the way, not hiding behind some royal velvet curtain in the castle or the Imperial Congress. I am very proud of the work done by our friends on the legislative branch subcommittee in bringing us H.R. 1854, the bill that outlines our own budget up here on the Hill for the coming year. The subcommittee made some very real cuts—reflecting the action we took on the opening day in cutting our staff budgets by one-third and in reducing the actual dollars we intend to spend next fiscal year by 8.2 percent from what we are spending this year. That is a real cut—not just slower growth or some budgetary hocus-pocus. Still, though the committee has done good work—there are Members who have ideas about further cuts and ways to change priorities in how the money is spent. Although appropriations bills are privileged and could come straight to the floor without a rule, this bill requires certain waivers as explained by my colleague from Florida. In addition, because we are under a tight time schedule to complete our work on all the appropriations bills, our Rules Committee chose to follow recent precedent and provide a structured rule, which was reported by our committee on a voice vote. This rule provides for consideration of 11 amendments—including several proposals for additional cuts in Members' franking. I am a strong proponent of reducing the allowances Members get for free mail—having spent the past 6 years fully responding to my constituents' inquiries and staying in touch—while only using a fraction of my allocation. I am certain many other Members have had similar experience of underutilization of the over generous franking allowances. Likewise, we will consider an amendment to afford Members the opportunity to return unused office funds to the Treasury for deficit reduction—an important proposal designed to change the incentives from spending toward saving. All together—the bill and this rule—provide strong testimony to the fact that Members are starting to get it—the American people want us to lead by example and that is exactly what we are doing. This doesn't reduce Congress and its Members to sackcloth and ashes. It does responsibly tighten our belts another notch or two. I urge support for this rule.

Mr. BEILENSON. Mr. Speaker, at the moment we have no further requests for time, although such requests may yet appear. We reserve the balance of our time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague on the Committee on Rules, the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I want to express my strong support for House

Resolution 169, the rule which provides for consideration of H.R. 1854, appropriations for the legislative branch.

In the past, Congress has proven that it absolutely cannot restrain itself from spending taxpayers' money. This bill is a significant move to curb Congress' spending on itself. H.R. 1854 cuts the congressional budget by $154 million in fiscal year 1996, eliminates 2,350 congressional staff positions, and privatizes those operations that would be better provided in the open market.

The bill crafted by the Appropriations Committee continues our commitment to shrink Government, beginning with ourselves. This rule assures that the Members of the House can vote on a number of amendments that would further cut the funds that Congress spends on itself, including funds spent on congressional allowances, congressional mail, and congressional staff. While only 12 percent of amendments offered by the minority party were permitted in the last Congress on this bill, the Rules Committee will allow almost one-third of minority amendments to be considered on the House floor today.

Some amendments, such as a loosely written gift ban amendment, should not be in this bill. However, under the ill-advised amendment offered in the Rules Committee, if a group from the Fourth District of Georgia decided to hold a reception, I could be prohibited from joining the event because it was funded by interested constituents.

A House bipartisan task force is working on effective gift ban language, and the Rules Committee acted responsibly in not permitting this amendment.

Mr. Speaker, we will balance the budget so that our grandchildren will not have to pay for our extravagances. We are cutting our own budget first, and are working to assure that future generations will not have to pay for the excesses of Government. I urge support for this fair rule and the bill that will create a streamlined, responsible legislative branch.

□ 1100

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], a member of the Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, I rise in strong support of the fiscal year 1996 legislative branch appropriations bill. By slashing Congress' own budget by $154 million, this bill shows that Congress is not just asking others to make do with less money, but we are starting with ourselves.

The rule for this bill, though, allows us to go even further than the base bill. The rule makes in order a number of amendments that will cut even more funding, including an amendment to cut Members' office allowances by $9.3 million, another amendment to cut franking funds by $4.6 million. We allow an amendment that would further reduce the Government Printing Office and an amendment that allows Members to return the unspent portions of their office expenses to the Treasury for deficit reduction.

I have pledged to cut my office expenses by 25 percent over last year's mark and we are doing it. And I would much rather see that money go to deficit reduction than back into Congress' own spending accounts.

As we work to bring our own House in order, this rule gives us the opportunity to make additional spending cuts beyond the bill's nearly 9 percent reduction.

The American people have become increasingly disillusioned with Congress and for good reason. We have squandered their money for too long. All over this country families are tightening their belts and figuring out how to make do with less, but Congress has failed to do the same over and over again.

This bill proves to American families that we, too, are willing to do our part to help tame the budget deficit by downsizing Congress and bringing spending under control.

This bill takes an important step toward making sure that Congress learns how to do our work better for less money. I urge my colleagues to support both the rule and the bill.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding time to me. Let me say that talking about how this is a good rule is like trying to put lipstick on pigs. This is a bad rule. Let me tell you why.

Some very essential amendments were denied. They were denied by the same group who promised open rules. The most essential, I think, is the one that would cut off gifts being able to be delivered to Members of Congress and their staff. I think this place should have had a gift ban from the day it started, and to think in 1995 we still do not have it is unbelievable. But we were denied the opportunity to come forward with a gift ban once and for all and say to the lobbyists, no, no, no, this place is not for sale.

So that is one reason. No. 2, if you think we ought to be paying $6 million to the staff on the Joint Committee on Taxation who just finished preparing a 300-page document defending billionaires in America and their right to give up their citizenship and move offshore to keep from paying taxes, then you will love this rule, because the amendment that would cancel that joint committee that has absolutely no legislation was also not allowed. Those guys are there defending the fat cats, and they are going to keep them there defending the fat cats. They are the first line of defense I guess for fat cats when it comes to taxes. I think they should be gone.

It is very interesting that we cut the Select Committee on Children, the Select Committee on Hunger, the Select Committee on Aging; all of those are gone, but not the select committee that protects tax bennies, no, no, no.

They do not have any more legislative jurisdiction than the other select committees. And on children, let me tell you, the Select Committee on Children Youth and Families, which was around here for 10 years, their entire 10-year staff budget did not equal what one year is in this Joint Committee on Taxation. That was not allowed. So that amendment was not allowed, nor was the amendment to cut out the Joint Committee on Economics.

Now, let me tell you, we either do away with all select committees; I think that is a very good point, if you are going to do all of them. But to selectively just target the ones that are people oriented begins to tell you what our priorities are.

Maybe I would lose if I could offer my amendment. Maybe the gift ban would lose if we could offer that amendment. But let me tell you, anybody who votes for this rule is voting against our chance to even offer that amendment. The only thing we can do is stand down here and talk about it.

What people will then say when they go home and are asked why they did not vote to clean up the Congress and get rid of gifts, they will say, because I could not. What they are not telling is that the reason they could not was because they voted a rule out that did not allow them to clean up the place.

Let us hope people out there are sophisticated enough to ask the second question. If you cannot clean up a gift ban, who can, and why in the world would you vote for a rule that would deny the opportunity for this debate and deny the opportunity for these issues to come to the floor.

If you vote for that rule, that is exactly what you are doing. So if you love gifts coming to your office, vote for this rule. If you or your staff wants more gifts from lobbyists, vote for this rule. If you think it is a great idea to spend $6 million a year for people to write defenses of billionaires being able to give up their citizenship and duck taxes, vote for this rule; you will love this rule. For me, I do not like this rule and I am voting "no."

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Speaker, after hearing the last speaker, I think it is very important that we clarify what exactly was attempted to be done through a gift ban in this legislation versus legislation that I have cosponsored along with other members of the

bipartisan task force on reform that really will eliminate gifts from lobbyists coming to Members of this institution.

The amendment that was offered, while I recognize the intent and the spirit with which it was offered, simply said that if we discovered that someone was accepting gifts, they could not get money out of the legislative appropriations bill. What we are trying to do in my gift ban bill is not say it is OK to take gifts as long as you do not get caught, it is to say that gifts should not be accepted by Members of this body.

The amendment that the previous speaker referred to was a few sentences that did not define a gift, that did not define a lobbyist, that left so many loopholes, it would be far too easy to ignore the plain intent of gift ban legislation.

The bill that I offered, along with other Members, by contrast defines exactly what a gift is, includes trips, includes meals, and gives Members a framework in which to know exactly what things are not permitted. It defines it clearly so that Members cannot argue that they simply did not realize that a meal from someone constitutes a gift.

So if Members are serious about outlawing gifts in this institution, which I hope they are, then it is too important to try to deal with for political purposes in some amendment that does not really truly address the problem. We need to address this problem in a way that makes it clear that we do not have loopholes, that we have an opportunity to really clean this practice up.

In my office we do not take gifts. Things that are sent to us go to a homeless shelter in the area. It is very important to me that we deal with this gift ban, but we need to do it responsibly, not through something tacked on that really will not deal with the problem.

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Mrs. WALDHOLTZ. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, that is always the great excuse, that this is not the perfect amendment. So my first question is, why did you not offer yours in lieu thereof, if you did not like this one? And second, if you did not like this one, why still not allow it to come to the floor and we at least debate it? You could amend it, whatever. I think that is very important.

Third, why did you not allow the amendment to cut out the two select committees, one on taxation, one on the Joint Economic Committee? Those were also denied. That is 10 million dollars' worth of savings when you just add those two together.

Mrs. WALDHOLTZ. Mr. Speaker, let me address the gift ban aspect. The reason that I did not offer my bill to legislative appropriations is because it is not appropriate to be legislating in an appropriations bill. I am sure the gentlewoman well knows that. This gift ban needs to be dealt with on its own merits. We need to have a discussion about this. The people of this country need to be able to see exactly what it is we are doing, and I have offered my bill and it is working its way through the process so that Members have an opportunity to know exactly what we are dealing with, that the people of this country can then have confidence that this is not some little thing that we added onto another bill that does not really mean anything, that has an enforcement mechanism, that has definitions that will allow people to really know that we are going to do away with gifts from lobbyists coming to Members of this institution.

Mrs. SCHROEDER. Mr. Speaker, if the gentlewoman will continue to yield, let me say we passed a very strong bill last year. We tried to put it through as legislation, as rules of the House at the beginning of the session. There are many of us who have a discharge petition up there trying to get it out here in one form.

As I say, we have been waiting for over 200 years in this Congress to get decent gift legislation. There is always a reason why not now, not right now. I think this is the perfect time. I thought the gentleman's amendment was excellent. I think it is a shame we would use the amendment to shut off the rule.

Mrs. WALDHOLTZ. Mr. Speaker, I will simply close by saying this: Gift ban legislation is too important to deal with it in a haphazard manner. We need to deal with it not as an add-on to a legislative appropriations bill, not as simply adding a sentence saying that if we find out you are taking gifts you will not get money from this fund.

We need to deal with it in a responsible way that the bipartisan reform task force is attempting to do, by dealing with it in a way that makes it clear to members of the public and to Members of this body that we will not take gifts and trips and meals and all the various things that the people at home have come to feel are too influential in how a law gets made.

I would urge those who are genuinely sincere in wanting to accomplish a gift ban to work with the bipartisan reform team and help us move our legislation forward that deals with this issue responsibly in a way that will make it clear to the public that the days of that influence into this body are over.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman form Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, when I was first elected to Congress a little shy of 6 months ago, we were faced with this revolution that was going to be taking place this session. And that revolution was going to be reforming the way the Congress operates.

We passed congressional accountability to make Congress accountable for the laws it passes and it passes on everybody else. We were told at that time that gift ban legislation would be taken up later on, and it could not be done when we tried to do it during that first day.

Now we are being told again that it cannot be done now because it is not the right time and that we want an opportunity for people to understand what is all entailed here.

I think that the people of my State and I think the people of this country understand very well what is taking place and why we do not have gift ban legislation.

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They understand very well, whether we establish an enforcement mechanism, whether we establish a watchdog to watch over it, they know where the majority does no want this issue to be, in front of this Congress, because it is what the American people want and what they demand.

Congress is paid a good salary. They have good benefits. There is no need to have somebody else picking up our check when we go out to eat. We get enough money to pay our own bills. We do not need people buying us tickets to go to a hockey game or to a baseball game, because we have the income and the ability to do it.

We are supposed to be serving the people of this country. We are public servants for the people. I swore an oath to the people, and that is the contract that I have. I do not know what Members are afraid of in bringing this issue up. It may not be perfect, but it will not be the only thing that is not perfect that has been brought up this session

Mr. Speaker, I implore Members to pass this legislation. We need the Four Horsemen to pass reforms: campaign finance reform, gift ban legislation, congressional accountability. Start putting trust back into the people, so the trust will be raised within the population, so they will have faith in all of us.

Mr. Speaker, we are here to do this job. I voted for term limits. I voted for congressional accountability. I want to vote for campaign finance reform, and I want a gift ban, because it is important to get back the trust of the people in what we are doing on the issues before us. I implore the Members, I do not know what they are afraid of in addressing this issue now. I want to do it, I want to do it now, and I want the people to have their trust back in their public servants, because it is their institution, and we are here to serve them.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, this year we are embarking on a long and arduous journey to balance the budget. Our lingering deficit and staggering national debt make balancing the budget a critical necessity. We must take serious action now. We cannot afford to spend yet additional years and spend additional money before we make cuts that have already been identified.

During this process we are going to have to make many painful decisions to cut programs that are beneficial. We will have to scale back the size of Government. We will have to cut waste, set priorities for dispersing the limited pool of Federal dollars. In this spirit of eliminating waste and reducing the deficit, I had hoped to offer an amendment to the fiscal year 1996 legislative appropriations bill that would have eliminated funding for the Joint Economic Committee.

Mr. Speaker, I understand that the Joint Economic Committee has been identified as an appendage of this institution that is not needed. It is slated for elimination in fiscal year 1997. Why should we wait for another year? By eliminating the Joint Economic Committee this year, we could save the taxpayers $3 million.

Mr. Speaker, we can no longer afford the luxury of funding redundant, duplicative Government entities such as the Joint Economic Committee. We already have budget committees, tax committees, in both the House and Senate. Earlier this year the committees in the House were reorganized, and the total number was reduced to eliminate overlap and duplications. Now, during the budget process, we should continue this effort and eliminate wasteful joint House and Senate committees.

Mr. Speaker, I commend the Members for their efforts to pare down the size of the legislative branch and improve efficiency. Let us take another relatively easy step toward balancing the budget by eliminating the Joint Economic Committee now. I urge my colleagues to support this effort and save the taxpayers $3 million. I ask, why could this rule not have allowed for that step to be taken this week?

Mr. BEILENSON, Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, certainly, as the last speaker very articulately pointed out, the American people want us in Congress to act on the budget, and act with fairness to balance the budget and make some tough spending cuts. One of the ways we can achieve that is to lead ourselves, to return money out of our congressional accounts back to the U.S. Treasury Department.

Over the least 4 years, I have returned over $670,000. Many Members of Congress have done much better than that. What we should be able to do is have that money designated for deficit reduction and not go back into a fund that pays for other Members' mail, office accounts, salaries, whatever be the case.

A bill that I introduced on the first day of Congress this session, last session, the session before, H.R. 26, would achieve this purpose. It simply says, "Any excess funds in an account will go directly to the U.S. Treasury, and not back to the U.S. Government to be respent."

Mr. Speaker, I think this is fair. It is accountable. It shows some leadership on the part of the Congress to address the deficit. This is bipartisan legislation; 121 Members of Congress have joined with me, Democrats and Republicans joining together to do something about the budget deficit, including the acting Speaker, the gentleman from Michigan [Mr. UPTON]. I will be joining tomorrow with the gentleman from New Jersey [Mr. ZIMMER] to offer an amendment to have excess moneys go directly to the deficit.

I am hopeful that we can pass this legislation to account for truth in budgeting, so we do not appropriate less money than we actually need, and count on Members to return money, and second, to show the American people that Members of Congress are going to be fiscally disciplined and make some of the tough decisions in their own office to return funds.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we regret we are unable to support the rule for this very important piece of legislation. We do urge our colleagues to vote against the previous question, so we will be able to consider the important budget and reform amendments that were denied by the majority of the Committee on Rules, and kept out of the amendment process.

If the Brewster-Harman lockbox amendment and the Baldacci gift ban amendment had been made in order, we would have had more spending cuts and more reform, and we shall ask our colleagues to give us the opportunity to make these important amendments part of the process today.

Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I include for the RECORD information regarding the floor procedure in the 104th Congress:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute..	1D
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D
H.R. 655	Hydrogen Future Act	H. Res 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery of the State of Iowa	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D;1R
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan

*Contract Bills, 67% restrictive; 33% open. **All legislation, 65% restrictive; 35% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I was pleased to see the gentleman from Indiana [Mr. ROEMER] bring up that very important subject which we have permitted to be addressed by virtue of making in order an amendment offered by the gentleman from New Jersey [Mr. ZIMMER] that will allow Members to return unspent portions of their office expense accounts to the Treasury to be used specifically for deficit reduction.

This is a fair rule, Mr. Speaker. It has been a rule that has been well thought through. There has been very close work and cooperation between the Legislative Subcommittee of the Committee on Appropriations, the Committee on House Oversight, and the Committee on Rules. I think it is a good piece of work that we have brought before the floor today, before our colleagues today, and I would urge that our colleagues adopt this rule and move this bill onto the floor.

Mr. Speaker, I include for the RECORD a table reflecting the amendment process under special rules reported by the Committee on Rules.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of June 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	29	73
Modified Closed [3]	49	47	11	27
Closed [4]	9	9	0	0
Totals	104	100	40	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nattional Defense Auth. FY 1996	PQ: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1617	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. UPTON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until completion of action on House Resolution 168.

Mr. BEILENSON. Mr. Speaker, I want to make it clear that I was objecting to a vote on the previous question.

The SPEAKER pro tempore. The Chair recognizes that.

The point of no quorum is considered withdrawn.

ESTABLISHING A CORRECTIONS CALENDAR IN THE HOUSE OF REPRESENTATIVES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 168

Resolved, That clause 4 of rule XIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a) After a bill has been favorably reported and placed on either the Union or House Calendar, the Speaker may, after consultation with the Minority Leader, file with the Clerk a notice requesting that such bill also be placed upon a special calendar to be known as the "Corrections Calendar". On the second and fourth Tuesdays of each month, after the Pledge of Allegiance, the Speaker may direct the Clerk to call the bills in numerical order which have been on the Corrections Calendar for three legislative days.

"(b) A bill so called shall be considered in the House, debatable for one hour equally divided and controlled by the chairman and ranking minority member of the primary committee of jurisdiction reporting the bill, shall not be subject to amendment except those amendments recommended by the primary committee of jurisdiction or those offered by the chairman of the primary committee, and the previous question shall be considered as ordered on the bill and any amendment there to final passage without intervening motion except one motion to recommit with or without instructions.

"(c) A three-fifths vote of the members voting shall be required to pass any bill called from the Corrections Calendar but the rejection of any such bill, or the sustaining of any point of order against it or its consideration, shall not cause it to be removed from the Calendar to which it was originally referred.".

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 168 is the long-awaited reform to create a new House Corrections Calendar for legislation that would repeal or correct laws, rules, and regulations that are obsolete, ludicrous, duplicative, burdensome, or costly.

The idea was first proposed by our Speaker back in February of this year, and it has since captured the imagination and enthusiastic support of our colleagues and the American people alike.

The resolution amends clause 4 of House Rule 13 by repealing the obsolete Consent Calendar and by replacing it with the new Corrections Calendar.

The Consent Calendar has not been used since the 101st Congress and, even then, was only used for three bills.

For bills to be placed on the Corrections Calendar, they must first be reported by the committee of jurisdiction and placed on their normal Calendar. The Speaker could then place the bills on the Corrections Calendar after consultation with the minority leader.

The Calendar could be called on the second or fourth Tuesday of each month, at the discretion of the Speaker, after the Pledge of Allegiance. Bills would be called in the numerical order

of their placement on the Calendar, after pending there for at least 3 legislative days, following the existing rules of the House.

The bills would be debated for 1 hour equally divided between the chairman and ranking minority member of the primary committee of jurisdiction. No amendments would be allowed unless recommended by the primary committee or offered by its chairman.

Each bill would provide for one motion to recommit with or without instructions. That means a final, alternative amendment or substitute could be considered, debatable for 10 minutes divided between the proponent and an opponent.

Finally, the rule provides for a three-fifths vote to pass a bill on the Corrections Calendar.

We think the three-fifths super-majority vote for Corrections Calendar bills is a reasonable middle ground between a two-thirds, which is used for suspensions when the bills are reasonably noncontroversial, and a simple majority vote when bills are extremely controversial. The bills should be relatively noncontroversial and bipartisan, but there is bound to be some controversy on some of these measures. Even so-called stupid rules will have their defenders.

Given the prospect of some controversy on some corrections bills, we purposely built-in the ability of the minority to offer an amendment as part of a motion to recommit with instructions. This is something that is not available under the suspension process.

Nor do bills have to be reported from a committee to be considered under suspension. It was the strong feeling of the Speaker and his advisory group that drafted this proposal that regular process should be followed at the committee level for a bill to be eligible for the Corrections Calendar.

Moreover, suspension bills can be in violation of House rules and still be considered. Corrections bills do not have such protection against points of order. They must be in conformity with House rules. The only exception is that a corrections bill will not be subject to the point of order that it should be considered in the Committee of the Whole. Instead, the bills will be considered in the House under the 1-hour rule.

Mr. Speaker, I want to commend the Speaker on originating this idea and on following through on it by appointing the special advisory group that developed and drafted the rule before us today. That advisory group consists of Representative BARBARA VUCANOVICH, its chairman, and Representatives ZELIFF and MCINTOSH.

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They have put in countless hours in perfecting the concept and in gathering support for it. We all owe them a debt of gratitude in bringing this to the Rules Committee and to the House floor today.

Mr. Speaker, one of the other concerns expressed by the minority is that this process may not have sufficient input from the minority. To address that concern, we adopted the amendment requiring the Speaker to consult with the minority leader before placing any bill on the Corrections Calendar. The minority would have preferred giving the minority leader veto power over placing bills on the Corrections Calendar, but we felt that went too far in interfering with the scheduling prerogatives of the majority leadership.

Moreover, we included report language at the suggestion of the minority, urging the Speaker to follow through on his stated aim of having a bipartisan group of Members to help develop criteria for corrections bills and in recommending which bills should go on the calendar.

I am pleased to report that today the Speaker will act on his original intention to have a bipartisan advisory group—even without the benefit of our report language. In addition to the initial three-member group, the Speaker has named four additional Republicans and five Democrats recommended by the minority leader. So this should go a long way toward meeting the major concerns expressed by the minority.

It is our hope that we will see bills by Members of both parties considered under this process.

In conclusion, Mr. Speaker, the work of the Speaker's advisory group and the further amendments adopted by the Rules Committee, help to ensure that this will follow the normal committee process and will allow for minority participation and input at every step of the process—including the right of the minority to offer a final floor amendment.

Mr. Speaker, the Corrections Day resolution before us is another positive step forward by this House in relieving our constituents, local governments and small businesses of the needless, and costly red tape that has hampered their ability to fully and freely contribute to the betterment of their communities and to the creation of new job opportunities, economic growth, and prosperity.

Mr. Speaker, I am very, very excited about this new Corrections Calendar because we really are going to take the burden off of small business in particular, which creates 75 percent of all the new jobs in America every single year. If you don't think that is important, look at all the graduating seniors from college today, look at all the graduating seniors from high school today, and look at the lack of job opportunity out there. We need this kind of Corrections Calendar, and I hope it passes unanimously today.

Mr. Speaker, I include the following for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of June 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	29	73
Modified Closed [3]	49	47	11	27
Closed [4]	9	9	0	0
Totals:	104	100	40	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: v.v. (2/27/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1617	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

For example, let me point out some of the very serious problems I have in my own congressional district and even my own home town of Glens Falls in upstate New York.

As you might expect, nestled in the middle of the Adirondack mountains and on the shore of Lake George, tourism and forestry are the major industries in my home town. Both of these industries are threatened by extreme environmental regulations. Another industry which has sprung up in the region during the past 10 years, three major medical device companies, are now moving off shore because of restrictive and senseless Food and Drug Administration regulations.

Most recently, a 100-year-old cement company may be forced to close their doors because of a new interpretation of Clean Air regulations by the EPA.

Mr. Speaker, Glens Falls, NY, is small town U.S.A. and just look at what the Federal Government is doing to it. Let me give you specific examples of the devastation misguided Government regulations have caused in my home town.

The Cluster Rule caused Scott Paper to lay off 400 people.

The Cluster Rule may force Finch, Pruyn paper company to lay off 1,000 workers.

The safe drinking water act requires the hotel and motel owners to put up unsafe drinking water warning signs—killing tourism and costing hundreds of jobs.

New EPA kiln emissions standards could put Glens Falls cement out of business—another 130 people unemployed.

In 1994, Mallinckrodt Medical announced plans to relocate its manufacturing operations to Ireland and Mexico where they can market their products directly to the EEC without waiting 5 to 10 years for F.D.A. approval. This cost 450 jobs.

A similar medical device company, Angio Dynamics, is also considering closing its doors and moving to Ireland for the same reason. This could cost another 400 jobs.

Additionally, allow me to outline the traumatic effect of the Cluster Rule on the paper industry, not only in my district, but in the Nation.

Mr. Speaker, the Cluster Rule is the biggest and most costly rule ever proposed by the EPA for a single industry. Because of the inflexibility and tremendous costs involved, 33 U.S. paper mills could be forced to close, eliminating 21,000 jobs.

For Finch, Pruyn paper mill in Glens Falls, the effect is even more damaging. That is because the most stringent aspect of the EPA's Cluster Rule applies solely to the small category of papergrade sulfite mills they belong to. This is the aspect which requires totally chlorine-free bleaching. While EPA intended to eliminate the discharge of chlorinated compounds into waterways, they determined technology did not exist to permit the larger category of kraft mills to adopt totally chlorine-free paper bleaching. Thus only papergrade sulfite mills would have to comply.

This regulation undermines the economy of upstate New York. It is not based on good science, it upsets the competitive balance of the open market and threatens the very existence of a 130-year-old company. This is a prime example of the type of damaging regulations we need to remedy through Corrections Day.

All in all, the small Glens Falls area in upstate New York is subject to losing upwards of 2,500 jobs as a direct result of excessive Government regulation. Mr. Speaker, Corrections Day would provide the ideal forum to rectify these grave ills facing the American worker.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are opposed to this resolution, and we urge Members to vote "no" on the previous question, and "no" on the resolution. We need to go back to the drawing board and develop a corrections process that if fair and bipartisan.

Mr. Speaker, I am sure that many of us agree that it could be useful for the House of Representatives to try a new way of facilitating changes in laws and regulations that are not working well. The reason that the Corrections Day idea resonates is that all of us can give examples of regulations that seem to defy common sense, and all of us have probably experienced the frustration of getting nowhere with changes we suggest to certain laws.

From time to time, constituents bring thoughtful ideas to me about changes they think should be made in a law, and I send their ideas over to the appropriate committees, but we do not always get a response—not even the assurance that the committee is looking into the matter. Being able to submit ideas to an advisory panel that carries more weight with committees—as proponents of Corrections Day envision—might give us a more effective avenue to pursue such changes.

What many of us find appealing about the proposed corrections process is the idea that our committees would, presumably, receive strong messages about problems with laws under their jurisdiction. As a result, they would likely do a better job of finding out exactly what agencies are doing, and figuring out how the implementation of the laws under their jurisdiction can be improved. This process has the potential to greatly improve congressional oversight and, if it does, it will have turned out to be a useful and constructive tool.

What concerns us, however, about the Corrections Day idea is the specific rule change before us today. We believe that this new and unusual procedure is both unfair to the minority, and unnecessary. In fact, the entire corrections process has not been well thought out, so it is premature for the House to act on any rule change for this purpose.

Proponents of House Resolution 168 have failed to make a convincing case for the need to establish a floor procedure for considering so-called corrections bills that differ from existing procedures. As Members know, the House already has a procedure—suspension of the rules—that permits the expedited consideration of relatively noncontroversial bills. This procedure has been a feature of the House since 1822, and is well accepted by both minority and majority members. The requirement of a two-thirds vote ensures that bills considered by this method have bipartisan support and are noncontroversial.

In contrast, the procedure provided by House Resolution 168, in which only a three-fifths vote is required for passage, means that bills will not necessarily require bipartisan support. Members should be reminded that, during 4 of the last 10 Congresses, one party held three-fifths of the seats in the House.

If bills considered under the corrections procedure are not allowed to be amended—other than by an amendment by the committee of jurisdiction and through a motion to recommit—then they should meet the same test for bipartisanship, and lack of controversy, that is imposed on bills considered under the suspension process.

The right to offer amendments is important to all Members, but it is particularly significant to minority members because it provides the opposition party its best opportunity for meaningful involvement during floor consideration of a bill. I would hope that our colleagues on the other side—most of whom had the opportunity to serve here in the minority—would give serious thought to this matter. Those who do will surely agree that it would be a mistake for the House to abandon its longstanding protection of minority floor rights by requiring anything less than the approval of two-thirds of the House to waive those rights.

We also find it troubling that Members are being asked to approve a change in the rules of the House for a class of legislation before we have a clear understanding of what corrections bills are, and why they require a separate and distinct floor procedure for consideration. Neither the resolution itself, nor the accompanying report, defines a corrections bill; there has been no explanation of how the correction process will work before a committee reports a bill; and we have yet to receive an explanation of what roles the leadership, the corrections advisory group, committees and individual Members will play in this process.

Until information on those matters is provided, we believe it is unwise for the House to act on any measure establishing an unusual legislative procedure for considering corrections bills, particularly when the procedure vests all authority to determine which bills qualify for it in one person, the Speaker.

We believe that if the House is going to establish a new expedited procedure, then the minority party should have a formal role in determining which measures may be brought up under it, as it does in determining the scheduling of bills under suspension of the rules. In such cases, the Republican conference rules themselves require the approval of the minority.

When the Speaker testified before a joint hearing of the Rules Committee and the Government Reform and Oversight Committee, he said—repeatedly—that he wanted the corrections process to be bipartisan. In fact, he stated emphatically that "if this is going to work, it has to be bipartisan."

That was on May 2. Some time between that date and June 6, when this resolution was introduced, the Corrections Day proposal took a wrong turn. Despite the Speaker's strong bid for a bipartisan process, Corrections Day became a highly partisan matter. No minority members were involved in the development of the proposed procedure or any aspect of the corrections process; no minority members were added to the initial corrections steering group; and the minority leader was—until just today as we understand it—unable to secure assurances that the minority party will be able to select its own members for the corrections advisory group, as has been the longstanding tradition in the House for appointments to committees and all other formal bipartisan panels.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I think the gentleman has just said that the minority leader has had no input. I do believe that Speaker GINGRICH has received a letter appointing those Members from your side of the aisle. The gentleman really should correct his statement to that effect.

Mr. BEILENSON. The gentleman, reclaiming his time, has corrected his statement. The gentleman has said, and I will quote him:

> No minority Members were involved in the development of the proposed procedure or any aspect of the corrections process; no minority Members were added to the initial corrections steering group; and the minority leader was—until just today as we understand it—unable to secure assurances that the minority party will be able to select its own Members for the corrections advisory group.

I think what the gentleman from California said was absolutely correct.

Mr. SOLOMON. Just for clarification, the minority leader has appointed the minority members.

Mr. BEILENSON. As of today, we understand that is correct. But we have had no part to play in the development of this process from the beginning.

We think that the existing suspension process would be sufficient for the consideration of corrections bills, and we urge the majority to try using this process before establishing this new procedure.

Alternatively, we proposed changing the three-fifths margin for passage of corrections bills to two-thirds. We also asked that a motion to recommit be permitted during consideration of corrections bills. And, we proposed requiring the minority leader's concurrence to place bills on the Corrections Calendar.

We also asked that appointments to the corrections advisory group—which is expected to play a pivotal role in the corrections process—be made in the same manner as appointments are made to other formal bipartisan panels, with the minority members chosen by their leadership. And, we asked that the bipartisan leadership define corrections bills, and issue guidelines for the corrections process, before using the Corrections Calendar.

We offered these proposals not only to safeguard minority rights, but also to protect the integrity of the legislative process in the House. Unfortunately, except for the inclusion of a motion to recommit, and now the acquiescence and the approval of the minority leader in appointing Members to the advisory committee, our proposals were rejected by the majority members of the committee. Actually, a provision for a motion to recommit had to be added, because otherwise the resolution would have violated the Rules of the House.

It is unfortunate that the proponents of this rule change decided to follow a path of partisanship in this matter, rather than accept our modest suggestions which would have ensured broad—if not unanimous—support for the corrections process, and which would have kept the process in the same bipartisan spirit in which the Speaker first offered it.

However, it is not too late to turn this proposal into a procedure that will be embraced by Members of both parties. If the previous question is defeated, we shall offer an amendment to change the three-fifths vote requirement for corrections bills to two-thirds. With a two-thirds vote requirement, we will have the assurance that, regardless of which party is in power, the rights of the minority will be as well protected for purposes of considering corrections bills—however they turn out to be defined—as they are for any other legislation.

Mr. Speaker, we urge our colleagues to oppose House Resolution 168 in its current form.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I would like to respond to the gentleman's comments regarding the amendment we offered and adopted to

permit a motion to recommit with instructions on corrections bills.

The fact is that it was only after we decided to offer this amendment that it came to our attention that House rules prohibit the Rules Committee from denying a motion to recommit—even in a House rule change such as this. We had thought it only applied to special order resolutions.

However, we did not have to include the language "with or without instructions." We included that language voluntarily to guarantee the minority's right to offer a final amendment in a motion to recommit, even if a committee substitute has been adopted.

Ordinarily, such a substitute would block further amendments in a motion to recommit.

So, my only point is that we overcame a problem even before we knew it was a problem; and we solved it by going further than we had to do to protect the minority's rights.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER], one of the most important Members of this Congress in bringing about reform, and vice chairman of the Committee on Rules, which I have the privilege of chairing.

Mr. DREIER. Mr. Speaker, I thank my friend the gentleman from Glens Falls, distinguished chairman of the committee, for yielding me this time.

Mr. Speaker, it is very apparent that we have an opportunity to deal with what the Speaker has accurately described as a corrections day, to face some of the most ridiculous, preposterous regulations the Federal Government has imposed on the American people and get rid of them. But the Speaker was right when he, on May 2, testified before the joint hearing that was held by the Subcommittee on Rules and Organization of the House Committee on Rules, and the subcommittee of the Committee on Government Reform and Oversight that dealt with this issue, when he said it should be done in a bipartisan way.

Let me say to my friend from Woodland Hills and to others on the other side of the aisle that, as we have gone through this process, I have been working very closely with my colleagues to ensure that minority rights are not ignored. Let me underscore that again. Minority rights are very important.

I have served in this House as a Member of the minority. I am much happier serving as a Member of the majority but I think, having served as a Member of the minority, I am very sensitive to the concerns the minority has raised, and I believe the Speaker was very sincere when he said we should do this in a bipartisan way.

So what have we done? Well, the Corrections Calendar procedure does call for, as my friend said just a few moments ago, the minority leader to appoint the minority members, and he is right, it was just done recently, but the fact of the matter is those Members have been appointed by the minority leader.

This measure requires a three-fifths vote for passage. It requires the Speaker to consult with the minority leader before placing bills on the Corrections Calendar. It requires that all measures placed on the Corrections Calendar be favorably reported by a committee and placed on the House or Union Calendar. It does not waive points of order against measures called up on the Corrections Calendar, and as my friend knows, I offered an amendment in the Committee on Rules which was adopted in a bipartisan way which allows minority amendments through a motion to recommit with amendatory instructions.

Mr. Speaker, this measure is going to deal with these onerous regulations and at the same time recognize minority rights. We should have support all the way across the board.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I rise with regret to express my opposition to the proposed Corrections Day Calendar.

I strongly support the idea of correcting truly silly regulations. But I fear that the new corrections procedure we are considering will become a fast track for special interests to stop regulations that protect public health and the environment.

My concern is not hypothetical. We have already seen many examples this Congress of special interest fixes being described as "corrections."

Consider the recent actions of the House Budget Committee report. Last month, the Budget Committee identified over 50 regulations in its budget report that it said are "the most expensive and onerous and appear ripe for termination or reform." Unfortunately, the Budget Committee's list wasn't limited to expensive and onerous regulations that truly need correction. Instead, it included many regulations whose correction would enrich special interests at the expense of public health.

One example involves the tobacco industry. This industry is the Nation's biggest special interest. During the last election cycle alone, the tobacco industry gave $2 million in soft money to the Republican Party.

This powerful special interest is an enormous beneficiary of the corrections proposed by the Budget Committee. The Budget Committee recommends that Congress—and I quote—"rescind enforcement of laws regarding cigarette sales to minors"—Budget Report at page 171. The committee also recommends that Congress prevent OSHA from regulating exposure to environmental tobacco smoke—a known human lung carcinogen.

I cannot support a new corrections process that could be used by the tobacco industry to increase their cigarette sales to children.

The tobacco companies are by no means the only special interest that is likely to benefit from the new process. The Budget Committee also recommends that we stop the Department of Agriculture from finalizing its regulations to modernize meat inspections. These regulations are estimated to save thousands of lives and prevent millions of illnesses each year. Yet they are put in jeopardy by the rule changes we are considering today.

Other examples of regulations that the Budget Committee wants to correct include:

The Clean Air Act requirements that sources of toxic emissions monitor and report their emissions.

The requirements that cars meet minimum fuel-efficiency standards.

Key requirements to clean up drinking water.

The regulations implementing the motor-voter law.

We must not adopt a corrections process that would make it easier for special interests to subvert the legislative process and achieve goals like those proposed by the Budget Committee. Unfortunately, I am afraid that the proposal before us will have exactly this result.

□ 1145

Mr. SOLOMON. Mr. Speaker, I just have to point out, and I would point out to the gentleman from California [Mr. BEILENSON], we just heard the previous speaker. Now, I understand that the gentleman from Missouri [Mr. GEPHARDT] is going to appoint the previous speaker to this task force. You have heard his attitude. The gentleman thinks this whole corrections concept is silly and absurd.

Can you imagine how constructive the gentleman from California [Mr. WAXMAN] is going to be in trying to get corrections bills for regulations that I consider silly and ludicrous? The gentleman from Minnesota, Mr. COLLIN PETERSON, has been denied the right to have these votes on the floor in the past.

That is why the minority leader cannot be given a veto right. We would never get any of these silly and dumb rules out onto the floor for debate.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Reno, NV, Mrs. BARBARA VUCANOVICH, the chairwoman of the task force, who has done such an outstanding job of putting together this corrections calendar concept.

Mrs. VUCANOVICH. Mr. Speaker, I want to begin by thanking Chairman SOLOMON for his invaluable help in putting together this historic rules change we are considering today. Without his support and guidance this House would not be about to launch this important initiative.

I also want to thank the Speaker for allowing me to chair the steering committee on Corrections Day. It has been an honor to work on this important project.

This is a historic day. For the first time the Congress is going to implement a plan for eliminating ridiculous Federal rules and regulations. For the first time this House is going to make it a priority to relieve average citizens of regulatory excess.

There are 100 million words of Federal regulations on the books today, and it is growing by the thousands each and every day.

The truth of the matter is—no one can possibly comply with all these rules and no one can possibly enforce them all. We have to do something to turn the tide.

This is not an attempt at wholesale repeal of health and safety laws, or environmental regulation.

We all agree, some regulation is necessary. But you can't tell me that there aren't just a few of those 100 million words of regulation that we can live without.

During this debate we are going to hear a lot about the corrections process being unnecessary or unfair to the minority.

These issues are minor when compared to the important task we are undertaking.

We have come up with the most fair and workable plan to handle corrections. I urge Members to support this resolution and strike the first blow against stupid regulations.

Mr. BEILENSON. Mr. Speaker, I yield 6 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to this change in the House rules to establish special new procedures for a Corrections Day, which has been billed as an opportunity to pass simple bills that correct mistakes in laws, or correct regulations that go far beyond what Congress intended.

The Speaker has indicated that these bills should enjoy bipartisan support, and that they would correct silly results of previous laws.

At a joint hearing of subcommittees of the Rules Committee and the Committee on Government Reform and Oversight, on which I serve as ranking minority member, there was bipartisan agreement that corrections bills could serve a useful purpose, if handled properly. No one should believe, therefore, that any Member opposes efforts to establish a corrections day to modify laws that don't make sense.

Unfortunately, House Resolution 168 would rig the playing field to the advantage of the majority for these supposedly noncontroversial bills. This resolution would allow corrections bills to go to the floor at the sole discretion of the Speaker under rules that permit no amendments and require just a three-fifths vote.

The common procedure of the House for noncontroversial bills is the Suspension Calendar. Those bills require a two-thirds vote for passage. Many bills that were passed with a two-thirds vote will not require just a three-fifths vote for correcting. This is illogical. If we require a two-thirds vote to pass a bill under suspension of the rules, it should take a two-thirds vote to correct it.

The question is why are the Republicans not comfortable using the two-thirds majority already established for suspension votes. The obvious answer is that they feel quite certain that they can muster 261 votes, but are not certain that they can get the 290 votes that would be needed if two-thirds were required.

Since the difference between the proposed procedure for a correction bill and a bill brought up under a rule is the ban on amendments, it appears that the Republican majority is reneging on its pledge of fewer rules that prohibit amendments. Corrections bills under House Resolution 168 would not be amendable, and unlike suspension procedures, require just a three-fifths vote. There is an inconsistency here.

The other problem presented by the proposed Corrections Day procedure is the lack of any definition of a correction. Under the proposed change of the House rules, the Speaker would be the sole arbiter. At our hearing regarding the establishment of Corrections Day, we got a glimpse into the Republicans' view of mistakes that need corrections.

The list ranged from EPA monitoring requirements under the Safe Drinking Water Act to the Federal trade Commission review of the Nestle purchase of Alpo Pet Food.

CORRECTION INVENTORY

1. FAA landfills and airports.
2. Fish and wildlife, Back Bay wildlife access.
3. Defense logistics surplus DOD property, humanitarian assist. program, foreign military sales.
4. Federal Trade Commission, Nestle purchase of Alpo Pet Food.
5. Federal Highway Admin., P.L. 100-418, metric measurements.
6. Dept. of Education 1992 Higher Educ. Act State Postsecondary review entities.
7. Private pension law reform, IRS Code revisions to provide designed base safeharbors.
8. EPA, rainfall overflow of sanitary sewer systems.
9. State covert auditing of emission test vendors, 40 CFR 51.363(a)(4).
10. Individuals With Disabilities Act revisions: 1. Apply Federal Administrative Procedures Act; 2. State option to combine idea fund with other Fed. funds; 3. Authority for States to use 10 percent of idea funds for non-categorical supports and services for children with disabilities; 4. State ability to use simplified application for local education agencies.
11. Clean Air Act, employee commute options State compliance.
12. ISTEA requirement of recycled rubber for paving.
13. EPA penalties for standards not yet announced.
14. Safe Drinking Water Act, EPA requirement for State monitoring of 25 contaminants.
15. Title V permit fees under Clean Air Act not counted as match for Federal grants.
16. IRS and SSA requirement that States verify asset-income information.
17. Home and community-based services eligibility for employment services.
18. State supplementary payments for SSI recipients.
19. Federal community mental health services block grant planning requirements.
20. Justice Dept. substance abuse RFP's require notice of funds available.
21. Title IV-E client eligibility requirements for AFDC.
22. Religious Freedom Restoration Act required religious services for any and all religions in State prisons.
23. CDBG requirements too burdensome for small communities.
24. Federal Management Improvement Act requirement that States pay interest on Federal funds.
25. Dept. of Labor should not prohibit coverage bank costs related to unemployment insurance taxes.
26. FUTA and SSA require State to withhold tax from unemployment.
27. Take Federal unemployment trust fund off budget.
28. Amend Fair Employment Standards Act to prevent absurd rulings for law enforcement agencies.
29. Streamline data collection for Federal education programs.
30. Amend Single Audit Act to require audits for grants in greater amounts.
31. 50 CFR 930, requires agencies to review competence and physical qualifications of all employees who operate vehicles.
32. OSHA requirement of four member firefighting crews.

Corrections Day could very easily become Special Interest Protection Day. The voices of those special interests are far more likely to propose the opening of regulatory and tax loopholes than closing them.

In order to set the Corrections Day Calendar, the Speaker has established yet another task force—this one to review corrections legislation.

When the House voted in January to eliminate three committees, and to reduce committee staffs by a third, surely it was not intended that their work be done by task forces. We do not need more task forces any more than we need new Government agencies.

These partisan task forces are not governed by any rules. In this particular case, the Corrections Day task force could become a group before which special interests will come to plead their case out of the view of the public. We saw a similar problem with the Competitiveness Council chaired by Vice President Quayle, where big businesses that failed before agencies went to the Council to plead their cases in private. It is wrong for the party that proclaimed its new Sunshine in Committee rules on the first day of Congress to be using task forces that operate in the dark behind closed doors.

Despite the call in Contract With America for fewer closed rules and fewer House committees, this proposal would result in more closed rules and more House committees, renamed task forces.

Just last week I was successful in offering an important amendment to retain full and open competition in procurement. It was a close vote, but after the vote the House passed the underlying procurement amendment by a near unanimous vote. However, if the Speaker decided that Chairman CLINGER'S procurement bill were a correction of previous procurement laws, I would not have been able to offer the amendment, and small businesses and the taxpayers would have suffered. This is wrong.

There is a simple solution that Members of both sides of the aisle could easily endorse: Require a two-thirds vote for a correction bill rather than the proposed three-fifths vote. That would be consistent with the vote required for a bill on the Suspension Calendar. If a bill is unlikely to get a two-thirds vote, then bring it up under normal procedures, where a simple majority is required, but amendments are permitted. Unfortunately, the only way we can amend these proposed procedures is to defeat the previous question on this resolution. Then, in a bipartisan manner, we can adopt the Corrections Day procedures. Let me remind my colleagues, if the House could pass the Contract With America in 100 days, there is no need to rig the playing field for the benefit of noncontroversial bills.

Mr. WAXMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I thought it was really out of place and I resented the fact that there was a personal attack on me by the gentleman from New York [Mr. SOLOMON]. The gentleman did not address the issues I raised on why this bill is going to be a vehicle for special interest.

I would like to have a corrections day to correct silly regulations, but I do not want a vehicle, which I fear this will be, to give special interests an opportunity to get a return on their investment in the candidacies of a lot of people that are in power in this institution.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just assure the previous speaker that because of the deep respect I have for the gentleman from California [Mr. WAXMAN] I would never personally attack him. And I am sorry if the gentleman thought I did.

Nevertheless, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], one of the most outstanding members of the Committee on Rules, the chairman of the Subcommittee on Legislation and Budget Process of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for yielding this time.

Mr. Speaker, I rise in strong support of House Resolution 168, legislation which is designed to respond to the plea of the American people that the Federal Government become more responsive and more attuned to common sense.

One of the worst byproducts of our overblown Government and the cumbersome bureaucracy that it has spawned over the years is hat often good intentions lead to bad, or just plain dumb, rules or regulations upon implementation. That is what happens, unfortunately, when you try to enforce too many centralized, one-size-fits-all requirements on the diverse communities and individuals that make up this great country.

Government is not the answer to every problem that comes along and it never was intended to be so. Like so many good and creative ideas, the proposal for corrections day arose because of discussions with ordinary citizens and with State and local officials who for years have labored under the rigid, onerous, and at times downright absurd requirements of the Federal Government.

It is our intent, through this procedural change, to find a way to cut through the redtape and inertia and allow for speedy, narrowly focused action in addressing those problems. It is the old principle of feedback, some call it representative government, when the Federal Government hands down an ill-advised or misdirected requirement and the folks at the other end of the mandate cry out for relief. The corrections day procedure provides for a rapid-response means to receive that message through the static and tune out the problem quickly.

There were concerns raised by my friends on the other side of the aisle that this proposal could be abused and would not protect the rights of the minority. I shared that concern on the Committee on Rules and was pleased that our Committee on Rules, under Chairman SOLOMON's leadership, adopted an amendment by my friend, the gentleman from California [Mr. DREIER] to afford the minority its traditional right to a motion to recommit, with or without instructions.

I think that, coupled with the Speaker's public pledge to seek bipartisan corrections proposals, should allay those concerns of the minority. The abuse that we should be most worried about is the abuse that for years has allowed unnecessary, burdensome and counterproductive rules to weigh down the productivity and the individual freedoms of Americans and American institutions.

□ 1200

That is the relief we are after here today, and while some in opposition have questioned whether Republicans have got exactly the right formula, I think we do have a formula that will get the job done, and I am delighted to urge support for approval of this effort. I urge a "yes" vote as we go into this.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to support House Resolution 168.

I am a cosponsor of this resolution, in spite of the fact that it is not everything that some of us wanted. Some of us actually wanted a tougher process than we have got in this resolution. But I do think it moves us in the right direction.

There is bipartisan support for this process, and I am glad to be able to serve as part of this corrections day task force that is being set up.

As I say, there are a number of Democrats on our side that think that we need to do something about overly burdensome Federal regulations. I was not really too involved in all of this regulatory process until I got looking at this moratorium bill that was introduced early on this session and got to reading some of the regulations that were promulgated and were of concern in this moratorium. What I found out is there were 615 regulations adopted in just a month and a half, and I sat down and read all of those 615, and if every Member of Congress would sit down and read every regulation, we would be in a lot better shape in this Congress, and we maybe would not need bills like this.

But the other thing that I found is that there are 204 volumes of Federal regulations, and if you sat down and read those regulations 40 hours a week, it would take you 8 years to read all of the Federal regulations that we have promulgated over the last number of years.

I do not think that there is anybody that understands everything that is in all of these regulations. I really think that what we need is a requirement that every Member of Congress read every rule and every regulation, and that would be the best thing that we could do.

We are working on some other bills. We have a sunset bill which will help, if we could get that passed, that would say we are going to look at every regulation, and we are going to sunset those that are no longer necessary.

We thought in the House that the moratorium would help, that we would have a timeout on regulations to look at the process. I think the 45-day legislative veto that the Senate is proposing will help. Again, I am not sure how much good it will do, but it will clearly put more focus.

I think this Corrections Day process will clearly help us in changing this regulatory process, because what it will do, in my opinion, it will focus Members and focus the public's attention on this regulatory process which,

in my judgment, has really gotten out of hand.

I want to commend the chairman, the gentleman from Indiana [Mr. MCINTOSH], and the subcommittee that I serve on for kind of making it a priority of that subcommittee to do oversight on the regulatory process. We have traveled to a number of areas in the country and listened to ordinary citizens and their reactions to some of the regulatory overburden. And as I understand it, the chairman is going to continue that process so that we are going to have oversight on the regulatory process, and that is going to help, as well.

I also want to commend the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for being with us on these issues, and the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from Texas [Mr. DELAY], and others.

So I just want to say that there are a number of Democrats that are concerned about the regulatory process. We have been working where we can to have a reasonable response to the overregulation that we have seen in this country, and the truth is that we should write, in my judgment, legislation more specifically so we would not have so much rulemaking, that we should read every rule that comes out, and, lastly, that we should pass this Corrections Day bill because it will move us in the right direction.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Warren, PA [Mr. CLINGER], the chairman of the Committee on Government Reform and Oversight, who has been very much involved in this.

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding this time to me.

At the outset, I want to commend the gentleman from Minnesota for his courage and his tenacity in reading 615 regulations. I think that is some sort of a Guinness world record I suspect he should be submitted for.

I take your point if we read more of these things, we might be a little more sensitive to the fact that we are overburdening vast portions of our economy with needless regulations. So I would rise in support of the resolution. It is well thought out, I think, and it provides a deliberative means to implement Corrections Days as suggested by our Speaker.

Corrections Day is a new and innovative approach to fixing longstanding Washington problems, and by establishing a Corrections Day calendar we have an opportunity to highlight and fix in an expedited manner laws, policies or regulations that simply do not make much sense, that are unnecessary, outdated, or over reaching. We will really have a chance in this exercise to reinvent Government, not just by talking about it but by taking concrete steps to make it more reasonable and efficient.

It is also an opportunity for us to put a call out to all Americans that not only are we serious about changing Government but to enlist their help in identifying corrections.

We need to start down this road as quickly as possible because there is clearly a lot in this city that needs correcting.

I would also state that I know the concerns of the minority about the possible abuse of this proposed new process, and I would hope that that would not be the case. My sense of Corrections Day is that these are going to be items that we can universally agree on in a bipartisan manner, that these are stupid and these are things that should be corrected. I do not anticipate that this is going to be used as a partisan club to accomplish things but, rather, it will be done in a very bipartisan and cooperative effort to ensure that only those things that are clearly egregious and clearly outrageous will be affected.

We did have in the joint hearing held by the Committee on Government Reform and Oversight and the Committee on Rules in May, at that time both members and witnesses had the opportunity to share their thoughts about how we should be establishing Corrections Day, and it was a very bipartisan effort, and I think there is a general agreement that this is something that is needed in this climate.

Frankly, Mr. Speaker, as a committee chairman, one of the concerns that I expressed at that time was how these legislative proposals would fit into the committee structure and whether committees would be bypassed in the process, and in many cases, use of the committee provides the opportunity for stakeholders to participate in the process.

House Resolution 168 addresses this concern by providing for committee consideration of all Corrections Day legislation and that allays the concerns I had about shortcircuiting the committee process. At the same time, many of us do appreciate the expedited floor procedures provided in this resolution. House rules, as we all know, can be cumbersome.

This is a sound, balanced, very well thought-out means to implement Corrections Day. The new calender affords us the opportunity to rid ourselves of Washington policies, regulations, and procedures, that just do not make sense, in many cases are just plain dumb.

So, Mr. Speaker, I encourage all Members to support this procedure for Corrections Day.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this is going to sanction the creation of the mother and the father of all closed rules.

Very frankly, there is a mechanism to bring matters of this kind to the floor quickly. It is called suspension of the rules. It requires a two-thirds vote. Virtually nothing else is present in this legislation which is not available to the leadership at this time under the process known as suspension of the rules.

All of us favor the idea that something should be done about dumb regulations and, like others, I have been extremely critical of legislation and regulation which has not worked in the broad public interest and which has, in fact, been counterproductive because it did not address the problems with which we are properly concerned.

The practical effect of the rule change which we are undergoing at this particular minute is to confer on the Speaker the ability to put a piece of legislation on the floor which will be considered under 1 hour's time, with no amendments permitted except that which either the chairman or the leadership wants to take place. It will foreclose thereby all meaningful amendments which are not concurred in by the leadership, foreclose all meaningful debate because clearly any piece of legislation can be brought to the floor under this rule change. It can involve massive termination of programs. It can involve termination of agencies in Government such as the Department of Commerce, Department of Education, Department of Defense, Department of Energy. It can involve termination of programs such as welfare or air pollution or water pollution or the Food and Drug Administration or legislation which would protect the consumers or the Federal Trade Commission or any other piece of legislation which could probably be brought here under an open rule, affording more adequate and proper debate and affording adequate opportunity to amend and to discuss amendments.

In short, as I have indicated, this is the mother and the father of all closed rules. It confers on the Speaker the opportunity to pass legislation without consideration of amendments and without more than 1 hour's debate on something like 261 Members of this body. This is not something which is going to lead to good legislative practice. It is not something which is significantly expanding the authority of the leadership to do anything other than one thing, and that is to curb debate, to curb amendments, and to do so with less than two-thirds now required, only requiring three-fifths.

Now, it should be noted in the 5 of the previous 10 Congresses, 10 out of the previous 20 years, from 1975 to 1994, one party controlled over 60 percent of the seats. This is clearly a bad proposal, and no fancy language or discussion of wrongdoing is going to change that.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from

Jackson, NM [Mr. ZELIFF], another member of the task force appointed by Speaker GINGRICH, a very valuable Member of this body.

Mr. ZELIFF. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time.

I rise today in the strongest support for this change to the House rules. Corrections Day is a revolutionary idea for this Congress, and it deserves a special place, along with the Contract With America, in changing the way we do business. Back in November the voters made their feelings clear about their dissatisfaction with the way this House of Representatives operates. Republicans came to the majority as part of a revolution for change. These old ways of doing business are over.

In just the past 6 months we have changed the way Washington works. Corrections Day is a natural step in this Republican revolution for change.

There is just no way that we can continue to operate under the systems of the 1950's. This is 1995, and we live in a society which demands immediate action to correct the onslaught of Federal regulations which enter into every American's everyday life.

Corrections Day serves as one way for this Congress to begin to relieve those threats to liberty, clean out some of the legislative deadwood that has accumulated around here for the last 40 years, and to do it quickly and effectively, and it all comes with change.

Today we are hearing argument after argument from the other side about fairness to the minority and how Corrections Day will trample their rights. What we hear, ladies and gentlemen, is the voice of the status quo and the voice of denial. They are not concerned with minority rights. We have gone to great lengths to insure the rights of the minority by allowing motions to recommit, requiring consultation with the minority on all corrections requiring a three-fifths' vote to assure these bills pass on a bipartisan basis, which, by the way, will require strong Democratic support.

Corrections Day allows us to finally have an effective tool to get rid of the most ridiculous, outrageous, dumb ideas, laws, rules, regulations which now plague the future of our country. With Corrections Day, we can make these changes without having to go through an entire reauthorization of legislation which will take months.

We have been very deliberate to assure nothing could reach the floor as a correction without first going through the committee process, since their Members are the experts on these subjects. Corrections Day is a new idea with a strong potential to change the way that this Congress does business.

I thank the Speaker for coming up with a great idea. I commend the Committee on Rules for their fine work, and I look forward to this Congress becoming more efficient in the way we run our country's business.

This is a private sector idea. It is a time where we start looking at more efficient ways to do our business.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, one of the responsibilities of any legislature has always been to correct features of previously enacted bills when appropriated to do so, and to correct actions taken by the executive pursuant to legislative authority when the legislature believes that the executive action is unwise or unwarranted. Such legislative corrections have been part of this Congress' activity for almost as long as there has been a Congress.

What has been proposed more recently is that we have a special Corrections Calendar, to highlight and expedite the corrections legislating that we have long done. House Resolution 168 would amend the Rules of the House of Representatives to create such a calendar, to empower the Speaker to decide which of all the bills placed on the other calendars of the House should be placed also on the new Corrections Calendar, and to allow the bills on the new Correction Calendar to be considered without amendment and to pass by a three-fifths vote.

There is nothing wrong with the idea of creating a separate Corrections Calendar, and there is nothing wrong with trying to expedite Congress' longstanding efforts to correct what needs to be corrected in existing law or in executive branch action.

The Speaker testified before the Government Reform and Oversight Committee that the purpose of a new legislative procedure for corrections should be to deal with issues which obviously warrant corrections and for which the correction enjoys broad bipartisan support and is not controversial. That is exactly the kind of corrections legislation which should have an expedited procedure so the correction can be accomplished quickly.

I, therefore, support, and I believe most Members would support, an expedited Corrections Calendar for corrections bills which enjoy broad bipartisan support and which are not controversial.

Unfortunately, that is not what House Resolution 168 would do. The effect of this resolution would be to allow any bill, whether it was a corrections bill or any other bill, to be taken up under procedures which would bar amendments from the floor of the House, and it would make it easier than it has ever been to do that.

Nothing in this resolution would prevent this or any future Speaker from putting a bill which was not a corrections bill at all on the Corrections Calendar.

At present we have a Suspension Calendar, designed to expedite consideration of smaller, noncontroversial bills. A bill on the Suspension Calendar may be considered without amendments from the floor, but it must achieve a two-thirds vote in order to pass. That two-thirds vote has been the high standard for routinely barring amendments—a bill had to be sufficiently noncontroversial that it could pass by a two-thirds vote in order to be considered under procedures. which barred amendments. What House Resolution 168 would do, for the first time, is create a procedure by which amendments could be routinely barred for bills which could only get a three-fifths vote.

In other words, the sole effect of this resolution would be to make it easier to bar amendments to bills which are not sufficiently noncontroversial and bipartisan to get the two-thirds vote.

The sole power to decide what would be placed on the Corrections calendar would be in the hands of one person—the Speaker of the House. By virtue of being on that calendar all unfriendly amendments would be barred. It would thus be the power of the Speaker alone to decide whether a bill being considered under procedures barring all amendments would have to meet the two-thirds test or the three-fifths test. The Speaker alone would have the power to adjust for each bill the standard of what it takes to pass a bill while preventing amendments from being offered.

The difference between two-thirds and three-fifths in the House is the difference between 290 votes and 261 votes. What this resolution is all about is giving the Speaker the sole power to decide whether any bill needs 290 votes to be considered under provisions barring amendments, or whether it needs only 261 votes to be considered under those procedures.

That is a lot of power to give any individual. It is the power for 1 Member to negate the votes of 29 other Members. It is a degree of power that we should not give to any one Member of this House, whether Speaker or not, whether a Member of one party or the other, whether a past, present, or future Member.

This is not a power anyone needs who simply wants to pass bills which are broadly bipartisan and noncontroversial.

This is a device for stifling alternative points of view, for preventing full and open consideration of alternatives, for keeping opposing ideas out of the public debate, for making it easier for some Members to avoid votes and public accountability on tough issues.

If what we wanted was a Corrections Calendar which offered an expedited procedure for noncontroversial bills,

we would use the same two-thirds requirement we have always had for the Suspension Calendar.

I would urge Members to oppose the previous question so that an amendment can be offered which would keep the idea of a Corrections Calendar, but would also retain the present practice of requiring a two-thirds vote to pass bills under procedures barring all amendments. Let us make Corrections Day what the Speaker said he wanted, an opportunity to pass broadly bipartisan and noncontroversial bills, not an opportunity to make it easier to exclude amendments from bills which are controversial.

□ 1215

Mr. SOLOMON. Mr. Speaker, Vice President Dan Quayle came under a lot of criticism for speaking up for family values. It turns out he was so right; was he not?

Mr. Speaker, I yield 3 minutes to another gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, let me say I think this change in the rules today is one of the critically important reforms that we are making in this House of Representatives not to cater to special interests, but to actually cater to what the American people want us to do, and that is to correct the problems that have grown up over 25 years of big government, increasing regulation and burdens that in many cases just simply do not make any sense. The gentleman from Minnesota [Mr. PETERSON], the ranking member on my subcommittee, indicated that we had traveled to many places and held field hearings where we actually listened to people and the problems that they have with the Federal Government. Let me report to my colleagues some of the things we heard.

In Muncie, Kay Whitehead, who is a farmer who has a pork production facility, has to get rid of the waste product of that pork production facility. She needs to spread it on her fields as manure. One agency tells her to spread it on top of the fields. Another agency tells her, no, to plow it into the fields. She does not care what she does, but she needs to have guidance from the Government. We need to correct that so she knows one way or the other she is following the law.

The city of Richmond came in and testified they have a paraplegic van to help people who are handicapped in their transportation network. They also have eight city buses. They are now required under the Americans With Disabilities Act to expend over $100,000 in changing those buses to make them handicapped accessible. The problem is in the last 3 years they have only had one person who would need that new facility. Everybody else uses the vans that they make available to them.

In Maine we heard from the city that had to spend millions of dollars in correcting their sewage treatment facility. They have an excellent record of protecting the environment there. This money was not needed. They could have done it in a much cheaper way, but Federal regulations were imposing those costs.

Firefighters wrote to me and said, "You know, in a small town we have difficulty getting four firefighters to the fire at the same time, but OSHA has a regulation saying that we can't go in and start fighting the fire until all four of us are there. What do you want us to do? Stand on the sides letting the building burn." Another stupid regulation that needs to be corrected.

Finally we heard about a new guideline came out from a Federal agency to builders saying in new homes we have to have a different type of toilet. It cannot be the regular toilet with a full tank of water to flush. It has to be a smaller tank so that one would only use a small amount of water. The problem is the way the Federal Government designs these toilets, they do not have enough water to flush the drain. Everybody flushes twice and ends up using more water and undermining the whole goal of this regulation. This is a rule that should just be flushed down the toilet. Let people know what they need to do, and let them design the solution for themselves.

Let me close by saying that I think the genius of Speaker GINGRICH's proposal here is that he has reversed the incentives. As Members of Congress we can now come forward with solutions to correct these problems, have a calendar that will let us do it. It is a bipartisan initiative. It will let us have a process that will let us flush these old rules down the drain.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, as a Member of the House, there was a time once upon a time when committees of Congress had the power to veto stupid regulations. That power was taken away from us by the Supreme Court when it ruled that the right to regulate under any statute we create belonged to the agency, the executive agency. We can no longer veto regulations that we have authorized in legislation. The President of the United States can veto bills, but he cannot veto regulations, and, worse than that, the Supreme Court ruled, that if an agency wanted to change a regulation, get rid of a regulation, it has to go through the same process it used to create that regulation in order to get rid of it.

What we have got in America is a situation where the bureaucrats have more power than the legislature and more power than the President himself under our Constitution. A day like Corrections Day makes sense. It is a day when we in Congress can do what the Supreme Court says we ought to do, be a little more careful when we write laws, what we allow people to regulate, a day for us to correct those mistakes in a legal, constitutional way.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of House Resolution 168 that would establish the Correction Calendar to expedite the repeal of outdated, unnecessary, and ridiculous laws and regulations. The need for such a Correction Calendar is readily apparent, has been for some time. Whether it is a rule that was irrational and unnecessarily burdensome to begin with or a law that has outlived whatever usefulness it may have had, the time has come to provide a mechanism to correct these regulatory and statutory errors.

Mr. Speaker, I think that not only is this an opportunity for us to repeal regulations that fit that characterization, but it will also have a very salutary effect upon the agencies that write the regulations in the first part, and, second, I think it is likely to cause our constituents to give us their ideas repeatedly about regulations that do not seem to be too rational in their effect, and I think we are going to hear from our constituents, and they are going to have greater hope that we in the Government, the legislative branch, will be able to do something about inappropriate regulations.

Mr. Chairman, this Member rises in support of House Resolution 168, which would establish a Corrections Calendar to expedite the repeal of outdated, unnecessary and ridiculous laws and regulations. The need for such a Corrections Calendar is readily apparent. Whether it is a rule that was irrational and unnecessarily burdensome to begin with or a law that has outlived whatever usefulness it may have had, the time has come to provide a mechanism to correct these regulatory and statutory errors.

Mr. Speaker, this Member would like to highlight two examples of regulations which cry out for inclusion on the Corrections Calendar. The first is the DOT hours-of-service regulation as it applies to farmers and farm suppliers. The need to repeal this regulation is obvious—each year farmers and their suppliers must be prepared to move quickly and work long hours at planting and harvest time when the weather permits. During certain weeks of the year, there is a small window of opportunity in the crop-planting and harvesting season when the demand for farm supplies escalates. Unfortunately, this demand runs headlong into the Department of Transportation's regulations for the number of hours a driver can be on duty.

DOT's hours-of-service regulations are highly impractical, burdensome, and costly for farmers and farm suppliers because the law can require them to take 3 days off—at the peak of agricultural production—and wait in

order to accumulate enough off-duty time to resume driving. This is because DOT regulations define on duty time as "all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work." Of course DOT could correct this problem by a change in regulations but they are performing like an unyielding, arrogant bureaucracy unsympathetic to the necessary problems their regulations create for the farm community.

The hours-of-service regulations are directed toward long distance truck drivers. However, they also apply to the local distribution of farm input materials even though driving is incidental to the farm supplier's principal work function of servicing farmers.

Last year, working with farm State colleagues in the House and the other body, this Member sought regulatory relief for farmers and farm suppliers from the DOT's unfair on-duty hours of service restrictions on this class of drivers and joined many Members in a letter to the DOT on this matter. Unfortunately, last year's legislative effort to provide an agricultural exemption was reduced to a mandated rulemaking which has now become a bureaucratic nightmare with no hope of regulatory relief in sight. The DOT proposed rulemaking includes a number of hurdles which will further burden farmers. This Member introduced legislation earlier this year along with the distinguished gentleman from Texas [Mr. LAUGHLIN] to address this issue. Such a bill would be a perfect candidate for the first Corrections Calendar.

Second, this Member has introduced legislation to correct a badly flawed interpretation of the law by the Department of Housing and Urban Development [HUD]. That department has willfully flaunted congressional intent to promulgate a final regulation which burdens homeowners unnecessarily and undermines the intent of this Member to bring common sense to HUD's requirements for water purification devices in rural FHA insured properties.

This Member's legislation, H.R. 69, is identical to legislation passed by the House in the 103d Congress as section 410 of H.R. 3838, the Housing and Community Development Act of 1994, passed July 22, 1994. The need for this provision arose when HUD promulgated extremely unsatisfactory regulations to implement section 424 of the Housing and Community Development Act of 1987. The 1987 provision is one this Member introduced to provide for either point-of-use or point-of-entry water purification equipment in FHA insured housing. HUD's initial regulations did not allow point-of-use systems.

Despite passage of section 424 in 1987, HUD took until 1991 to promulgate an inadequate proposed rule, and the final rule was not promulgated until March 19, 1992. After taking an outrageous period of time—nearly five years—to develop a new rule, the rule that was finalized is seriously flawed. That rule requires a point-of-use system on every faucet in an FHA insured house which has a water supply not meeting HUD's water purity standards, whether the faucet is used for human consumption or for showers, washing machines, and so forth.

This Member's legislation provides that a point-of-use system is required on every faucet used primarily for human consumption thereby protecting the safety of the dweller without irrationally over-regulating at a great cost to the homeowner.

The legislation also requires that for testing water purification devices, HUD use water-purification industry accepted protocols or protocols using technically valid testing methods of the Environmental Protection Agency. This take HUD out of the business of creating environmental standards and leaves those standards to those with expertise in the area.

HUD has show complete intractability in meeting the original intent of this Member's legislation. This is a problem which should have been solved in 1987, but instead has lingered on for over 7 years. If ever there was a candidate for a correction of bureaucratic mismanagement, this foolish regulation is it. This Member hopes that his colleagues will lend their support to finally resolve this problem.

Mr. Chairman, these are only two examples, but they highlight the much larger problems associated with a bureaucratic Federal Government which has grown too big. This Member urges his colleagues to strike a blow for common sense and vote for the Corrections Calendar to be established by House Resolution 168.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Scottsdale, AZ [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of this legislation. I think what we saw on November 8 of last year was the American people saying, "Let us open the windows of this Congress, let us reform this Congress; yes, perhaps in revolutionary style, but also in a rational style. Let us have common sense returned to Government."

Mr. Speaker, that is what this legislation will do. By innovation we will be able to streamline and correct problems, outmoded regulations, outmoded laws, find a vehicle to restore rationality, and that is why I am proud, Mr. Speaker, to stand here in strong support of the legislation.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Utah (Mrs. WALDHOLTZ), a new Member of this House.

Mrs. WALDHOLTZ. Mr. Speaker, I rise to strongly support Corrections Day of which I am proud to be an original cosponsor. This bill gives Congress a sensible approach to eliminating irresponsible, nonsensical Federal regulations. Overreaching regulations impose a heavy cost on our economy and are killing small business which creates the majority of new jobs throughout our country and particularly in my home State of Utah. Each new mandate means higher costs, increased litigations, more failed businesses and fewer jobs. Government administrators currently face no explicit requirement to consider the effects of the rules that they have developed, nor have lawmakers done so in the past. Even when agencies or congressional committees have considered the effects of proposed regulations, policymakers often did so in ways that were simplistic or relied on faulty assumptions or models, and nowhere in the entire regulatory processes did anyone consider the cumulative effects of proposed and existing regulations. As part of the Contract With America we passed important regulatory reform to help Federal bureaucrats prioritize regulatory decisions ensuring that limited resources have targeted to the greatest needs, but while this was a positive step for future regulations, we still have not addressed the problems that we have with current Federal regulations.

That is why I support Corrections Day. It is not enough for us to ensure that future regulations are controlled. We need to reform the current regulatory maze. Inefficient regulation costs the American economy $600 billion each year or more than $5,900 per family, and Congress has been too slow to fix the problems we have inadvertently created. Corrections Day will give us the flexibility to respond quickly to correct our obvious errors and mistakes while still having the benefit of review by the committee of jurisdiction and the consensus reflected by the three-fifths requirement.

Mr. Speaker, I urge my colleagues to support the previous question and to support this bill so that we can work to free Americans from bureaucratic red-tape and help to remake our economy into the greatest job making machine in the world.

□ 1230

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me say this. The gentleman from Indiana [Mr. MCINTOSH] and others have spoken of regulations and laws that need changing. May I gently point out that nothing is stopping us from changing those laws and regulations right now. Nobody really has explained why we need a new procedure.

The truth of the matter is that none of this is necessary. The Speaker or anyone else can gather together any bills that he or others deem corrections bills and put them on the calendar right now and call it a corrections calendar. In fact, presumably every bill we pass around here is a correction of one sort or another, or an improvement of one kind or another on existing laws or regulations.

For the many reasons previously given, perhaps most cogently most recently by the gentleman from Michigan [Mr. DINGELL] and the gentleman from California [Mr. MINETA] and others, we do oppose the proposed rules change.

Mr. Speaker, I want to point out to Members that the first vote will be on the previous question on the Corrections Day resolution. I urge my colleagues to defeat the previous question.

If it is defeated, I shall offer an amendment to change the three-fifths vote requirement to two-thirds. With a two-thirds vote requirement, we will have the assurance, regardless of the party in power, that the minority is as well protected in the corrections process as on all other legislation.

Mr. Speaker, the amendment I propose to offer, should the previous question not be ordered, simply reads: "On page 3, line 1, strike 'three-fifths' and insert 'two-thirds.'"

Mr. Speaker, in closing, again I urge a "no" vote on this proposed rules change.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out to the Members of this body that this country had a great President not too many years ago, and his name was Ronald Reagan. He had a unique ability to focus this entire Nation in the direction that he wanted to move it. I guess we are so very fortunate today to have a Speaker of this House who has that same unique ability to keep this Congress focused.

The big difference between the old majority controlled by the Democrats and the new majority controlled now by the Republicans is that we try to focus this Nation on the problems that have literally brought this country to a halt and that have threatened generations to come with huge deficits and huge burdens of overregulation that are heaped on not only local government but on small business in particular.

This particular resolution, by creating a corrections calendar, is going to focus the entire bureaucracy of this Government on the problems that really are facing business and industry today. By our bringing these corrections up one by one in a separate calendar, every bureaucrat inside this Beltway is going to take notice. That is the real reason for this.

So when we bring these corrections bills before the Congress, they will be relatively noncontroversial, but there will be some controversy. They will be confined to a single subject. They will not involve the expenditure of additional money or the raising of additional revenues. That is very important. These are the criteria for these kinds of legislation. They will deal with the silly, dumb, and ludicrous rules that have literally just about brought business and industry to a point where they cannot be profitable anymore. If you cannot be profitable, you cannot create a new job for all of the high school seniors, as I said before, or for the college seniors who are graduating today. This is what we are doing.

I am so excited about this. When we bring this first corrections bill to the floor, every bureaucrat in this Government is going to pay attention to what is happening and they are going to think twice before they promulgate the kinds of rules and regulations that go far beyond what the legislative intent of Congress is.

Having said that, Mr. Speaker, I hope every Member will vote for the previous question and will vote for this change of the rules, which is going to really make a difference in this country.

Mr. DELAY. Mr. Speaker, I rise in support of creating a calendar for the purpose of Corrections Day legislation. From the start, I've thought having regular Corrections Days would be the perfect way to deal with the myriad of rules and regulations that are unduly costly or simply make no sense.

It is particularly timely for us to be doing this now because July 9, just a couple of weeks away, is Cost of Government Day. This is the day when Americans will have earned enough money to pay off the total financial burden of government at all levels, including taxes, mandates, borrowing, and regulations. This means that 52 cents out of every hard earned dollar are going to the government either directly or indirectly this year.

Cost of Government Day is a sad reminder that the size of government has reached unbelievable proportions.

But the 104th Congress is very different from past Congresses. Earlier this year, the House began to shrink the burden of government by passing a number of regulatory reform bills, and the Senate will soon bring similar legislation to the floor for a vote.

However, while we are making significant changes to the process by which regulations are promulgated, there is still the arguably even bigger problem of ridiculous regulations that are currently on the books and are encroaching on people's lives every day. Many of these are hard to believe:

Last year, a Houston roofing company was cited by OSHA 23 times for a grand total of $13,200 in fines for such transgressions as a bent rung on the bottom of a ladder and a splintered handle on a broken shovel placed in the back of a truck after it had been broken.

Also last year, a 14-year-old Boy Scout was left stranded in new Mexico's Santa Fe National Forest after being lost for 2 days because the Forest Service would not allow a police helicopter to land and pick him up. It seems the boy was in a "wilderness area" in which "mechanized vehicles" are banned.

And many of you have heard of OSHA's rule requiring employers to provide detailed safety information and training regarding the use of such hazardous substances as diet soda, Joy dishwashing liquid, and chalk.

I assume the Federal Government is not intentionally trying to wreak havoc on people's lives. Nonetheless, the American people shouldn't have to continue to suffer the consequences of poorly written or poorly implemented rules and regulations.

Mr. Speaker. I say to my colleagues, Corrections Day is a real opportunity to right wrongs. All across the country, Americans are fed up with a system that is overly intrusive, unreasonable, and excessively costly.

This rules change will address one aspect of the problem and create a process by which we can repeal the most egregious, oppressive, and ridiculous regulations that this Government has promulgated.

I urge support of the Members for House Resolution 168 to create a Corrections Calendar.

Mr. MOAKLEY. Mr. Speaker, I live by the old adage: If it ain't broke don't fix it. We have spent a whole lot of time and energy coming up with a way to fix a legislative process that is not the least bit broken.

I might remind my Republican colleagues that we already have a procedure for bipartisan, noncontroversial bills, it is called suspension of the rules and it would take care of everything you want to go after and allow the Democrats to join you.

But, we are not leaving well enough alone; for some reason we are changing the rules.

My Republican colleagues say we need this rules change to get rid of unnecessary regulations. Although this version of the resolution is an improvement over the last version—it is still a long way from being fair to the Democrats.

If these regulations we will be ending are so silly, then why lower the vote margin from two-thirds to three-fifths?

Democrats want to get rid of silly regulations and unnecessary laws just as much as anyone else but this process will not give us much say.

We firmly believe that there are far too many wasteful, useless provisions and it is time to eliminate them. I urge my colleagues to defeat the previous question so that Democrats can join in the corrections process.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. UPTON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 236, nays 185, not voting 13, as follows:

[Roll No. 389]

YEAS—236

Allard	Baker (LA)	Bass
Archer	Ballenger	Bateman
Armey	Barr	Bereuter
Bachus	Barrett (NE)	Bilbray
Baesler	Bartlett	Bilirakis
Baker (CA)	Barton	Blute

Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—185

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Becerra
Bliley
Brown (CA)
Deal
Edwards
Flake
Jefferson
McCollum
McDade
Moakley
Peterson (FL)
Schumer
Stark

□ 1254

The Clerk announced the following pair:

On this vote:

Mr. Bliley for, with Mr. Moakley against.

Mrs. MEEK of Florida and Mr. MINGE changed their vote from "yea" to "nay."

Mr. STENHOLM changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were ayes 271, noes 146, not voting 17, as follows:

[Roll No. 390]

AYES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—146

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay

Clayton	Johnson, E. B.	Payne (NJ)
Clyburn	Johnston	Pickett
Collins (IL)	Kanjorski	Poshard
Collins (MI)	Kaptur	Rahall
Conyers	Kennedy (MA)	Rangel
Costello	Kennedy (RI)	Reed
Coyne	Kennelly	Reynolds
DeFazio	Kildee	Richardson
DeLauro	Kleczka	Roybal-Allard
Dellums	Klink	Rush
Deutsch	LaFalce	Sabo
Dicks	Lantos	Sanders
Dingell	Levin	Sawyer
Dixon	Lewis (GA)	Schroeder
Doggett	Lipinski	Scott
Dooley	Lofgren	Skaggs
Durbin	Lowey	Slaughter
Engel	Manton	Stark
Eshoo	Markey	Stokes
Evans	Martinez	Studds
Fattah	Mascara	Tejeda
Fazio	Matsui	Thompson
Fields (LA)	McCarthy	Thornton
Filner	McKinney	Thurman
Foglietta	Meehan	Torres
Frank (MA)	Meek	Torricelli
Frost	Menendez	Towns
Furse	Mfume	Tucker
Gejdenson	Miller (CA)	Velazquez
Gephardt	Mineta	Vento
Gibbons	Mink	Visclosky
Gonzalez	Mollohan	Volkmer
Green	Moran	Ward
Gutierrez	Murtha	Waters
Hall (OH)	Nadler	Watt (NC)
Harman	Neal	Waxman
Hastings (FL)	Oberstar	Wilson
Hefner	Olver	Woolsey
Hilliard	Ortiz	Wyden
Hinchey	Owens	Wynn
Hoyer	Pallone	Yates
Jackson-Lee	Pastor	

NOT VOTING—17

Bliley	Jones	Obey
Buyer	Maloney	Peterson (FL)
Edwards	McCollum	Schumer
Farr	McDade	Serrano
Flake	McDermott	Williams
Jefferson	Moakley	

□ 1303

The Clerk announced the following pair:

On this vote:

Mr. Bliley for, with Mr. Moakley against.

Ms. LOFGREN changed her vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES. Mr. Speaker, on rollcall No. 390, I inadvertently missed the vote. Had I been present, I would have voted "Yes."

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, on rollcall vote No. 390, I inadvertently missed the vote. Had I been present, I would have voted "No."

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, on June 20, the House adopted House Resolution 168, creating a Corrections Day calendar. I was mistakenly recorded as having voted "Yes" on this resolution. My vote should have been recorded as "No" on the adoption of House Resolution 168.

PARLIAMENTARY INQUIRY

Mr. BEILENSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman is recognized for his parliamentary inquiry.

Mr. BEILENSON. Mr. Speaker, am I correct in saying that the next vote will be on the previous question on the rule on legislative branch appropriations?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BEILENSON. Continuing my inquiry, if I may, Mr. Speaker, if the previous question is defeated, will I be recognized to control the hour of additional debate time?

The SPEAKER pro tempore. The Member had led the fight against the previous question. The answer would be yes.

Mr. BEILENSON. Continuing my inquiry, if I may, Mr. Speaker, if I control the time, would I be in a position to offer an amendment to the rule?

The SPEAKER pro tempore. A proper amendment would be in order.

PRINTING OF PROPOSED AMENDMENT TO HOUSE RESOLUTION 169

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that the amendment that I would offer to House Resolution 169 be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the proposed amendment is as follows:

At the end of the resolution, add the following:

SEC. . Before consideration of any other amendment, it shall be in order, any rule of the House to the contrary notwithstanding, to consider the following two amendments in the order specified:

1. An amendment to be offered by Representative BREWSTER of Oklahoma and Representative HARMAN of California:

At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND; DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 401. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1996 though 1998, the Secretary of the Treasury shall transfer to the Fund the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs (below the allocations for those programs for each such fiscal year under section 602(b) of the Congressional Budget Act of 1974) resulting from the provisions of this Act, as calculated by the Director.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

(e) DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the adjusted discretionary spending limits (new budget authority and outlays) as set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays transfered to the Fund under subsection (c) for such fiscal year, as calculated by the Director.

2. An amendment to be offered by Representative BALDACCI of Maine:

Page 49, after line 25, insert the following new section:

SEC. 312. None of the funds made available in this Act may be provided for any Member, officer, or employee of the House of Representatives when it is made known to the Federal entity or official to which the funds are made available that such Member, officer, or employee has accepted a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbying firm, or an agent of a foreign principal.

PROVIDING FOR CONSIDERATION OF H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. The pending business is the question de novo of ordering the previous question on House Resolution 169.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 232, noes 106, not voting 6, as follows:

[Roll No. 391]

AYES—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—196

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—6

Edwards
Flake
Jefferson
McCollum
Moakley
Peterson (FL)

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. McCollum for, with Mr. Moakley against.

Mr. BREWSTER changed his vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 191, not voting 7, as follows:

[Roll No. 392]

AYES—236

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne

Cramer	Kennelly	Rahall
Danner	Kildee	Rangel
de la Garza	Kleczka	Reed
DeFazio	Klink	Reynolds
DeLauro	LaFalce	Richardson
Dellums	Lantos	Rivers
Deutsch	Levin	Roemer
Dicks	Lewis (GA)	Rose
Dingell	Lincoln	Roybal-Allard
Dixon	Lipinski	Rush
Doggett	Lofgren	Sabo
Dooley	Lowey	Sanders
Doyle	Luther	Sawyer
Durbin	Maloney	Schroeder
Engel	Manton	Schumer
Eshoo	Markey	Scott
Evans	Martinez	Serrano
Farr	Mascara	Shays
Fattah	Matsui	Skaggs
Fazio	McCarthy	Slaughter
Fields (LA)	McDermott	Spratt
Filner	McHale	Stark
Foglietta	McKinney	Stenholm
Frank (MA)	McNulty	Stokes
Frost	Meehan	Studds
Furse	Meek	Tanner
Gejdenson	Menendez	Tauzin
Gephardt	Mfume	Taylor (MS)
Geren	Miller (CA)	Tejeda
Gibbons	Mineta	Thompson
Gonzalez	Minge	Thornton
Gordon	Mink	Thurman
Green	Mollohan	Torres
Hall (OH)	Moran	Torricelli
Hall (TX)	Murtha	Towns
Hamilton	Nadler	Tucker
Harman	Neal	Velazquez
Hastings (FL)	Oberstar	Vento
Hayes	Obey	Visclosky
Hefner	Olver	Volkmer
Hilliard	Ortiz	Ward
Hinchey	Orton	Waters
Holden	Owens	Watt (NC)
Hoyer	Pallone	Waxman
Jackson-Lee	Pastor	Williams
Jacobs	Payne (NJ)	Wilson
Johnson (SD)	Payne (VA)	Wise
Johnson, E. B.	Pelosi	Woolsey
Johnston	Peterson (FL)	Wyden
Kanjorski	Peterson (MN)	Wynn
Kaptur	Pickett	Yates
Kennedy (MA)	Pomeroy	Zimmer
Kennedy (RI)	Poshard	

NOT VOTING—7

Edwards	Jefferson	Moakley
Flake	McCollum	
Hoke	McDade	

□ 1333

The Clerk announced the following pair:

On this vote:

Mr. McDade for, with Mr. Moakley against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO FEDERAL COUNCIL ON THE AGING

The SPEAKER pro tempore (Mr. HEFLEY). Without objection, and pursuant to the provisions of section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)), as amended by section 205 of Public Law 102–375, the Chair announces the Speaker's appointment to the Federal Council on the Aging for a 3-year term on the part of the House to fill the existing vacancy thereon the following member from private life: Mr. Charles W. Kane of Stuart, FL.

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Banking and Financial Services, Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; Committee on Transportation and Infrastructure; Permanent Select Committee on Intelligence; and Committee on Agriculture, chaired by that great American and former marine, the gentleman from Kansas, Mr. PAT ROBERTS.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WISE. Mr. Speaker, reserving the right to object, the distinguished gentleman is absolutely correct. The Democrat minority has been consulted on all of these and has no objections.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on both House Resolution 168, which is the corrections day resolution, and House Resolution 169, the legislative branch appropriations rule, the two resolutions just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, and that I may be permitted to include tables and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 167 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1817.

□ 1341

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1817) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 16, 1995, the amendment offered by the gentleman from California [Mr. HERGER] had been disposed of and the bill was open for amendment through page 2, line 20.

Are there further amendments to this paragraph?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER: On Page 2, line 12, insert "(less $10,000,000)" before ", to remain".

Mr. NADLER. Mr. Chairman, I am appalled that in this time of ever increasing concern over our burgeoning national debt, the committee has chosen to include in this bill an appropriation of $10 million as a second down payment on a $32 million project for a project which is at best of dubious necessity. At worst, it is a $32 million total boondoggle with no legitimate purpose.

My amendment would cut this wasteful and unnecessary spending and ultimately save the taxpayers $32 million. Mr. Chairman, let me tell you the twisted tale of this waste of money that is proposed to be taken from the pockets of working Americans.

Once upon a time there was a facility to train Army units at Fort Irwin, CA. But alas this facility had no airport. Personnel had to be trucked 170 miles from the nearest available airfield in Nevada. We can all agree that this was a situation that needed to be remedied.

This House several years ago initiated a study to find a more efficient way to transport trainees. At one point, the Army designated Barstow-Daggett Airfield, currently a Marine Corps logistics facility, as the best available option to upgrade that facility.

The House initiated action to get funds for a $32 million project to upgrade Barstow-Daggett. But in the meantime, Edwards Air Force Base, 90 miles away from Fort Irwin, became available for this purpose as in downsizing the workload there was reduced and we are informed that the Air Force is amenable to the Army's use of Edwards for this purpose.

George Air Force Base, another local facility 60 miles from Fort Irwin, which has been a closed military facility pursuant to the base closing situation is currently operating as a civilian airport.

Ten million dollars was included in the fiscal year 1995 appropriation to upgrade Barstow-Daggett. It has not been spent. This bill now proposes to appropriate an additional $10 million for Barstow-Daggett, although construction will not begin until 1997.

In addition, the bill contains language that will instruct the Army to reopen the closed George Air Force Base, reopen a closed base in this time of closing bases, to be used as the interim air base for Fort Irwin until Barstow-Daggett reaches initial operational capability. I will be offering an amendment later to delete that language.

Why should the taxpayers be forced to pay who knows how much to reopen a closed Air Force base when an operating Air Force base, Edwards, can be used instead?

In the meantime the Army has been working on a study which is due to be released in August, 2 months from now, to assess the various options and recommend the proper course of action. Construction at Barstow-Daggett is not due to begin until 1997.

Why cannot we wait until the study is completed in 2 months before deciding which is the best most cost-effective way to proceed? Some will argue that the roads between Fort Irwin and Edwards Air Force Base are unsafe, compared to the roads between George Air Force Base and Fort Irwin. A study by the Army indicates the opposite.

The American Automobile Association, with whom we spoke in Redlands, CA, has provided to us the following information. From Fort Irwin to Edwards Air Force Base is 90 miles, almost entirely freeway driving. No unsafe roads were mentioned.

I have a chart here that illustrates what I am saying. From Fort Irwin to George is 60 miles. Edwards, 90 miles freeway driving; Barstow-Daggett, 35 miles. Is this somewhat shorter distance, 35 miles as against 90, when the 90 miles is freeway driving, an hour and a half, worth $32 million of taxpayer funds to upgrade Barstow-Daggett to have a 10,000-foot runway, plus the cost of reopening a closed military Air Force base at George for temporary use? I doubt that.

Now, it may be that the Army study due out in August will show that for reasons unknown to us, that is the best way. But why not wait until August to determine that?

This bill contains an appropriation of $10 million more for Barstow-Daggett, though as I said construction cannot begin until 1997. So if we do not fund it now it would not delay it. And the committee further instructs the Army to reopen George Air Force Base which has been closed as a part of downsizing.

Mr. Chairman, this is not cut and save. This sounds a lot more like the old tax and spend. What happened to downsizing? What happened to the rhetoric heard in this Chamber while we were slashing programs for children, the needy, veterans, and the elderly? Yes, we have to make tough choices, but our story could have a happy ending if we passed this amendment and saved the taxpayer this money.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to point out that the need to provide an airfield for Fort Irwin has been an issue since the first round of base closure in 1988, when Norton Air Force Base was closed.

The committee has appropriated funds since fiscal year 1994 to bring about the arrangement to locate the air unit at Barstow-Daggett. This will permit 60,000 troops per year to continue to receive state-of-the-art maneuver and training for close combat heavy brigades. The committee's recommendation includes the second phase of funding for a project to meet this requirement.

This is a good solution and deserves the support of this body. I urge a "no" vote.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in very, very strong opposition to this proposal by my colleague from New York. I do not know if the gentleman from New York [Mr. NADLER] has had the opportunity to travel to the National Training Center for the Army. It is without any question the most important and valuable asset that our military has anywhere in the world.

It is the place where we train and retrain our troops in real live war circumstance and prepare them for perhaps the worst they might face out in the battlefield. This is the base about which General Schwarzkoff said,

> I commanded the 24th Mechanized Division during seven different rotations at Fort Irwin.
>
> It is the best investment the Army has made in 35 years. The reason we did so well in Desert Storm and Desert Shield is because almost every commander we had over there had some kind of involvement in the NTC.

□ 1345

It is suggested that his amendment saves money by stopping the previously authorized project in midstream. This amendment, ladies and gentlemen, wastes money already approved by the Congress.

Mr. Chairman, the need to have a permanent airhead will not go away. The primary cost factor, distance from the national center, will not change; that is, troops are brought in numbers of 60,000 a year from various bases around the country. They come in rotations to train at the national training center for the Army. They must be flown in to somewhere.

In the past, we have flown them into Las Vegas, where they got on buses and rode for 4½ hours, an ongoing expense. The last rotation had them coming from Edwards Air Force Base.

The gentleman from New York [Mr. NADLER] probably ought to come to the territory and actually see the region we are dealing with here. A portion of it is on freeway, but approximately a third of the transportation takes place on a two-lane highway, a very, very dangerous highway in which the accident rate is something like 50 times greater than on a normal freeway; very important to recognize that in the past we have been looking for a temporary facility, Norton Air Force Base; they are considering George. That does not open up that base or reopen it. It may allow for a lease short term.

In the meantime, the Army, after a 5-year study, has come to the conclusion that, No. 1, they need a permanent airhead for bringing those troops in for this vital training; and, second, that Barstow-Daggett is the logical location which will not only serve the needs of the national training center but will also save a lot of money over the life of this very important facility.

Since 1989, I have been working with the Army to establish a permanent airfield to support the NTC rotations. We have been back and forth over all of those years.

There is little question that those who do not understand the mission of the NTC could hardly understand the importance of this facility. But, ladies and gentleman, there is absolutely no doubt that the most important thing we can do for our men and women in the armed services is to make sure that they are ready, that they are prepared by the best of training. The NTC is the best available. They need this facility desperately.

I would suggest to the gentleman that in the future, insofar as this Member is concerned. I will follow with great care what has long been a standing policy of mine that if I have a concern or an issue that affects a specific Member's district about which I do not have great expertise myself, before I carry an amendment on the floor regarding that district, I will at least show that Member the courtesy of a conversation regarding the problem. Sometimes a little light helps a lot with the discussion around here, and in this case, I must say, after 5 years of

very intense work with the Army, it is very apparent that most people do not understand the vastness of this territory.

The national training center for the Army is located in a desert territory in which you can put five eastern States easily, and, in turn, the NTC is the perfect facility for live warfare kinds of games to provide the readiness we need. If you believe it is critically important that our troops be ready and prepared and well trained, vote "no" on the Nadler amendment.

Vote in support of the national training center for the Army.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. NADLER] is recognized.

Mr. LEWIS of California. Has the gentleman spoken?

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

I will not take the full 5 minutes.

As chairman of the authorizing committee, we looked at this very, very carefully, and I would concur with what the gentleman from California had to say about the training facility. It is the premier training facility of its kind probably in the entire world.

I like to say that about the training facility at Colorado Springs, and they say, "Yes, it is, but the one in California, that is the one that here the premier facility of its kind."

And we do bring, the figure was used, 60,000 troops, plus or minus a few, in there every year to rotate in for training, and we need the kind of facilities necessary to get them in and get them out safely.

So I think what we are talking about here distance. The idea of moving them in and taking them for 4½ hours on a bus, this number of people simply makes no sense whatsoever. I think it is a matter of time, and I think it is a matter of safety.

So I would hope that we would oppose the gentleman's amendment.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I listened to the remarks of the gentleman from California very carefully, and I agreed with everything that was said about the national training center at Fort Irwin. It is the finest facility, an essential facility, et cetera.

We are not talking in this amendment about Fort Irwin or the National Training facility. We are talking about Barstow-Daggett, whether we should spend $32 million, at Barstow-Daggett to make a modern airfield there and whether we should reopen George Air Force Base as a temporary facility.

The fact of the matter is the NTC is a wonderful training facility and an essential one, and we rotate 60,000 troops in there every so often and out of there every so often.

The question is: Is it worth the investment to rotate them into Barstow-Daggett instead of through Edwards Air Force Base? I agree, if it were a 4½ hour journey from Las Vegas, I probably would not offer this amendment. When this was started, when this project was initiated, when the studies were undertaken initially, Edwards Air Force Base was not available as an option, because it was busy, busy with Air Force business.

Circumstances have changed. Now it is available. The Army has not requested this money.

The study that the gentleman holds up, the Army study that supposedly justifies this, is unavailable. It has never been released publicly. We could not get a hold of it. I do not know what it says.

We do know the Army is coming out with its study as to the best way to rotate troops into and out of Fort Irwin in 2 months. So what is the rush? Two months from now the Army will release its study as to the best way, and maybe the information that I have, and we called up the AAA and we said, "How do you get from Redlands, where this Fort Irwin is, to Edwards Air Force Base, and vice versa?" "Oh, no problem. Ninety minutes on the freeway." They did not tell us anything about a third of the way on 2-lane roads. We asked them specifically. They said it is all freeway driving, 90 minutes, you are there.

For 16 years, I commuted 140 miles up to Albany from New York, where the State legislature meets, freeway driving, no problems. Most people do that.

It will not degrade on military capability on which the gentleman was so earnest, if the troops rotating in and out of Irwin Air Force Base every few months take an hour and a half on a bus and on a freeway from Edwards Air Force Base to Fort Irwin, and the other way around, a few months later, however long a period of time they stay at Fort Irwin. We are not talking about a daily commute. We are talking about rotating in for exercises and a few weeks later rotating out and a 90-minute drive each way.

Maybe what I just said is wrong. Maybe the Army study that is due out in August will show that is wrong for some reason that we do not know here on this floor, at least we on this side do not know, in which case, fine, maybe we should develop the Barstow-Daggett base, and that information in that report will show us that we should.

But we have plenty of time. They cannot start construction until 1997, in any event. To appropriate $10 million now is totally unnecessary, even if it is necessary to develop Barstow-Daggett. The $10 million appropriated last year is unspent. Now we will have $20 million unspent or wasted. Why cannot we wait 2 months until that study comes out to show what the best course of action is?

Remember, this money, for all the eloquence of the people saying how important the NTC is, this money is not requested or wanted by the Army. It should be dispositive and, therefore, this amendment should pass in the interests of saving the taxpayers' money.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just would like to respond to my good friend from New York. He raised a question as to what we might know that people on the other side of the aisle do not, and I am not sure that we know anything that the people on the other side of the aisle do not, but there are some very important facts here that I think are interesting to consider in light of the fact that we are going through currently the last stage of a major reorganization of our base structure, and that organization and reorganization has been going on now for some 6 years.

From the Army's point of view, this relationship that will exist between Barstow-Daggett and Fort Irwin is a very, very important relationship.

Let me just try to point out where there are some other relationships that exist like this. For example, Fort Bragg and Pope Air Force Base enjoy a relationship that is quite similar to this, for perhaps a different purpose, but a very similar kind of a thing, and as a result of that relationship, as far as I know, the Base Realignment and Closing Commission process, BRAC, has never begun to address either Fort Bragg or Pope Air Force Base because of the relationship of the role they play with each other.

More recently, of course, Fort Bragg and Pope Air Force Base have been together for many years, but more recently the Base Realignment and Closure Commission realized the importance of these kinds of relationships when they realigned McGuire Air Force Base in New Jersey and realigned Fort Dix in New Jersey to carry forth the relationship of jointness much as is proposed by the mil con bill in creating a relationship at Barstow-Daggett and Fort Irwin.

Fort Irwin, in my opinion, is never going to go away, and if anybody knows a little bit about base structure, they know Fort Irwin, the national training center, is huge, a huge base, thousands of acres, a national training center where 60,000 troops came each year to train to hone their skills, and a relationship with an Army air base where additional training can take place and the ease of transportation is provided to provide for a more cost-efficient mode of operation is part of this

consolidation that is taking place through the BRAC process and through the process of mil con bill that we are here discussing today.

And so I think from a point of cost effectiveness, from a point of distance in getting people to and from where they need to be, from the standpoint of training opportunities that are provided with close proximity of an air base and other training facilities and from commonsense opportunities that are offered and looked upon favorably by the base realignment and closure commission in each of the base closure actions that have taken place since 1989, I think it would be foolhardy for us to side with the gentleman from New York [Mr. NADLER] in spite of the fact that I think he has great intentions. I think the consolidated effort under way here a very essential part of the base reconfiguration project.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding.

He makes a number of important points.

First, let me mention in the last year, I personally have escorted the Secretary of Defense as well as the Secretary of the Army to this very field. It was not 6 months ago the Secretary of the Army looked me in the eye, standing on the tarmac at Barstow-Daggett, and said, "This is exactly where we should have this permanent airhead."

When we went through the process of trying to figure out where to land these 60,000 troops in rotations every year, we looked at a number of facilities. Very early on, Edwards Air Force Base was taken off the list. They were not even among the remaining five being considered. Most important, they were taken off the list because of a conflict of mission. Edwards Air Force Base presently is the home of the 117 fighter bomber, home location of the B–1, where the B–2 lands, where the shuttle lands from time to time.

Indeed the C–17, will use that facility in the future, but most importantly, as the Army evaluated this question, this is what they said about Edwards Air Force Base: "Mission compatibility is of the utmost importance. This unquantifiable benefit could determine the degree of success in the NTC training mission. Unforeseen delays, postponements to the training exercises, deployment and redeployments, schedule changes and conflicts in use of air space would greatly detract from the overall benefits of the training mission exercise. The domino effect of mission incompatibility with other tenants at an airhead location would effectively smother the entire operation."

□ 1400

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SAXTON] has expired.

(By unanimous consent, Mr. SAXTON was allowed to proceed for 2 additional minutes.)

Mr. SAXTON. Mr. Chairman, just let me say very briefly, and then I will yield to the gentleman from New York [Mr. NADLER], that I believe that what the Army is after here is the recognition of the fact that training in large part relates to deployment, and, if one is going to deploy efficiently, we must have the facilities together through which deployment takes place. That is true at Fort Dix and McGuire. That is true at Fort Bragg and Pope Air Force Base, and it is equally true at Barstow-Daggett and Fort Irwin. So I think it is something we cannot ignore.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New York.

Mr. NADLER. I have one simple question:

Given all the things I said, why has the Army not requested this?

Mr. SAXTON. We cannot speak for the administration and their budget. This is obviously something that makes a great deal of sense and something that military planners do not disagree with. Every branch of the service has its priorities, and we are told that this is a priority of some magnitude.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I am reminded that some 60,000 troops rotate through this area for training, that there is a constant flow of troops coming from all over the Army establishment throughout the country for this unique desert training at Barstow, and this location is rally within minutes of where they actually train.

Is that accurate?

Mr. SAXTON. That is the understanding that I have, and I would just add to that that the relationship between an airport where deployment actually takes place and the training facility at Fort Irwin is an additional reason for this consolidation to take place.

Mr. HUNTER. And the last documentation that the Army did on this did recommend Barstow-Daggett, at least from the documents that I have seen.

Mr. SAXTON. Mr. Chairman, I thank the gentleman for bringing that to our attention, and that would provide a more full answer to the gentleman from New York.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my colleague, the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I am going to be brief on this because I think most of it has already been said, but again listen to what the proponents of this arrangement and of this appropriation are saying. They are saying Fort Irwin, the National Training Center, is very important. Granted. They are saying that the Army at one point asked for funds to upgrade Barstow-Daggett. Granted, when they could not use Edwards Air Force Base. They are saying that Edwards Air Force Base cannot be used, it is not good enough. It is being used now. In fact there is mission incompatibility, but there is decreased Air Force use of Edwards because of less Air Force use. That we know for the last few years, and the fact of the matter is again, the Army is doing a study of what the best available options are, what is the best way of rotating troops in and out of Irwin, the most cost-effective way and the best way for mission readiness at Fort Irwin. That study is coming out in August. But we do not want to wait for that study. We want to jump the gun. That is silly because that risks wasting a lot of taxpayers' money. None of the money appropriated here in this bill on this subject can be spent at Barstow-Daggett before 1997, which is to say before the next appropriation bill will have been passed in any event, so why not remove this money, wait for the August study, and if they still have the mind that this is the way to go, fine. Next year they can appropriate it, and they can build it just as fast, but if that study shows, as apparently the Army thinks it may, because the Army is not requesting this money. With all of this rhetoric we have heard on this floor about how important this money is, that our combat capability will be degraded without it and so forth, the Army has not asked for this money, and in this climate, when we are taking money away from food stamps, from school lunches, from Medicare, from Medicaid, from college loans, from just name it, we are proposing to give the Army $32 million it does not say it needs, and it does not request, and it does not want because we cannot wait 2 months for a study that may show us a cheaper, better way to do it sounds to me like pork, not military readiness.

Mr. McKEON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. Mr. Chairman, no State has been impacted by the base closure process more than the State of California. Many of the programs and personnel associated with former military installations in California have either been eliminated or transferred to other States. That being said, there are still fundamental missions which occur at facilities such as the National Army

Training Center at Fort Irwin. The Army has spent considerable time and resources addressing the need to establish a permanent airfield to support Forth Irwin and is now moving forward with a cost-effective plan that has been endorsed by Congress and the Secretary of the Army. Voting in favor of the gentleman's amendment will only result in needless delays in meeting this critical requirement.

The Nadler amendment unravels 5 years of the Army's planning for a permanent airfield to support Fort Irwin. The decision to study California alternatives for the NTC airhead was undertaken by the Army at its own initiative beginning on December 13, 1989. The analysis of alternative study was completed in October of 1993. Here is the specific finding of that study before it went to Forscam and the Military Traffic Management Command:

Fort Irwin does not have a reliable, full-time tactical airfield usable by fixed-wing, heavy-life, and wide-body aircraft. Long-term operation at McCarran is questionable. If this project is not provided, air operations at the NTC will continue to be substandard. Limited Army funding will continue to be spent to bring troops overland from great distances, training time will be lost, and command and control will be difficult. The Barstow-Daggett alternative was found to be the most economically cost-efficient as calculated over the life of the project.

Mr. Chairman, I have been here now just a couple of years. The gentleman from New York [Mr. NADLER] and I came at the same time. The gentleman from California [Mr. LEWIS] has the district next to mine. We both represent people from the desert. We understand the desert probably a little better than someone from across the country. We know what the road is like driving from Fort Irwin over to Edwards, and it is a dangerous road, and I think that this amendment should be defeated.

I urge my colleagues to vote "no" on the Nadler amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me emphasize the point that gentleman just made.

Up until this most recent rotation where troops came from Edwards to the training center, the troops were being sent by bus for 4½ hours from Las Vegas. To say the least, it was a long ways away from the way they should have come to arrive in a training setting, a war kind of setting.

Recently for a short time Edwards Air Force Base became an experiment as a temporary airhead, but the people who designated that temporary airhead have no idea what that road is really like. One-third of the distance, about 33 miles, is along a very, very dangerous two-lane highway. It is only some time when someone is going to rush around and run into one of those caravans of troops.

Mr. MCKEON. Reclaiming my time, again, both of us coming from that area, we know when we talk about a two-lane road it is a little different out there than it is here. Two lane road there, it is up and down because of the flash flooding coming off the hills, and they have to leave low spots in the road, and so we get ups and downs, and I have had friends killed on that highway. I understand the danger there.

Mr. LEWIS of California. Exactly, and if the gentleman continues to yield, I must say that I can understand in part, I suppose, what the gentleman from New York [Mr. NADLER] is saying, but, if he would ride that roadway, he would understand the difference. What we need to do is have a permanent facility where these troops can come and be in the training environment. Barstow-Daggett is the ideal location. It is the cheapest solution, short-term and long-term, without any question. This is the most important training center in the world, and a no vote on the Nadler amendment indeed is in support of the National Training Center for the Army, and I encourage my colleagues to recognize just how critical this training center is to our national defense.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to associate myself with the remarks of the previous speaker from California and to say that I oppose the Nadler amendment and that I hope my colleagues will join in supporting the hard work of the gentlewoman from Nevada [Mrs. VUCANOVICH], and her subcommittee. Their decision with regard to this airstrip was based on the facts, and the facts are that the National Training Center is a major contributor to the national defense mission. The transport of our service men and women in and out of there is a very important component of their mission, and, if the Nadler amendment is adopted, instead of a convenient airstrip 37 miles away, however, far the distance, it will be a much farther distance that they will have to be transported.

So I will say the facts are with the committee on this decision. I hope that the Members of this body will support the chairwoman, support the committee, and vote no on the Nadler amendment.

Mr. BROWN of California. Mr. Chairman. I rise today to voice my opposition to the amendment to strike funding for the expansion of Barstow-Daggett Airfield in San Bernardino County, CA.

The expansion of the runway of Barstow-Daggett Airfield is needed to accommodate aircraft that will bring in the thousands of Army troops that annually train at Fort Irwin in the California desert. Barstow-Daggett Airport is located only 30 miles from Fort Irwin. Since the closure of Norton Air Force Base in San Bernardino, the Army has not had a permanent site to fly in troops for transport to the Fort Irwin training area.

As we all know, desert training is more critical than ever for our Nation's troops. Without Barstow-Daggett Airport, our troops will lose valuable training time being transported by bus from more distant airfields.

Mr. Chairman, one of the reasons that I am persuaded to support this military construction project is that it has been authorized as part of the Defense Authorization Act for 2 straight years. I also understand that the Secretary of the Army supports the project. These facts persuade me that this project is worthwhile and has received the proper scrutiny and approval of the relevant authorizing committee, during times of both Democratic and Republican committee leadership.

For these reasons, I will support this project and vote against the amendment to strike the project's funding, and I urge my colleagues to join me in voting against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 329, not voting 5, as follows:

[Roll No. 393]

AYES—100

Andrews	Hinchey	Pastor
Baldacci	Hoekstra	Payne (NJ)
Barrett (WI)	Jackson-Lee	Pelosi
Becerra	Jacobs	Petri
Bentsen	Johnston	Ramstad
Bonior	Kanjorski	Rangel
Brown (OH)	Kennedy (MA)	Reynolds
Cardin	Klug	Rivers
Christensen	LaFalce	Roukema
Clayton	Levin	Royce
Collins (IL)	Lewis (GA)	Rush
Collins (MI)	Lincoln	Sanders
Conyers	Lipinski	Schroeder
Cooley	Lofgren	Schumer
DeFazio	Lowey	Scott
Dellums	Luther	Sensenbrenner
Deutsch	Maloney	Skaggs
Dingell	Markey	Slaughter
Doggett	McKinney	Stark
Duncan	Meehan	Studds
Ehlers	Menendez	Thurman
Engel	Mfume	Torricelli
Eshoo	Miller (CA)	Tucker
Evans	Minge	Velazquez
Fattah	Mink	Ward
Fields (LA)	Moran	Waters
Filner	Nadler	Watt (NC)
Furse	Neal	Williams
Ganske	Neumann	Woolsey
Gephardt	Nussle	Wyden
Green	Obey	Yates
Gutierrez	Olver	Zimmer
Hastings (FL)	Orton	
Hilliard	Owens	

NOES—329

Abercrombie	Armey	Baker (LA)
Ackerman	Bachus	Ballenger
Allard	Baesler	Barcia
Archer	Baker (CA)	Barr

Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
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Brown (CA)
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Edwards
Ehrlich
Emerson
English
Ensign
Everett
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Farr
Fawell
Fazio
Fields (TX)
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Foley
Forbes
Ford
Fowler
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Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
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Frost
Funderburk
Gallegly
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Gibbons
Gilchrest
Gillmor
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Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
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Harman
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Hastings (WA)
Hayes
Hayworth
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Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
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Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
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Lucas
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McCarthy
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McKeon
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Meek
Metcalf
Meyers
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Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Oberstar
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
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Radanovich
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Roberts
Roemer
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Ros-Lehtinen
Roth
Roybal-Allard
Sabo
Salmon
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Sawyer
Saxton
Scarborough
Schaefer
Schiff
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Serrano
Shadegg
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Shuster
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Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
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Taylor (MS)
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Thornberry
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Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—5

Gejdenson
Jefferson
McCollum
Moakley
Rose

□ 1438

Mrs. CHENOWETH, Ms. ROYBAL-ALLARD, and Messrs. BRYANT of Texas, COBLE, WHITFIELD, BARCIA, TOWNS, McDERMOTT, and SMITH of Michigan changed their vote from "aye" to "no."

Ms. PELOSI, Messrs. MFUME, WATTS of North Carolina, PETRI, ORTON, NEAL of Massachusetts, SCOTT, and DELLUMS, and Mrs. COLLINS of Illinois changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $588,243,000, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed $66,184,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE: Page 3, line 3, strike "$588,243,000" and insert "$571,843,000".

Mr. ROYCE. Mr. Chairman, this amendment targets two construction projects which were not requested by the Pentagon but were added on by the committee. The first item spends $6 million to repair a foundry at a shipyard which Congress voted to close in the 1991 base closing round.

Why are we upgrading this foundry and this propeller shop when the Navy has not made a request? If the hope is that the Pentagon will keep this one foundry at the yard open for the long haul, does it not make sense to, at least, wait to see if the DOD makes a request before approving a $6 million upgrade? This sets a bad precedent for all base closures past and future and opens up a Pandora's box for Congress. So let us take it out of the bill.

Let me repeat one point: DOD has confirmed that this is not in the future years' defense plan from 1996 to 2001.

The second item also not requested spends $10.4 million for a new gymnasium at a base which already has a gym. The Puget Sound Naval Shipyard has racquetball. It has a gym with Nautilus equipment and free weights. It has basketball courts, volleyball, tennis courts, three softball fields.

We are going to spend here $10.4 million for a facility which will add badminton, squash, aerobics, and paddleball when there are already 10 private gyms within 5 miles of the base?

I can only tell my colleagues, Mr. Chairman, that with a base at Bangor Submarine Base 15 miles away with a gym, a gym free to all Active duty personnel, maybe we should buy a bus if there is overflow. But there is no evidence that there is overflow at the existing gym. There is a YMCA less than a mile away. Maybe we should look at contracting out for the overflow. But again, we have no evidence of it. This is $10.5 million that could be spent for more urgent projects.

Mr. Chairman, there are many supporters of a strong national defense in this House, defense hawks, and I am one. But many of you are also deficit hawks here. And these projects are not needed. They will not add to our national security. They were not requested. In fact, the overall $500 million added by the committee comes on top of $500 million added last year but not requested last year, and the total bill is now $2.4 billion more than the 1995 appropriation.

This is an ominous trend, colleagues. The Department of Defense already has a $1 billion backlog in deferred maintenance. We should not be spending money on unrequested projects. So join with the Pork Busters, the National Taxpayers Union, the Business Executives for National Security, Citizens Against Government Waste and Citizens for a Sound Economy in supporting this amendment. This is the first test of an appropriations bill on the floor this year. Let us not fail that test. Let us vote to try to reduce this spending and move towards a balanced budget.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am curious why out of all projects included in this bill, the gentleman chose these two. I would guess he thinks the mandated physical fitness and recreational activities of 12,500 naval personnel is of no importance. Because when the committee asked the Navy if this project was mission essential or critical in this fiscal year the Navy's response was yes—that

it was essential to provide for quality of life and physical fitness of service members.

And, I would like to take this opportunity to tell the gentleman that our subcommittee held 14 hearings this year and our major focus was on "what is quality of life?" When asked, Sergeant Major Kidd of the Army told the committee that it was "a good place to work, a good place to train, a good place to live, and a good place to have recreation."

Does the gentleman oppose our naval personnel being well fit to serve this country when called?

And does the gentleman not believe it is essential that the individuals working in the foundry in Philadelphia—which is to remain active after the yard's scheduled closure—should be threatened by the many environmental, safety, and health problems associated with the facilities deficiencies? When the committee asked the Navy their answer was, absolutely not. That the combined serious deficiencies in industrial ventilation, lighting, stress relieving ovens, and weight handling equipment greatly increase the chances of a catastrophic accident and personal injury. And, on top of that a recent inspection revealed the foundry is in immediate jeopardy of being cited by EPA and OSHA.

Mr. Chairman, why these two projects have been targeted, I do not understand. I strongly urge my colleagues to defeat this amendment.

□ 1445

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make clear that I think this bill contains far too much spending. I intend to vote against the bill, because it is far in excess of the President's request, as well as last year's budget. However, I think the attack on this particular facility at Bremerton is unfair.

In this bill, there are an awful lot of items which are labeled "quality of life." Unfortunately, many of those items are targeted to improve the life of people who already have a pretty high quality of life. That is why I support most of the amendments that are going to be made to cut this bill. That is why I support the Neumann-Furse amendment, for instance, which tries to strike construction for units costing more than $200,000 each.

However, this proposal, in my view, strikes at the needs of the people in the services who most need our help. As I understand the situation, there are over 12,000 seamen who are located in this facility in Washington. Many of them live on board ship for at least 6 months at a time. They live in very cramped quarters, and when they do get to shore, they need some recreational opportunities.

As my staff has been able to determine, the recreational opportunities for the enlisted people at the lower pay grades are far less than what they need, given the demands put on them in that area.

Therefore, it seems to me that if we are going to go after projects in this bill, we ought to go after projects for the most comfortable, not for the most uncomfortable, not for the enlisted guy at the bottom of the totem pole who very seldom gets very much attention paid to his or her needs.

Mr. Chairman, I would also simply ask why it is that these two projects have been especially singled out by the sponsor of the amendment. I would point out that the gentleman from California [Mr. ROYCE], who is offering the amendment, wrote the committee last year requesting funding for two projects at the Los Alamedos Reserve Center totaling $11.9 million.

The committee, which was then under my chairmanship, with the gentlewoman from Nevada [Mrs. VUCANOVICH] as well as the gentleman from North Carolina [Mr. HEFNER] on the subcommittee in the two lead spots, approved $4.2 million to provide for a new logistics facility for him. I wonder if the gentleman from California [Mr. ROYCE] recalls this committee's favorable response to his request to meet a special need in his district at that time?

Mr. Chairman, I do not mind the gentleman going after projects unneeded. I am going to vote against plenty of them myself this afternoon. As I said, I am going to vote against this entire bill because it is far too high. However, in this instance, I find going after the project, especially in Washington, to be especially quaint, given the needs of the enlisted people in that area. I think we ought to turn this amendment down, in the interests of fairness.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, as a point, I had a letter last year from the author of this current amendment for two projects. The gentleman made the point that these projects were not requested by the administration, they were not requested by the Pentagon.

We have two projects here that the gentleman requested last year that were not requested by anybody. We funded the projects, because we felt the gentleman knew what was good for his district, and something that was needed for the people in his district.

It seems to me it is a little bit unusual for the taxpayers, Citizens Against Government Waste, to go through all this bill and find two projects, find two projects in the Navy, that were worthy of having the gentleman's sponsorship of these amendments. I strongly oppose these amendments.

I think it is ridiculous that we would even be discussing them here on the floor.

Mr. OBEY. Mr. Chairman, I would simply close by saying that I think we owe more to those 12,000 seamen in this case than to simply tell them that when they come on shore from their ship, that they ought to use the Y.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Minge-Royce amendment.

Mr. Chairman, this is a case of mistaken identity colleagues. The propeller shop at the site of the Philadelphia Naval Shipyard is open and its working men and women are busy today providing for the defense of our Nation. They perform some of the most sensitive and important work in developing finely manufactured propellers for submarines and surface combatants.

The Philadelphia Naval Shipyard was ordered closed by the Base Closure Commission. We, in Philadelphia, accept that, though we continue to believe it was the wrong decision.

We are working to convert the yard to become a commercial shipyard. Two companies—one, an international shipbuilder and another a respected U.S. ship overhauling firm—are deeply interested in creating at least 4,000 new jobs at the yard.

But the propeller shop at the Navy yard was never part of the order to close.

Manufacturing propellers for carriers, subs and other Navy vessels is a vital endeavor. The Navy must maintain that capacity.

This winter, I wrote to the Navy concerned about rumors that it was considering moves to sell off the propeller shop and foundry.

Not true, said Assistant Navy Secretary Pirie. He said, "We share your view that the propeller shop and foundry are required to support our operational forces in the future. Thus, we did not recommend their closure."

Based on that continued commitment by the Navy, I worked with the Navy to develop this project to renovate the propeller facility.

This project was authorized in the bill we passed, just last week. The Navy has already completed the 35 percent design for the bulk of this project. That is the threshold requirement demanded by our subcommittee as well as by the National Security Committee. Our subcommittee has confirmed this with the Navy. Thus, the argument that this is not wanted by the Navy is wrong.

This project would construct new stress relieving ovens to insure the structural integrity of modern propellers. In addition, the project would improve worker safety by meeting OSHA requirements. This is dangerous work. Maybe that is not something that the porkbusters are interested about. I have a list of at least 26 workers who have sustained injuries at the prop

shop. A pattern maker and a molder who had molten metal splash in their eye. A rigger who was stuck by metal pieces. How can they call protecting workers from serious injury pork?

In this case, the porkbusters have, again, identified the wrong man, at the wrong time, at the wrong place. Do they want to give up our edge in the sensitive technology of developing and manufacturing propellers to the Japanese and Europe? That is what they would do by not investing the money to keep this facility—which is an open facility—state of the art.

Mr. Chairman, I urge my colleagues to reject this amendment. It defies the intent of this Congress of maintaining our national security.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I will include for the RECORD a letter from Cheryl Kandaras of the Navy to the honorable chairman of the subcommittee which says that this shop and foundry "provide essential services to the fleet, much of which is classified and cannot be supported by another source." This letter is dated June 20, 1995.

For any Member of this body to stay on the floor and infer that somehow the Navy is considering closing this is certainly shortsighted at best, and beyond that, just trying to demagogue on an issue where we have done a good job in removing those items from defense spending that are clearly not wanted by the military.

I thank my colleague for yielding.

The letter referred to is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, June 20, 1995.

Hon. BARBARA F. VUCANOVICH,
Chairman, Military Construction Subcommittee, House Appropriations Committee, House of Representatives, Washington, DC.

DEAR MADAM CHAIRMAN: This letter is in response to your request for information regarding Navy's plans for facilities that remain open after implementation of BRAC actions at Naval Shipyard Philadelphia.

The Propeller Shop and Foundry will remain open to support our operational forces for the foreseeable future. These facilities provide essential services to the fleet, much of which is classified, and can not be supported by another source. Accordingly, they were not recommended for closure to the 1995 Defense Base Closure and Realignment Commission.

As always, if I can be of any further assistance, please let me know.

Sincerely,

CHERYL KANDARAS,
Principal Deputy.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think I have to take a back seat to anybody for coming down here time and time again with amendments to strike things that I think are pork in appropriation bills, and we will do it some more, probably.

That is the reason, Mr. Chairman, that, as I assumed the chairmanship of the authorization committee for Milcon, the gentlewoman from Nevada [Mrs. VUCANOVICH] and I worked very, very carefully together to systematically make sure that we had very strict criteria, because we know these particular bills are bills that are subject to pork enough. We did not want that to happen. We wanted to make sure that did not happen. We were very careful to do that.

The bill that we produced and that we passed here last week and the bill that we are considering today, are mirror images of each other. There is nothing in this bill that we are considering today that was not authorized in the bill last week.

Mr. Chairman, on these two projects we are talking about, I think the gentlemen that have spoken before me have made the case pretty well that the propeller shop is something that is absolutely crucial, It is the only facility of its kind that we have in the United States. Yes, it was not requested this time because this is a phase 3 project. This is the third phase of three phases of a project, and it is a very crucial project.

As for the physical fitness facility out in Washington, there was a great case made for that physical facility out there. Mr. Chairman, these things, even though they were not requested this year, they were on the priority list.

I would like to note that I also have the request from last year of the gentleman from California [Mr. ROYCE], and not only were these not requested last year, but they were not on anybody's priority list last year, and yet the gentleman from California felt they were very important. They may have been very important. I have not looked into it to see if they were or not. However, the ones we did, they had to be on a priority list or they did not get funded. These were on the priority list.

Mr. Chairman, I would ask the Members to vote "no" on the Royce amendment.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I would like to associate myself with the remarks of my friend and colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA], and my friend, the gentleman from Pennsylvania [Mr. WELDON]. This is an example of diligent research that has reached the wrong conclusion.

Let me say, Mr. Chairman, that I am one who has, in fact, voted against and worked against projects that bring money to my own State and to my own district. I will take a back seat to no one in standing in opposition to the expenditure of funds that I think are unnecessary.

I think I understand what happened in the offering of this amendment. There was a review of the military construction appropriation bills, and someone looked at this and quite plausibly drew the conclusion that here is a project that is not wanted by the Navy, that is going to be located in a base that is going to be closed under the 1991 BRACC decision.

Both of those two assumptions are wrong. No. 1, this project is wanted by the Navy. Believe me, the Philadelphia Naval Shipyard is no friend of the Navy brass. We have been involved in litigation all the way to the U.S. Supreme Court, in which I was a plaintiff and many of our colleagues here were plaintiffs, fighting tooth and nail the Navy's recommendation and decision to close the Philadelphia Naval Shipyard.

In 1991, when that recommendation was made, the Navy expressly and specifically excluded the propeller shop and all of the things that serve the propeller shop. They looked at the whole base. We think they made the wrong decision about the whole base, but we certainly agree they made the right decision about preserving this from the 1991 decision.

The Navy has drawn the conclusion, as we have heard the authorizer say, the appropriators say, the Navy has reached the decision that this infrastructure is essential to the maintenance of the fleet. The Navy wants the project.

No. 2 is the assumption that this is pouring Federal tax dollars into a base that is on the base closure list. It is true that the naval shipyard is on the base closure list. It is true that the naval base is on the base closure list. It is not true that the propeller shop is on the base closure list.

Mr. Chairman, what was diligent work to look at this I think, respectfully, became the wrong conclusion. This is not a project that has been rejected by the Navy, it is not a project that is on a closed base, it is an ongoing project that has been reported by the Navy. I think it is worthy of the recommendation that the Committee on Appropriations has made.

Mr. Chairman, I say this one more time. I know it is the practice of people to come to the floor and be against expenditure of funds in everyone's district except their own. That is a time-honored practice here. I have gone on record with my vote and my voice in my efforts to oppose some expenditure of dollars in and around my district. I would be happy to supplement the RECORD here with a list of times I have done that. I am not so foolish to actually say it on the floor, but I would be happy to supplement the RECORD with a list.

For those reasons, Mr. Chairman, I would urge all of my colleagues who are concerned, as we all are, about the size of the Federal Government not to make the wrong decision here and support this amendment. They should oppose the amendment being offered.

□ 1500

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the responsibilities that we in the Congress have is to take the recommendations of the administration and then act to authorize and appropriate various levels of dollars. That is our fundamental responsibility.

If the sponsor of this amendment thinks that we should not fund anything except what the administration asks for, then in fact this year he will be opposing $9.7 billion of items that this Congress added in to defense spending, both in the bill that we passed last year and in the MILCON bill that we are about to act on today.

What I find a little bit disingenuous here is that the gentleman who offered this amendment last week voted in favor of the B-2 bomber, which I happen to oppose, by the way, despite the support of my party. He voted in favor of a $533 million add-on that the administration did not request. If you are going to be consistent, be consistent across the board.

In addition, my good friend and colleague came into my office on May 23 at 4 in the afternoon bringing in some constituents from California, and asked me as the chairman of the Subcommittee on Military Research and Development to put in $34 million this year for the DAGGRS program, which would cost $25 million next year, $25 million in 1998 and $50 million in 1999. So here is a gentleman offering an amendment to eliminate $16 million that has been authorized and is about to be appropriated, when he himself came into my office and said,

> Well, Mr. Chairman, this hasn't been approved yet, and it's not been requested by the Pentagon, but could you see your way fit to put $34 million in this year's bill because it will really help me out back in my district.

Mr. Chairman, I have a problem with that. I have a problem with Members of Congress who want to have two standards. I have fought long and hard as chairman of the Subcommittee on Military Research and Development to take out items that were not justified by the military. That is not the case here.

Anyone who works with our Navy knows that the advantage of our Navy over the former Soviet fleet and Russian fleet is our quietness, the ability to go through the oceans of the world and operate in a quiet manner. That is almost totally due to our propellers. Our propellers are only made in one shop, owned by the Government, in the entire country. That one shop, with a foundry, is in Philadelphia. As a matter of fact, the Russians have stolen the technology for our propeller operations, sold it to the Chinese, and are now competing with us in terms of quietness.

What we have on the floor today is an amendment that takes $6 million away from improving that capability. This is not some pork project for some company. This is not some add-on. This is to improve a facility that today is costing American lives, in working to give our Navy the best technology available in terms of quite submarines and quiet ships.

Mr. Chairman, I have a real problem with this. I take a back seat to no one when it comes to budget cutting. I will invite our colleagues to my office to show them my "Golden Bulldogs" which I too take great pride in receiving from Citizens Against Government Waste and the other watchdog groups.

But we have to look beyond simplistic answers in trying to control spending. That is what this is. It is a simplistic notion that is not based on fact.

The Navy has stated on the record that this facility is vital for our national security interests. It is vital for our Navy and our submarines to be the quietest in the world. This $6 million item is to improve the safety of those workers who work at that shipyard facility. It has nothing to do with base closing.

The Philadelphia Navy Shipyard and the Philadelphia Naval Base, as my colleague said earlier, is in fact closing this September. But the Navy has never recommended closing the propeller shop because it is the only Government-owned and operated facility of its kind in the entire country.

Mr. Chairman, I would encourage our colleagues to stand up and do the right thing here and to vote against this amendment because it is wrongheaded. It is not in the best interests of our country, it is not in the best interests of our Navy.

And if we want to be consistent, perhaps I would ask the authors if they are going to stand up and oppose all $9.7 billion that this Congress last week put in, above and beyond what President Clinton's administration requested for defense spending. Because if you are going to be consistent, then that is exactly what you should do, and that is not in fact what the responsibility of this body and the other body is.

Our responsibility is to take the recommendations, the requests of the administration, to hold hearings and to finally act on those. In this case, we have projects that the administration says are warranted but just those that were not originally requested.

I would encourage my colleagues to vote "no" on this amendment and to vote "yes" for what is important, as determined by the distinguished chairwoman of this subcommittee and the ranking member of this subcommittee, who have both done such an admirable job with the minimal amount of defense dollars that we have available to spend in this fiscal year.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to me this is an amendment that just cannot be defended. It is my understanding that this is the only place that we make these propellers anywhere in the United States. What are we going to do if we do not have this facility? Where are we going to get them, from China or the Russians who stole our technology?

To me this just borders on being ridiculous. It is very easy to come in here and talk about, let us make some cuts here, Did it ever occur to you that it just might be possible that the Citizens Against Government Waste do not know what they are talking about when they target and say this is a good project to cut?

We are talking about quality of life. I have been on this committee for many, many years and we have fought for quality of life for our men and women in the services for all these years. The gymnasium that we are talking about, this is a qualify of life.

This helps us with retention. This helps us with morale for our men and women, and especially our sailors that go out and spend so much time on submarines and aircraft carriers. When they come in, they don't need to be having to go join up with a temporary membership in the Y or go to some public playground. These are things that are vital to the quality of life for our men and women in the service.

It seems to me that this is something that is totally out of place. On the one hand we are looking at closing a facility that Bragg did not say you are going to close. This is a facility that makes something that is vital to the defense of this country. On the other hand, you are talking about a facility that is vital for the morale and for the retention of the people in our Armed Forces.

Ladies and gentlemen, you folks that are not here to listen to this debate, I hope wherever you are that you will come and you will soundly, soundly defeat this amendment, because in my view this committee has done an admirable job, not only on this bill but over the years. We have had a committee that is so bipartisan doing the things that we think are best for this great country.

This is one committee, to my knowledge since I have been in the Congress, we have not appeared one time that I know of in the National Enquirer, any of the tabloids or any of the exposé programs on television. This is a committee that has worked in a bipartisan

way to try to accommodate Members for the betterment of the men and women in the service and do the things that are best for the defense of this great country of ours. I would urge a strong, overwhelming, majority vote against this ludicrous amendment.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the time has come when we should recognize really what is the issue that we will be voting on shortly. The issue is not whether a propeller shop should be maintained or improved. The issue is not whether we should have improved recreation facilities. The issue is whether the funds should be appropriated in the summer of 1995 to do that. What I would like to do is take the time available to me to outline why it is that the Pork Busters are submitting that this is not the time to appropriate these funds.

The Pork Busters Coalition recently adopted a 5-point military construction criteria. These are taken from the 1995 defense authorization bill, fiscal year 1995, which was passed in 1994.

Using this objective 5-point test, we found that there were several add-on projects, but these were two of the more curious. Neither of the projects were requested by the Department of Defense and both fail, as I have indicated, the 5-point statutory test. My colleague, the gentleman from California [Mr. ROYCE] and I are offering these amendments to eliminate funding for these projects.

I would like to first look at the foundry. We are simply proposing that $6 million be eliminated from the appropriations. We are not requesting that the Navy close the foundry. That is a mischaracterization of the amendment.

This foundry project is estimated by the appropriations and the authorizing committee to cost $6 million. The fact of the matter is, the design work is only 15 percent complete, and even that 15 percent work indicates that is a $6.8 million project. We face the prospect that there will be substantial overruns, and that this Congress will be asked time and again to authorize and appropriate yet more money. Let us wait until the design work is complete.

Going beyond that, the money is requested for an upgrade. The shipyard was approved for closing but the foundry, which is to survive, is the sole source of submarine propellers. We certainly recognize that.

But after the shipyard is to close, according to the Business Executives for National Security, this is to provide surge production capability. Spending $6 million before the Defense Department requests it to enhance surge capability, at a time when submarine production is hardly a growth industry, seems an expense of luxury that detracts from more pressing defense needs.

Going beyond that, the defenders of these projects have said they do not have the money to put into the projects unless they are approved this year. The fact of the matter is the Defense Department's future years defense program does not include these projects. According to the Business Executives for National Security, again, or BENS, these future years defense programs do not include this project at all.

What we ought to do is to wait until the Defense Department has its act together and has made the formal request to the committee.

I would like to turn briefly to the facility in Bremerton, WA. Neither the gentleman from California [Mr. ROYCE] nor I are saying that the men and women that use that base should not have more recreation facilities. We are not here to pass judgment on that. We are not here to lower the morale of the men and women in our Armed Forces.

What we are simply saying is we have to make tough choices. If we have a year-by-year budget, and if the Defense Department and the administration are coming in with priority projects, let us honor those priorities. Let us work in that fashion.

This is perhaps an appropriate upgrade to the facilities for 1996 appropriations consideration. But as we add these in year by year in the authorizing and the appropriating committees, what do we find? We find that these projects are going predominantly to the districts of the Members on the committees. In fact, in terms of location by home districts, the Members gave themselves 52 percent of the projects and 53 percent of the cash that were needed for the unrequested construction efforts.

This, I think, is a telling reason why we should schedule these projects at a time when the Defense Department itself has requested that the projects be given priority.

In closing, I would urge that my colleagues join with the gentleman from California [Mr. ROYCE] and myself and the pork busters in saying no to these projects in fiscal year 1996 appropriations.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment.

I am from Bremerton, WA. I was born about 250 yards from the current facility in the Puget Sound Naval Base Hospital. There are no recreational facilities within 1 hour's walk of the shipyard. We have 8,000 sailors in Bremerton, with the *Nimitz* coming back in a few months with another 3,500.

It is so easy to get up here and to take on a project like this. I called the base commander and I asked him, I said, "Admiral Designate Yount, is this project required?" He said, "It is absolutely required." He said, "I don't have the facilities for these young men and women. We now have women on every one of these ships that is in Bremerton, seven ships, so we have to have new facilities for the women as well."

□ 1515

"And the pool here was built in 1922." I mean, it is absolute disaster. And this is one of those things where we have just got to try to do the right thing. We have got to, I think, support our committees. We have had people here from both the authorization and appropriations committee who looked at it.

I called the Naval Audit Service who had just been out there 2 weeks ago and I asked them, "You guys look at these things independently, right?" And they said, "Yes, for Secretary Perry, we look at them independently." And I said, "Is this physical training facility needed?" And they said, "Congressman, it was an embarrassment to look at this facility. It is needed." And I said, "Well, that is good enough for me."

I have seen it. It is in my community. There are no facilities that have been mentioned that have any space available for additional people. I just hope we can support our committee leadership. This is why we have a committee system here. Both the authorizing and appropriations committee support it. Let us vote down this amendment.

Mr. Chairman, I rise this morning to strongly object to this amendment which would eliminate funding for a critical fitness facility center at the Puget Sound Naval Shipyard.

This is unfortunately a cynical attempt by some of my colleagues to kill what is a legitimate program in an effort to gain some cheap, short-lived notoriety for being alleged budget cutters. This is outright demagoguery and I believe it is time to set the record straight on this matter. Let me begin by clearing up a couple of assertions being thrown around by the authors of this amendment.

First of all, the gentlemen offering this amendment have stated that the Navy has not identified this as a priority. Not true. The fitness facility is in fact budgeted and is included in the Navy's 5-year defense plan. Moreover, a recent study done by the Naval Audit Service which assesses the legitimacy of Navy MILCON projects has determined that this project is needed and that current facilities are woefully inadequate.

Another internal Navy document says that if the fitness facility is not constructed "* * * personnel will continue to be forced to use the extremely overcrowded facilities. Access to recreational activities will be greatly restricted producing a negative impact on the morale and physical conditioning of Navy personnel."

The chairwoman of the MILCON subcommittee has advised that additional money spent on MILCON beyond what was requested by the President be used for projects that both improve the qualify of life for Armed Forces personnel and that are supported and

required by the Services. This project meets those two criteria.

So let me set the record straight in this regard by saying that the assertion that the Navy does not consider this project a priority, does not have it in their budget plan, or does not want it, is all patently false.

The second assertion made by the authors of this amendment is that this facility is not really needed because the sailors can go to one of four private fitness facilities in the surrounding area.

Here are the facts. There is not one fitness facility that is less than a 1 hour walk from the base. And of the fitness facilities in the area, only one—the Kitsap County Golf and Country Club—has no waiting list for those who wish to join. This may be fine for the officers stationed at the shipyard, but 85 percent of the young men and women stationed there are of enlisted rank. I would suggest to my colleagues that we cannot have it both ways. We cannot pay our enlisted men and women the paltry salaries that we do and at the same time expect them to finance a membership at the local country club.

Mr. Chairman, Puget Sound Naval Shipyard was designed and constructed to be just that, a shipyard. What exists today however, is more on the order of a homeport, with seven ships berthed in what had initially been a busy overhaul and repair yard up until 1987. Before then, the number of military personnel residing at the shipyard numbered less than 1,000. Since the assignment of the *Nimitz* carrier in 1987, the number of military personnel in the shipyard has risen to between 7,000–8,000. This number will continue to rise as the Puget Sound area accepts more and more personnel as a result of BRAC realignment.

Because of the intended mission of PSNS, there is simply not the kind of infrastructure on the base to accommodate anywhere near the number of personnel that exist there now. As such Mr. Chairman, I have done my best over the past couple of years to see to it that the sailors stationed there have access to adequate housing, medical, day care, and other quality of life facilities that Secretary Perry has deemed so critical to the readiness of our Armed Forces.

Access to fitness facilities is clearly something the Defense Department considers to be a high priority in order to ensure a desirable quality of life for our young men and women serving in the Armed Forces. Moreover, in addition to quality of life considerations, fitness is now a mission requirement for all navy personnel with each sailor required to pass a physical fitness test twice annually.

The current facility—built in 1942—does not even begin to meet the needs of the sailors in the shipyard. It is dilapidated and woefully inadequate in size to accommodate the 8,000 personnel stationed at PSNS. In fact, over 50 sailors are turned away from the facility each day because of space considerations.

In my judgment, this is no way to treat our young men and women serving their country. As we continue to ask those serving in the Armed Forces to do more with less, we must provide them with access to facilities that provide the best possible quality of life. That is what the military constructions subcommittee has attempted to do and I commend the gentlewoman for her efforts. Don't listen to those who—for purely political purposes—would turn their backs on the quality of life of our soldiers and their families.

Vote with the MILCON mark and vote against the Minge-Royce amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from California [Mr. ROYCE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 270, not voting 6, as follows:

[Roll No. 394]

AYES—158

Allard
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Boehner
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Camp
Chabot
Chapman
Christensen
Chrysler
Coburn
Collins (GA)
Condit
Cooley
Cox
Crane
Cremeans
Danner
Davis
Deal
Deutsch
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ewing
Fawell
Fields (TX)
Foley
Frank (MA)
Gallegly
Ganske
Gillmor
Goodlatte
Green
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hastert
Hayworth
Herger
Hinchey
Hobson
Hoekstra
Hoke
Horn
Inglis
Istook
Jacobs
Johnson (SD)
Kasich
Kildee
Kim
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (GA)
Lincoln
Linder
Lipinski
LoBiondo
Luther
Manzullo
Martini
McCarthy
McDermott
McInnis
Menendez
Meyers
Miller (FL)
Minge
Morella
Myrick
Neal
Neumann
Ney
Norwood
Nussle
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Smith (MI)
Smith (WA)
Souder
Stearns
Stockman
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torricelli
Upton
Wamp
Watt (NC)
Weller
Williams
Woolsey
Wyden
Zeliff
Zimmer

NOES—270

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Coyne
Cramer
Crapo
Cubin
Cunningham
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doyle
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hefner
Heineman
Hilleary
Hilliard
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Klink
Knollenberg
LaFalce
Lantos
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lofgren
Longley
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mfume
Mica
Miller (CA)
Mineta
Mink
Molinari
Montgomery
Moorhead
Murtha
Myers
Nadler
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Quillen
Rahall
Rangel
Reed
Richardson
Riggs
Roemer
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scarborough
Scott
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Torkildsen
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Jefferson
McIntosh
Moakley
Mollohan
Moran
Rose

□ 1536

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Moakley against.

Mrs. JOHNSON of Connecticut, and Messrs. OWENS, BUYERS, RUSH,

BECERRA, COSTELLO, and MEEHAN changed their vote from "aye" to "no."

Messrs. FOLEY, INGLIS of South Carolina, ZIMMER, ZELIFF, LEVIN, DOOLITTLE, and HERGER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HORN

Mr. HORN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HORN: Page 3, line 3, strike "$588,243,000" and insert "$489,093,000".

Mrs. VUCANOVICH. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided between the proponents and opponents of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HORN] will be recognized for 10 minutes, and the gentleman from California [Mr. HUNTER] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

There has been a lot of discussion about the need for better quality housing for those in the armed services, Mr. Chairman. We heard that Friday. We have heard that today. And those who have argued that are absolutely right.

This amendment involves cutting $99 million $150 thousand out of military construction. It is the spending proposed by the Navy to berth three nuclear aircraft carriers at North Island. Ultimately, that is going to cost the taxpayers of the United States $1 billion.

Most of that money would be better sent on military housing. This spending duplicates facilities that already exist either at Alameda or Long Beach in California or Puget Sound in Washington.

The Navy has requested the $99 million $150 thousand for the first phase of this project in fiscal year 1996. The Navy has submitted several substantially different estimates for the total costs of this project. They submitted and had such confusion over the amount that even the Military Construction Appropriations Subcommittee questioned it. That is why on page 16 of the committee report, the members of the subcommittee noted that they have referred the matter to GAO and hope to resolve it in conference.

I say when the Navy has misled Members of this Chamber, misled its committees, misled GAO, that we should send them a signal that that type of behavior will not be tolerated by the House of Representatives.

The estimate that the Navy submitted to the House Military Construction Subcommittee is $267.8 million. They submitted a much higher estimate once the General Accounting Office, the major audit agent of Congress, got into it, $546.1 million, and they have probably submitted a new estimate in their draft environmental impact statement which, unfortunately, I have not been able to get yet, but it has been filed.

□ 1545

One may question the ethics of submitting one set of cost estimates to the Military Construction Appropriation Subcommittee, another substantially different set of estimates to the Government Accounting Office. A difference of $278.3 million is significant and raises the question of whether the Navy has used a valid data base or simply obtained their estimate out of thin air. Two admirals have told me privately that the total cost of homeporting two nuclear air carriers at North Island will ultimately be well in excess of $1 billion. If an environmental suit is filed, and I believe one will be filed—and I want to include after my remarks, Mr. Chairman, a letter from a number of the environmentalists in San Diego, if that is appropriate—then this project will go nowhere for a year, or perhaps more than a year, and, as I say, we should not appropriate the money now.

We should not reward the misleading of the House of Representatives and its Members. The members of the Military Construction Appropriations Subcommittee, as I noted, found sufficient reason to question these estimates in their report, and that is why the subcommittee asked the General Accounting Office to conduct a further investigation. I believe that while that investigation is in order, the appropriate action is to strike the funds. That will get the Navy's attention, perhaps it will get the whole Pentagon's attention, because, as I talked to Members, I find similar behavior has come from some of the other services. Bad behavior should not be rewarded. If the Navy ever submits realistic and honest numbers, the House could always reinstate the funding.

So vote for the Horn-Minge-Royce amendment and send a message that this Congress cannot be lied to.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, this is a fight between two communities on the surface, San Diego and Long Beach, but it is really a lot more than that for everybody here who has some interest in the integrity of the Base Closing Commission and that operation because we have been through this fight before. The gentleman from California [Mr. HORN] has his numbers, San Diego has their numbers, Alameda has their numbers, the Navy has their own analysis, but in the end the Base Closing Commission in which we vested a great deal of trust closed the Naval Station at Long Beach, and I have the report here, the report that over the 20-year period they are going to save about $2 billion. The Naval Yard at Long Beach, which is pending closure according to the recommendation for closure, will save the taxpayers an additional $2 billion. So we are talking about $4 billion in savings for the taxpayers.

Now the Navy made this decision to close Long Beach, and I am sorry, I feel for the gentleman, I think everybody that was involved in this situation in this program took some shots. We all took some body blows. We lost a naval training center to Illinois. We fought hard for it, Orlando fought hard for it, but with respect to the carriers, that Commission set down in a hard-nosed way and did evaluation of a number of areas. They did evaluation with respect to mission, and mission capability of the service was the most important thing. They said that having the aircraft replacement and repair yard right next to the carriers in San Diego was important because we have about 110 planes a year that have to be lifted by crane literally, damaged planes, off the carriers and repaired at the facility right there in North Island. They said the idea that we had the hospital at San Diego was good for families; that was important to them. They said that having the carrier training range right off San Diego, where cargo ships cannot go and impede naval operations, was important to have that colocation.

So, for all those reasons BRACC made a decision to close Long Beach.

I say to my colleagues, "Don't involve yourself in an amendment that opens up the BRACC process. That is bad news for this House. Let's keep that naval station at Long Beach closed, let's keep the naval hospital closed, and let's keep this thing on track."

Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment. I have asked the Secretary of the Navy to reaffirm the decision to homeport the nuclear carriers at North Island and would like to share his response. He states many other things in this letter, but the most important thing he says:

The total estimated construction and dredging costs to enable NAS North Island to homeport up to three NIMITZ class carriers is $268 million. This plan is completely on track to support the arrival of the first NIMITZ class carrier in August 1998. To stay on track, the approval of the Berthing Wharf

and Controlled Industrial Facility projects in the FY 1996 budget is essential.

So, Mr. Chairman, I urge the defeat of this amendment.

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I listened with great interest to my good colleague from San Diego. The gentleman has made a very interesting presentation. The only thing is it has nothing to do with this issue. This is not a BRACC [Base Realignment and Closure Commission] issue. The Navy says it is not a BRACC issue. Who did they say it to? They said it to the Base Realignment and Closure Commission.

What this is is a spending issue, pure and simple. What this is is the honesty of the numbers. That is why the subcommittee has asked the Government Accounting Office to go after that. I asked them several months ago to go after it. What happened? They were stonewalled. I was stonewalled, the Comptroller General of the United States was stonewalled. They should have subpoenaed the report. They did not. They have to live with these people because, if they get too tough on them, they will not get the information the next time they are around, and it is nothing to do with BRACC. It has simply honesty of numbers, and I ask, "What do you tell the House of Representatives and its subcommittees as well as its Members?"

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take a little time for myself, as much time as I may consume, and ask the gentleman to respond briefly. I ask, If this isn't a BRACC issue, and you've already closed the naval station at Long Beach, and the shipyard closure is pending, what are you going to do with these carriers if you send them back up to Long Beach?

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. HORN. No. 1, all of the facilities that were at the naval station in essence are mothballed. They have not been disposed of yet. There is a wharf there, there is an officers club, there is housing, there is a fire department, and the industrial facilities. Now——

Mr. HUNTER. Reclaiming my time—reclaiming my time, and I would just conclude, the gentleman obviously is saying, You're going to have to build a naval base. You can't have 15,000 people; that's three carriers' worth, and their dependents, and not have a naval base.

So the gentleman is either going to have to reopen the Long Beach Naval Station—I say to the gentleman, You can't homeport these at the Dairy Queen; you're going to have to reopen the Long Beach Naval Station, or you're going to have to keep the shipyard open, and that's what your group, Save our Shipyards, is trying to do, and I commend them for it. It is very creative, but it is going to blow away the integrity of the BRACC process.

Mr. Chairman, I yield 1 minute to my friend, the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I would not normally involve myself in a dispute between two good friends, but in this case this is really all of our business.

I have here the base realignment closure report from 1991, and it says quite clearly, "Recommendation: Close Naval Station Long Beach and transfer the ships—reassign ships to other specific fleet home ports," but what the gentleman from California [Mr. HORN] is trying to do here is defund the other homeport so there is no place for the ships to go so they stay in his homeport. That is pretty neat if it can be done, but I think it is the wrong thing to do.

Second, a four star general said to me recently, "Do us one favor. Don't make any changes in what BRACC has already done. People who wear the uniform deserve the right to have some stability in the force," and this would create, I believe, instability.

Third, let me make a point that, if we move this concept to the East Coast where I live, Philadelphia Shipyard has been closed, other east port shipyards are open. I ask, Why don't ROB ANDREWS, CURT WELDON, and TOM FOGLIETTA and JIM SAXTON just get together and introduce a bill to defund them? That is not a logical way for us to proceed. So I oppose the amendment, and I ask others to join me.

Mr. HORN. Mr. Chairman, I yield myself such time as I need to make a point here.

No. 1, no one is talking about reopening the Long Beach Naval Station. I said housing is there; in fact 27,000 houses exist in noncrime areas to house the people. San Diego is a couple of years behind in housing. But that is not the point. Those carriers could, A, stay at Alameda; B, go to Puget Sound; they could go to Long Beach; they could go to Pearl Harbor; they could go anywhere they want. What is at stake here is the amount of money to suddenly rebuild the facilities that are at Alameda, build the facilities that are at Puget Sound, build the facilities that were closed at Long Beach. That is what is at stake, and it is the honesty of the numbers that are at stake.

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, Members, I would hope that we would resist this amendment. All carriers have to have some place to go. I say, If you are going to close, as the BRACC commission has recommended, Long Beach Naval Shipyard, then close Long Beach Naval Station. To defund the places to which those carriers have to be set on the Pacific Coast would, I think, represent bad policy, especially if its aim or underpinning of it is to undo legislatively the BRACC process.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from San Diego, CA [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, this facility is in my district. It also happens to be the Navy base where I was born. But let me just say that my colleague talks about this whole process. It is the whole process of the BRACC that says the most cost-effective way of defending our Nation was to take a certain strategy. It did not fit in with Long Beach. I understand that, but I do have to call attention to my colleague from California that the co-called environmentalists that he referred to happened to be the same people who were litigating right now to stop us from treating sewage from a foreign country that is polluting this area, too.

So I say to my colleagues, "Please don't refer to these people as environmentalists. They think of themselves as that. This whole issue is one of those ugly little games that gets played, and I hope we don't allow certain pressure groups to get involved in that. I'm asking you to take a look at the fact that BRACC process came down, my district was hurt by the loss of the naval training facility, but it also, in that work, was saying that the consolidation of these facilities in one area will save the United States' people money, and I think that is a critical part about this when we talk about the dredging, the improvements and everything else that has gone on in San Diego. It will continue to do it regardless of this."

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Let me just say in answer to my friend from San Diego that what we are talking about here is the fact that the station is not being reopened, the facilities are available on the west coast, and the billion dollar boondoggle that we will ultimately have in San Diego means not only that 70 percent of the Pacific surface fleet is there, but most of the carriers will be there, and what a wonderful target for terrorists, for other nations, whatever, and it just seems to me that the Navy ought to be rethinking its basic strategy anyhow. In addition, when we think of the earthquake fault and all the rest that they are going to have to build this on, I do not think the project will ever be done. But if Congress wants to spend that money on something other than military housing, I cannot prevent a majority from doing it.

I would just say we would more wisely spend the money on military housing throughout the world and throughout this country so that our sailors, our air personnel and our military would have decent housing while they serve their Nation.

Mr. Chairman, I reserve the balance of my time.

□ 1600

Mr. HUNTER. Mr. Chairman, I yield 2 minutes 45 seconds to the gentleman from California [Mr. CUNNINGHAM], the top gun.

Mr. CUNNINGHAM. Mr. Chairman, first of all, I have operated out of all of these bases, and I resent, and I say I resent the gentleman from California establishing and saying that the Navy is pulling these figures out of the air. Evidently the GAO is wrong, the Navy is wrong, the Taxpayers Union is wrong, the committee is wrong, the Secretary of Defense is wrong, and even the President that asked for these dollars is wrong. He sets himself up. Someone that has spent their life staying out of the military, now sets himself up as the sole executor of what is right for the Navy.

Well, it is flat wrong. You talk about billions of dollars. We save $2 billion by closing Long Beach. You say it has nothing to do with that. Only a fool would believe that, to the gentleman of California. We saved not only billions of dollars there, when you send a sailor out to sea, which we have done since World War II, out of San Diego, we have three carriers ported there right now. You talk about environmentalists? Give me a break. We have carriers established there. We will in the future.

We need to take a look at what it takes to reduplicate. We have one of the most modern hospitals, base housing, 100 training facilities, all of the fire-fighting facilities. Why do you think they call it a megaport? That is Oceania should never have closed down, because it is the megaport on the east coast. Only a fool would want to change and deal with that. That is why every single committee, this committee and all the way down from the Secretary of the Navy and the President say this is a foolhardy amendment.

I take a look at what we have gone through in the past with looking at base closures. Every base closure has said, and this is the final one that says, "Long Beach needs to close." Why? Because their cost for repairing a ship is three times what it is at any other facility. It is gone. It is history. And yet I applaud the gentleman for trying to save it. He says this has nothing to do with that. It is absolutely wrong, and it is not the fact.

Let me quote from the 1993 base closure commission report. Substantial military construction is occurring at Everett, North Island to replace a portion of nuclear carrier berthing capacity that exists in Alameda. These MILCON projects are being accomplished separate from the base closure process ultimately result in the Navy's ability to home port aircraft carriers at a reduced cost.

Now, the gentleman wants to increase and incur $2 billion from the closure of Long Beach. He also wants another $4 or $5 billion to duplicate all of these training facilities, hospitals and everything else. When he says he wants to save, that is a liberal's way of saying "I want to spend more money."

Mr. HORN. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, the gentleman again tries to make an issue out of the BRACC process. The issue is exactly what the Subcommittee on Military Construction Appropriations found. The numbers are soft. They cannot get a straight answer. So instead of taking the money out, they said "Well, we have referred it to GAO, let us work it out in conference."

I am saying based on my experience, when Members of this House are stonewalled by the Navy, not given the accurate numbers, they sit on them until they finally feel they have to give some number, and that is exactly what has happened. I am saying the way you deal with that is not go advocating parochial pork in your district. You deal with it by saying "look, this project is going nowhere right now, once the lawsuits get done on the environment alone." Why not take the money out, get their attention, and let us get them serious, to submit the numbers to the Subcommittee on Military Construction Appropriations that could be put in a supplemental, that could be put any number of places.

But the fact is what the gentleman says about the Long Beach Naval Shipyard is just dead wrong. All you have to do is look at which shipyard gave money back to the Treasury of the United States and the Navy over the last several years. The only one was the Long Beach Naval Shipyard.

Now, I do find it ironic, and I think the taxpayers will find it ironic, that suddenly it appears on the list of the Navy, when it has never been there before, ranked a strong third as a shipyard, with only Puget Sound and Norfolk ahead of it.

But that is not the issue. The issue is lousy numbers, misleading the Congress, misleading GAO. I think the only way you teach better behavior of spoiled little children is to take something away from them for a while.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman has been refighting BRACC. For mission effectiveness, for the men and women in uniform, for the taxpayers saving $4 billion under the base that has already been closed at Long Beach and the base to be closed at Long Beach, and for the integrity of the base closing process, vote against this amendment.

Mr. HORN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again, this has nothing to do with BRACC. We have heard a lot of figures. All that happened before I was a Member of the House 2 years ago. That is the closing of the Long Beach naval station. No one can retrieve that. What we can do is make economies where we see them, and if we can get above the parochialism of all of our districts, we will say when have you three aircraft carriers that need to be berthed somewhere, look at Puget Sound, keep them at Alameda, put them in San Diego, put them in Long Beach. But when you do that, give the Congress some honest figures of what it is going to cost. And if you are closing a naval shipyard at Long Beach with one hand, and secretly opening enough of comparable facilities in San Diego with another, I would say the Navy is not coming before this body with clean hands.

I would ask the Congress to strike this money, just as the Subcommittee on Military Construction Appropriations has already noted, they got lousy numbers out of the Navy, and they want to know what the story is. The difference is, they would like to know by conference;

I am saying let us get it out on the floor.

I include for the RECORD the following information:

June 19, 1995.

Chairman ALAN J. DIXON,
Defense Base Realignment and Closure Commission, Arlington, VA.

DEAR CHAIRMAN DIXON: We read in the June 15, 1995 San Diego Union Tribune that issues related to the Draft Environmental Impact Statement (DEIS) regarding the CVN Homeporting in San Diego had been discussed by BRAC members. We are in the process of commenting on the DEIS and wanted to share with you some of our concerns regarding this document.

These concerns are shared by the undersigned organizations. It is our analysis that the DEIS is significantly deficient in a number of areas which are listed below and in the attachment. If the issues raised below are not fully resolved and corrected in the final DEIS, it is our belief that the DEIS will be in direct violation of NEPA.

The deficiencies in the DEIS are numerous and significant. For the sake of brevity, we have listed the major problematic areas below with more specific problems attached. Our complete comment letter will be available on June 26, 1995, the date of closure of public comment. We will be happy to send you the complete list of deficiencies and problems in more detail at that time.

Our concerns are as follows:

1. Inadequate analysis of alternatives

The DEIS lacks an adequate examination of alternatives and there are several that are possible. The Code of Federal Regulations states that agencies shall: "(a) Rigorously

explore and objectively evaluate all reasonable alternatives and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

There are a number of alternatives that are viable for the homeporting project. None of these were evaluated or even mentioned in the DEIS. This is a significant failing of this document.

A decisionmaker must explore alternatives sufficiently to "sharply define the issues and provide a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. §1502.14. Because of the absence of a satisfactory evaluation of alternatives, the Navy has failed in its duty to foster informed decision-making and public participation in the NEPA process. This DEIS ignores reasonable, viable alternatives and therefore is inadequate.

2. The DEIS does not examine the full impacts of the entire project

The DEIS does not examine the impacts of 3 CVNs even though it stated, in a number of Navy documents and memos in our possession, that 3 CVNs will be homeported here. In addition, the number of and impacts from additional transient CVNs is not adequately discussed in the DEIS. The DEIS is inadequate in that all aspects of the proposed project are not analyzed. For example, the DEIS does not discuss the extent to which support ships for the homeported CVN's will also be homeported in San Diego. NEPA requires that, [p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement." 40 C.F.R. §1502.4(a). Thus, the EIS must analyze *all* impacts of the homeporting of three CVNs in San Diego, not just those associated with the first CVN.

3. DEIS lacks mitigation for environmental impacts of dredging

The DEIS cites the intent to dredge 9 million cubic yards of bay bottom. No mitigations are offered for the impacts of the dredging, attendant impacts on fish and wildlife and impacts on those who consume the fish. Council on Environmental Quality regulations require every EIS to include a discussion of means to mitigate adverse environmental impacts. 40 C.F.R. §1502.16(h). In fact, the adequacy of an EIS rests upon the completeness of the mitigation plan. ONRC v. Marsh, 832 F.2d 1489, 1493 (9th Cir. 1987).

Because the EIS lacks a detailed description of mitigation measures for the impacts of dredging and an analysis of their effectiveness, the Navy fails to meet its criteria obligation of fostering informed decision-making and informed public participation. State of California v. Block, 690 F.2d 753, 767 (9th Cir. 1982).

Thank you for your interest in the environmental process as it relates to the CVN Homeporting project.

Sincerely,

LAURA HUNTER,
San Diego Military Toxics Campaign;
Z. KRIPKE,
Physicians for Social Responsibility;
ROY LATAS,
Chairperson, San Diego County Chapter Surfrider Foundation;
CAROL JAHNKOW,
San Diego Peace Resource Center;
LORRAINE DEMI,
Committee Opposed to Militaarism and the Draft;
JOSÉ BRAVO,
Southwest Network for Economic and Environmental Justice.

ATTACHMENT #1 TO JUNE 16, 1995 LETTER TO CHAIRMAN DIXON OF THE BASE REALIGNMENT AND CLOSURE COMMISSION

Additional issues and concerns that will be raised in the June 26, 1995 from the San Diego Military Toxics Campaign letter on the DEIS include:

DEIS does not address the cumulative effects of homeporting the 3 CVNs to the effects of the already homeported nuclear-powered submarines at Ballast Point.

DEIS does not adequately assess the transportation routes, holding areas, and ultimate disposal of hazardous and radiological waste. Designations of ultimate disposal sites are not made nor are arrangements made for permanent storage on site.

DEIS grossly underestimates the effects of the presence of an active fault line in the construction area.

DEIS proposes an inadequately designed confined disposal facility for containing toxic material in a marine environment.

DEIS does not include Health Risk Assessments to assess the increases in cancer risk and acute and chronic health hazard indices from homeporting of any CVNs.

The emergency plan for a major reactor accident discussed in the EIS is completely unworkable, requiring barging of the carrier only at a certain high tides.

The current project description appears to allow sediment that failed toxicity screening tests to be placed on the beaches. There is a lack of adequate metals chemistry testing done on turning basin material intended for beach disposal.

DEIS does not accurately reflect and underestimates environmental justice issues.

The EIS lacks information on and mitigation for the introduction of the major amount of radiological work that will be conducted as part of the servicing of the nuclear carriers.

While citing alleged safety of nuclear-powered vessels, provides neither adequate data regarding performance records of naval nuclear reactors so that an independent evaluation may be made, nor sufficient information regarding the nature of the reactors and the types of radioactive nuclieds that might be released in the event of an accident.

Project description fails to include channel widening requests from the San Diego Harbor Safety Committee even though the recommendations were made to improve safety with existing traffic in the Bay. The homeporting of 3 CVNs would increase risk and traffic in San Diego Bay.

Mr. ROHRABACHER. Mr. Chairman, I rise to support the Horn amendment to cut $99 million in wasteful, duplicative spending for Navy facilities in San Diego that already exist in Long Beach, CA. This amendment is much more important than just saving $99 million. The $99 million is just the first year downpayment of what is going to be close to $1 billion in spending before the Navy is through.

This is the key vote on saving taxpayers money. If this money is appropriated there will be hundreds of millions to follow; none of which is needed.

In addition to saving money the Horn amendment also saves the environment. At the appropriate time during debate in the House I will ask permission to insert in the RECORD at this point a letter signed by the Surfrider Foundation of San Diego County and five other organizations that raises critical questions about the environment effects of this proposed $1 billion in construction.

At the very least I urge my colleagues to vote to delete these funds from this year's bill to allow full consideration of the impact on the environment of these massive construction projects. Vote "yes" on the Horn amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment offered by the gentleman from California [Mr. HORN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 294, not voting 3, as follows:

[Roll No. 395]

AYES—137

Allard	Hastings (FL)	Oberstar
Andrews	Hayworth	Obey
Baesler	Hinchey	Orton
Barcia	Hoekstra	Owens
Barrett (WI)	Horn	Pastor
Becerra	Houghton	Payne (NJ)
Bereuter	Jackson-Lee	Pelosi
Berman	Jacobs	Petri
Brown (OH)	Johnson (SD)	Rahall
Bryant (TX)	Johnston	Rangel
Camp	Kennedy (MA)	Reynolds
Chapman	Kennelly	Rivers
Clay	Kildee	Roemer
Clayton	Kim	Rohrabacher
Clinger	Kingston	Ros-Lehtinen
Collins (IL)	Kleczka	Roth
Collins (MI)	Klug	Roybal-Allard
Costello	LaHood	Royce
Coyne	Lantos	Rush
Danner	Lazio	Sanders
Davis	Leach	Schroeder
Dellums	Lewis (GA)	Schumer
Dixon	Luther	Sensenbrenner
Dooley	Maloney	Serrano
Dornan	Manzullo	Shays
Duncan	Markey	Smith (MI)
Durbin	Martinez	Souder
Ehlers	Martini	Stark
Engel	McCarthy	Stokes
Eshoo	McCollum	Studds
Farr	McDermott	Tanner
Fawell	McKinney	Torres
Fazio	Meehan	Torricelli
Fields (LA)	Meek	Towns
Foley	Menendez	Tucker
Ford	Miller (CA)	Upton
Frank (MA)	Miller (FL)	Vento
Franks (NJ)	Mineta	Waters
Furse	Minge	Watt (NC)
Ganske	Mink	Waxman
Gonzalez	Moorhead	Williams
Gordon	Moran	Wise
Green	Morella	Woolsey
Gutierrez	Nadler	Wyden
Gutknecht	Neal	Yates
Harman	Nussle	

NOES—294

Abercrombie	Baker (CA)	Barrett (NE)
Ackerman	Baker (LA)	Bartlett
Archer	Baldacci	Barton
Armey	Ballenger	Bass
Bachus	Barr	Bateman

Beilenson
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fattah
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoke
Holden
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
King
Klink
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Manton
Mascara
Matsui
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mfume
Mica
Molinari
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Rose
Roukema
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Jefferson Moakley Young (AK)

□ 1628

Messrs. FOGLIETTA, HILLIARD, and CHRISTENSEN changed their vote from "aye" to "no."

Ms. ESHOO and Mr. MOORHEAD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1630

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $578,841,000, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed $49,021,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committee on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $728,332,000, to remain available until September 30, 2000: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $68,837,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $72,537,000, to remain available until September 30, 2000.

AMENDMENT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Gutierrez: On page 5, line 4, strike "$72,537,000", and insert "$69,914,000".

Mrs. VUCANOVICH. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes or less, and that the time be equally divided between the proponents and opponents of the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. GUTIERREZ] will be recognized for 10 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I am happy to offer an amendment today that helps the American taxpayer get some relief.

My amendment is simple.

It saves the American taxpayer $2.6 million by eliminating funding for construction of a new outdoor firing range for the National Guard in Tennessee.

Why is this project a perfect example of congressional pork?

Because an indoor firing range already exists at the very same site.

And because the Army National Guard did not request the funding.

And because the Department of Defense did not even request the funding.

In fact, no one in the Defense Department has argued that this project is essential for reasons of national security. They did not put it in their request.

This unneeded project is a congressional add-on.

Now, a congressional add-on doesn't mean that the 435 Members of this body are going to pass the hat and take up a collection of $2.6 million among ourselves to fund this program.

A congressional add-on is a bureaucratic way of saying that a bunch of politicians are ignoring the military request, who say we do not need this facility, and are sticking the American taxpayer with a bill for almost 3 million bucks.

In fact the only thing this bill is adding on is adding on the fiscal irresponsibility of the U.S. Congress and the unfair burden to working Americans.

It is certainly not adding to our national security.

Let me repeat and make clear—this project was not in the Department of Defense budget request for military installations.

That means that the people who plan and manage our defense budget have made a clear decision—this project is not a priority.

It is not needed.

Now, people who defend this pork might say, "Well, construction has already begun—what's another 3 million to finish it?" Or, "The indoor firing range isn't exactly perfect—it doesn't precisely meet our needs."

Well, in the desperate budget situation our Nation is facing, we cannot always precisely meet our needs.

We need to make decisions about priorities.

We make them every day.

In fact, the majority in this house has decided we can't precisely meet our Nation's needs for more police officers on our streets, or more job-training programs for our workers, or more Head Start for our kids or protecting Medicare for our seniors.

But, they want to argue today, we can find $3 million for a firing range the Defense Department doesn't want.

It is a question of priorities.

Today, let us listen to the priorities of the Department of Defense.

Their priorities are clear.

A brand new, outdoor firing range, in the same location where an indoor range already exists is not a priority to our Nation's military leaders. They made it clear in their budget request.

In fact, when we start tampering with the budget request of experts, we risk funding for programs that are in our Nation's vital national security interests.

A "yes" vote on this amendment simply says we are listening to the experts and standing up against pork. A "yes" vote says that we are listening to our constituents and putting the best interests of the American taxpayer first.

A "no" vote says that despite all the rhetoric, despite all the promises, despite the American voters' overwhelming desire to have us change business as usual inside the beltway—the pork is still sizzling.

Take the pork out of the frying pan today, please vote to support this important amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I rise today in strong opposition to the Gutierrez amendment.

The defense bill we passed last week was a much needed first step toward restoring military readiness.

Nowhere is readiness more important than for the numerous State National Guards who serve this country.

The National Guard represents over half of America's military force.

I believe that the policies set forth by this Congress should certainly reflect the crucial importance of the National Guard for the security needs of this country.

But the Gutierrez amendment certainly does not reflect that belief, because it would eliminate a much needed training site located at Tullahoma, TN.

This amendment could effectively serve to damage and undermine the effectiveness and readiness of the Tennessee Army National Guard and the U.S. Armed Forces.

Mr. Chairman, the Tennessee National Guard, the U.S. military, and the millions of Americans who depend on both of them for protecting our interests at home and abroad need the training site at Tullahoma.

The Tullahoma facility certainly would serve a legitimate and strategic role for America's security interests. It would provide tough and realistic training conditions for our troops.

This facility would support the training of the 278th Armored Cavalry Regiment—one of only 15 regiments which has been designated as an enhanced readiness brigade.

I might add that an enhanced readiness brigade is the highest level of readiness for deployment.

Furthermore, Mr. Chairman, the Tullahoma site would serve to train the 196th Field Artillery Brigade—one of only two National Guard artillery brigades that served in the gulf war.

And it would be the training site for several other important troops and brigades as well.

Mr. Chairman, it is of vital importance that the soldiers of the Tennessee Army National Guard are provided with the proper training to allow them to carry out their mission.

When we turn to the Guard, it is with the understanding that they are properly trained and prepared to confront whatever the task at hand may be in a ready manner.

Mr. Chairman, to my fellow colleagues, I say let us not compromise military readiness and the security needs of America for the sake of politics.

Vote against the Gutierrez amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, this amendment lowers the appropriation in the Army National Guard portion of the bill from $72,537,000 to $69,914,000. This is clearly targeted at a vital project to maintain the readiness of the Army National Guard.

This portion of the military construction budget goes to a critical requirement for a modified record fire range. This project is a priority with the Army National Guard up and down the chain of command. This range will have a direct positive impact on readiness.

The National Guard has a proud tradition of service to the country. And I know I do not need to remind you of the important role the National Guard plays in our overall defense strategy. The soldiers of the National Guard must be trained to meet the mobilization mission for deployment in support of the U.S. Army. This range will assist in the readiness required to meet the individual, and collective, range training to meet the mobilization mission.

This site will support the training of the 278th Armored Cavalry Regiment, one of only 15 scheduled for designation as an Enhanced Readiness Brigade, which is the highest readiness level for deployment. With the significant cut in force structure that has occurred in recent years, the capability and competence of the National Guard are more important than ever to maintain our edge.

The modified record fire range is not a glamour project. Ask anyone who has ever fired on one. It is a challenging, realistic battle training requirement. To put it plain and simple, it is the kind of training our soldiers need to fight and win wars. Please vote to support our Army National Guard and our Nation's military readiness by voting no on the Gutierrez amendment.

Mr. GUTIERREZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I have a question for the gentleman from Tennessee [Mr. BRYANT].

I would ask the gentleman, what is the problem with the existing indoor firing range? How old is it and what is the problem? What is the justification, just for my information?

Mr. HILLEARY. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Tennessee.

Mr. HILLEARY. Mr. Chairman, this is an outdoor training range that artillery can be used on that provides a realistic battlefield type situation. If we expect our citizens to be ready on a moment's notice to go to war, I think they deserve the same type of training that our citizens that are in the Armed Forces on active duty have, because they get this kind of training all the time.

I think it is just something that the men and women in the Guard and the Reserve, for that matter, deserve. From my participation in Desert Storm, I know this is the type of training we had.

Mr. HEFNER. My question, Mr. Chairman, is what is the status, and how old is the existing firing range? The firing range in Tullahoma, TN, is an indoor firing range, is that correct?

Mr. HILLEARY. If the gentleman will continue to yield, Mr. Chairman, it is not adequate and will not provide the training. I am not sure how old it is, but it would not provide the type of training, as well as the type of readiness realistic training this would provide.

Mr. HEFNER. Mr. Chairman, I would ask the gentleman, how much territory will this new firing range take? How much property? Is it like 10, 20, 30 acres? The gentleman says they could use artillery. What artillery does the National Guard use?

Mr. HILLEARY. I am not exactly sure how many acres it would take, but it would not be that many, I do not believe.

Mr. HEFNER. The gentleman does not know how large an area this would encompass?

Mr. HILLEARY. No, sir, I do not.

Mr. HEFNER. Will it be constructed on existing property that belongs to the Tennessee State National Guard?

Mr. HILLEARY. It would be constructed on property already owned by the Department of Defense, yes, sir.

Mr. HEFNER. The Department of Defense?

Mr. HILLEARY. That is my understanding. That is correct, yes.

Mr. HEFNER. Mr. Chairman, I thank the gentleman.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, this is, as the gentleman has indicated, an add on. It is an add on that was not requested by the President, but for crying out loud, we said in the Contract With America that the President is wrong in the level with which he wants to cut back the defense of this country, and that we were going to make some changes in that. We tried to make some changes, both in the authorization bill and now in the appropriation bill, to correct some of the things.

Yes, some of the things that are in here are not things the President requested, but of the add ons, over 70 percent of them are things just like Members see here, foundations in family housing being held up by jacks, and screens and doors coming off of windows. Over 70 percent are those kinds of things.

Mr. Chairman, if it was something that are not a quality of life or housing type of thing, we had to be absolutely, thoroughly convinced it was meaningful and significant, and that they could do it and it was on their list of high priorities, even though they did not ask it.

This was one of those projects. It was on their list of priorities. They had not requested it because they simply were not allowed by the orders they had from above to request everything on their priority list, but it was on their list of priorities. They convinced us that it is something that they very badly needed for readiness, and we supported it and felt very good about supporting it.

Mr. Chairman, I would ask the Members to vote against this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I reserve the balance of my time, and I reserve the right to close.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think anybody is discussing the importance of the National Guard. I do not think that anybody can truthfully argue that the military preparedness of the Nation is on the line because of a firing range. We did take out a *Sea Wolf* submarine. I do not know about military preparedness and the defense of our Nation, a firing range in Tennessee and *Sea Wolf* submarine. I think I want the *Sea Wolf* submarine defending me if we are going to start looking at priorities in terms of this Nation and its defense.

Let me just reiterate, and I do not want to get into an argument about the President, it is always easy to bring him into a debate and the argument, it is as though all of our military staff, the generals, the Colonels, all of those people who give everything they can in defense of this Nation, just put their hands up in the air and said: "The President did not allow us to include this essential piece of military preparedness, so we are just going to follow what he says, in spite of what is good for our troops."

Just a bunch of weaklings we have in our military is what we are supposed to believe, if that argument is supposed to be true. I do not believe that about the military in this Nation. I think if they thought this was an issue that was important, they would have included it there. I think it speaks less of them to think anything else of the military leadership of this Nation.

Mr. Chairman, Members say it is a priority, but the fact is if it was such a priority, I just return, why did they not request the funding for this priority? We all can argue about priorities all day long. However, the priorities should have come from the Department of Defense, and they have already said it is not a priority.

I look at page 22 of the military construction appropriations bill of 1996, and it seems as though there were a lot of priorities in a lot of different districts.

□ 1645

It says Component, Army National Guard, the request was for $18,480,000. Well, someone found a whole bunch of more priorities, all the way to $72,537,000. That is a $54 million jump in priorities.

I just think that we have to look at what our priorities are. It was not requested. The fact remains that there is an indoor facility right there at that National Guard where they can get trained. The money was not asked for. I think the reason a lot of people do not even know where the land is, where all of the stuff is at, is because it was put in late in the process.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I reserve the balance of my time to close. If the gentleman has anything further, he should use his time.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. GUTIERREZ] is recognized for 1 minute.

Mr. GUTIERREZ. Mr. Chairman, let me just say, we all have priorities. If we want to talk about cuts, we have seen the kind of draconian cuts that we have had here in this Congress that are going to cause pain. Not educating the child is going to cause pain in the Head Start Program, a 3-year-old child. Cutting out a WIC program is going to cause pain. A senior citizen who may not be able to get proper medical attention because you increased their deductible under a Medicare reform program and cuts in Medicare are going to cause pain.

I think what we have to do is look at this pain and say to ourselves, let's look at that compared to the $2.6 million that is here. The fact is, it is not a priority. The fact is, that we cut and have cut here in this Congress.

I think that the American taxpayers deserve $2.6 million. It was not asked for by the military. They did not say it was a priority. Someone added it on. Unless we are going to pass the hat in this place and the 435 Members are going to pony up for the $2.6 million, then let's give the taxpayers a little bit of relief.

Mrs. VUCANOVICH. Mr. Chairman, I yield 30 seconds to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I would just like to say I am a little surprised that the gentleman does not seem to understand the chain of command in the military. It is not because they are sniveling cowards or they are not courageous. They fight like crazy for what they think is important over there inside the building. But they have bosses all the way up to the President of the United States.

If the President of the United States says this is the level and it does not come out of the building, then they cannot request it, even if it is a high priority. It has to do with the chain of command.

That is why you get these kinds of situations, high priorities, not requested, because they have limitations put on them by the boss.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Nevada [Mrs. VUCANOVICH], the distinguished chairman of the Subcommittee on Military Construction, is recognized for closure.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment.

This project for the Army National Guard will provide a standard 10-lane record firing range, designed for individual weapons proficiency and qualification. Currently there is no such range in the State of Tennessee to support the premobilization training and annual individual weapons qualification requirements for 14,340 soldiers.

Without this project, day-to-day training objectives will be delayed, and

this will increase the time that is required to meet basic qualifications when Guardsmen are called to active duty.

The committee has been notified that this project has project has been submitted within the Department on three separate occasions, only to be deferred due to budget constraint.

I know of no project that is more basic to the readiness of the Army National Guard than a project to provide for firing individual weapons at targets comparable to battlefield ranges, and to develop speed and accuracy in target engagement in a realistic environment.

The Army National Guard reports that this project is mission-essential, that it is 65-percent designed, that the estimate contract award date is May of 1996, and that construction can begin in fiscal year 1996.

Mr. Chairman, this is a good project and it deserves our support.

I ask for your vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GUTIERREZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 216, not voting 4, as follows:

[Roll No. 396]

AYES—214

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Camp
Cardin
Chabot
Chapman
Christensen
Chrysler
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooley
Costello
Coyne
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Horn
Hoyer
Hutchinson
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lantos
Largent
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McIntosh
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Portman
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Souder
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Woolsey
Wyden
Wynn
Zimmer

NOES—216

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Clement
Clinger
Coble
Collins (GA)
Combest
Conyers
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Hostettler
Houghton
Hunter
Hyde
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Norwood
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Rogers
Ros-Lehtinen
Roukema
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Jefferson
Moakley
Wise
Yates

□ 1712

Messrs. PALLONE, KIM, and HOBSON, and Mrs. ROUKEMA changed their vote from "aye" to "no."

Messrs. MATSUI, KILDEE, GILCHREST, BASS, HOYER, DICKEY, ABERCROMBIE, and LARGENT, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $118,267,000, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $42,963,000, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $19,655,000 to remain available until September 30, 2000.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $31,502,000 to remain available until September 30, 2000.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $161,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and

maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $126,400,000, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, $1,337,596,000; in all $1,463,996,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $531,289,000, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, $1,048,329,000; in all $1,579,618,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $294,503,000, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, $863,213,000; in all $1,157,716,000.

AMENDMENT OFFERED BY MR. NEUMANN

Mr. NEUMANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUMANN: On page 8, line 2, strike $1,157,716,000 and insert $1,150,730,000.

□ 1715

Mrs. VUCANOVICH. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes or sooner, and that the time be equally divided between the proponents and opponents of the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. NEUMANN] will be recognized for 10 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I yield myself 5 minutes. The gentlewoman from Oregon [Ms. FURSE] and I are very, very concerned about housing for our military personnel.

The purpose of this amendment is to prohibit and stop the expenditure of $6.9 million to build 33 housing units at an average cost of $208,000 per housing unit. Buying housing units at an average cost of $208,000 each is not an appropriate expenditure of our scarce tax dollars. This is especially true in view of the legitimate problems of substandard housing for our enlisted military personnel.

There are several key points that need to be made regarding this amendment. The first one is what we intend to do at these military bases is tear down housing built in the years 1957, 1958, 1959, 1968 and one report that simply says the 1950's. When I went back to my district this past weekend and I asked the folks in my district if they thought it was reasonable that we should tear down houses built in the 1950's and early 1960's and build brand new, they looked at me as though I was crazy.

The first point I would like to make, we are going to tear down housing built in the 1950's and 1960's and replace it with brand new. That is unacceptable in the world we live in.

I would reemphasize these housing units are only units that are going to cost the taxpayers an average cost of over $200,000. Reports tell us there are 300,000 military families with inadequate housing, that there are 150,000 barracks spaces needed.

I would like to make a second major point on this amendment, that is, that we could take care of 437 barracks spaces with the same money we are going to spend on these 33 housing units.

This amendment is not about eliminating housing for our military but, rather, it is about spending the money in the most appropriate manner and making the best use of our tax dollars.

I would like my colleagues to carefully consider, when they go home to their districts, how they are going to respond to the charge that we have built these houses at over $200,000 each, and now I am going to quote directly the reason for building these houses. This is directly from the Department of Defense reports. It says, and this is regarding the one at the New Mexico Air Force Base, "The condition of the house would reflect poorly on the many dignitaries that frequently are entertained in the house." The reason we are tearing down the old house and building anew is because it reflects poorly for entertainment purposes.

A second quote from the same report, "It is to build four-bedroom houses appropriate for family living and entertainment responsibilities for the wing commander." Again, we see entertainment as the reason we are replacing this housing.

I quote from another report, and this is the North Carolina Air Force base, "This is to build housing appropriate for family living and the entertainment responsibility of the wing commander."

I would like my colleagues to think about our men and women in uniform who are living in substandard housing and think about how we are going to explain to our men and women in uniform why it is we spent over $200,000 per housing unit at the expense of building 437 barracks spaces that could have been taken care of.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from California.

Mr. LEWIS of California. I just happened to be on the floor, and so I hope you will bear with these questions and bear with me.

I am noting in this amendment that there are several Air Force bases that are listed in which there would be a reduction here. Among them is Nellis Air Force Base, and I think it is $1.375 billion, is it?

Mr. NEUMANN. Million.

Mr. LEWIS of California. Not nearly as much. But that Air Force base is in the district of the chairman of the subcommittee, and I presume you discussed this in some depth with her, did you not, before proposing this cut?

Mr. NEUMANN. No, sir, I did not. I simply looked for housing units that were going to cost in excess of $200,000 per unit. I concluded it would not be a fair or good expenditure of our tax dollars to spend the money at a cost of over $200,000 per unit when we could, in fact, be building barracks spaces to take care of our men and women in uniform, many units to replace this one.

Mr. LEWIS of California. I guess the reason for my question is that I have a great deal of respect for all of my colleagues, especially for the chairman of our subcommittee, and since it happens to be in her district, I would have thought you might have discussed it with her. But having said that, after the vote, I would suggest that you should discuss it with her, and I would urge a very, very strong no vote on the part of the House.

Mr. NEUMANN. I would just say that I have the greatest respect for my colleagues, as well, and to be perfectly honest with you, I did not check which district it was in. I simply identified them by the ones that were costing over $200,000.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. At a time when Congress claims to be working hard at balancing the budget, I am really amazed the Military Construction Subcommittee has added over a half a billion dollars of projects making this bill 28 percent higher than last year's appropriation.

The gentleman from Wisconsin [Mr. NEUMANN] has described that we are offering to strike the funding for 33 expensive homes.

Now, many of us citizens are ill-housed. This Congress is cutting funding on affordable housing, homeless shelter and shelters for battered women.

When the median cost of constructing a home in all but one of these areas

is below $75,000, we should not be spending over $200,000 on luxury military housing. These are not houses for enlisted men and women. These are top dollar residences for the top brass.

I would say the prestige of the United States military relies on the prestige of their leadership, not on the quality of the homes in which they entertain.

It is wrong that enlisted military people live in substandard housing while this Congress funds excessively expensive units. It is not right.

I urge my colleagues to remember that every tax dollar we spend must be sensible and every military dollar we spend must be defensible.

I urge you to support the Neumann-Furse amendment.

Mr. NEUMANN. Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise today in strong opposition to an amendment offered by my colleague, the gentleman from Wisconsin. This amendment is flawed and if passed would only result in hurting morale and degrading the readiness of our armed forces.

Let there be no misunderstanding—this amendment attempts to throw away the hard work of both the authorizing and appropriations committees which have delivered to this House a bill that funds only military construction projects that are previously authorized, as part of a balanced budget by the year 2002. As my colleagues well know, the bill before us is an example of how things should work in Congress.

The military construction appropriations bill is the end result of the tireless work of Chairmen SPENCE, LIVINGSTON, HEFLEY, and VUCANOVICH, who have continually championed this Congress' support for our men and women in uniform. The amendment offered by Congressman NEUMANN not only undermines their hard work, but undermines the readiness of our Armed Forces.

When so many of our military families live in substandard homes and live off food stamps, I find it unconscionable that an amendment of this nature would be offered.

Let me also point out that the numbers used by my colleague from Wisconsin are incorrect. Hanscom Air Force Base, for example, is slated for replacement housing for enlisted personnel and junior officer families. According to this amendment, each home will cost $208,000 apiece. I wish that were the case. In fact, according to the Air Force, the average cost of each home is $116,000. The difference in the numbers used by the Air Force and the sponsor of the amendment is that the Air Force has to account for extensive site preparation and demolition that includes removal of hazardous materials such as asbestos and lead paint. Costs associated with construction in Massachusetts are substantially higher than in Wisconsin—well over 20 percent higher, and 30 percent higher than the national average. Additionally, military family housing projects cannot depend on local or State entities to fund many of the services we take for granted—such as sewer connection lines, utilities, sidewalks, and recreation areas.

But let us not get bogged down in the abstract debate of numbers and statistics. What we are talking about here is people. At Hanscom, it is common for a five-person family to live in a cinder block home little more than 1,100 square feet. That's about the same size a Member has for a staff of 8 to 10 people. Can you imagine two parents and three children trying to live in that space?

The housing in question at Hanscom is known as some of the least desirable throughout the entire Air Force. Indeed, the service has identified it as a priority and has budgeted for its replacement in the next fiscal year. Both committees of jurisdiction have reviewed the project. Based solely on merit, those committees wisely expedited funding for this much-needed construction.

This is not a wish item, Mr. Chairman—this is vital to the service men and women and their families who are stationed at Hanscom. I ask all my colleagues to oppose this misguided amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I stand in opposition to this amendment.

I would like to point out that the approved projects to replace the general officers' quarters at Seymour Johnson Air Force Base is something the Air Force and the Administration asked for before I was elected. I did not add this project to the budget, but I do support its construction, after realizing the obvious need for it.

The building in question was built in 1956. This project, more than anything else, is a matter of replacing a house which is showing the age and wear of continuous heavy use. Most everything, from the walls to the foundations and the underlying pavement, requires major repairs or replacement. Plumbing and electrical systems are outdated and do not meet the current standards for efficiency or safety.

In addition, the heating and air conditioning system needs to be totally replaced.

I would like to add that every study that could be done to evaluate this project has been done. Studies show that replacing the house would cost less over the long run than constantly repairing this 40-year-old system.

Mr. Chairman, if we are going to call for quality of life for our troops, I do not think it is too much to ask that the legitimate needs of our commanders be met.

Mr. NEUMANN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Last week we were discussing the living conditions for enlisted people, the fact that we have more than 15,000 on food stamps and are living in substandard trailer parks. Today we are here debating housing that averages $208,000 a unit, and generally, despite the earlier speaker, not to address the living needs of enlisted people.

Here is one example, Little Rock Air Force Base, Arkansas, we have a home here for the general officer housing. It is totally inadequate for the position and entertainment responsibilities of the installation. Perhaps the general could use the officers' club or the golf club to entertain if he finds his home inadequate.

The kitchen configuration creates a circulation problem. Well, a lot of us have that problem in our homes. Generally we remodel. We do not tear the house down and start over, but the taxpayers are not paying for our homes.

Here the four bedrooms and their closets are undersized. Is the general entertaining in the bedrooms? What sort of entertainment are we talking about here?

They have outdated ceramic tile floors. I do not know, in my part of the country, people consider that a feature, and they actually pay extra for ceramic floors.

Wainscoting, that is kind of considered a plus out my way, too.

The question here is: Are we going to spend an average of $208,000 a unit to better house the general staff because they do not want to entertain at the officers' club and they want to live in spiffy new houses? They have already got cars, drivers; they have already got the helicopter rides from the Pentagon to Andrews Air Force Base, the private jets around the country. Now they need new houses at a average of $208,000 each with no rent paid in return.

□ 1730

I think it is time to draw the line somewhere. Support housing for our enlisted folks, but no more for the generals and the top brass.

Mr. NEUMANN. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, would just like to close with the three main points. In this thing we are talking about eliminating 33 housing units at an average cost of $208,000 per unit. The same money could take care of 437 spaces and barracks that currently are housing our men and women in uniform at substandard levels.

The second one is that we are going to tear down houses built in the late

1950's and early 1960's, and in America we would find that generally to be an unacceptable practice.

Most of all, this rifle shot kind of target in a few bases in our district was not selected based on whose district they were in, but rather it is selected based on the fact that they are excessive spending in a bill that is 28 percent over last year's number.

We are spending in this, our first appropriations bill, 28 percent more than what we spent last year, and I would like everyone to know that one of the main reasons we are standing here right now is because of the fact that a 28-percent spending increase in any category I find personally unacceptable.

Mr. HEFNER. Mr. Chairman, will the gentlewoman yield for just a comment?

Mrs. VUCANOVICH. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, the problem here is not the fact that we do not need to do these houses. There is absolutely dilapidated quarters that need to be replaced in all quarters and what I would point out to the gentleman on the one point, when he said we had a 28-percent increase, and that is true, but if we go back to the past 10 years, military construction budget at best, at the very best, has been stagnant for the past 10 years. During the Bush administration we had one series that we were absolutely at a pause. We did not do one thing in family housing and military construction. We had a complete pause.

So I say to my colleagues, if you do the replacement, it would take us over 50 years at the replacement rate that we are going now, so the growth is warranted. We have been stagnant for 10 years. This is warranted, this increase.

Now we may need some oversight at the cost per square foot for family housing and for general housing, but that is the only place we need to look at because we do need to upgrade all the quarters, both enlisted men and general quarters, and I am going to reluctantly oppose this amendment.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself the balance of my time.

First, Mr. Chairman, I would like to clarify the cost of the units the gentleman from Wisconsin is referring to. He has incorrectly estimated the average cost to be $208,000. The cost associated with these projects is not purely construction. It also includes: demolition of existing dilapidated units; asbestos removal; lead-based paint removal; utilities and site preparations. Eliminating these costs—assuming the gentleman would agree that asbestos and lead-based removal is of importance—the average construction cost per unit is $120,829. This is below the 1994 median sales price of $130,000 for all new homes nationwide.

Is the gentleman aware that prior to new construction the Department is required to conduct an economic analysis that compares the alternatives of new construction, revitalization, leasing, and status quo? Based on the net present values and benefits, the Air Force found replacement to be the most cost efficient option over the life of these projects.

For some apparent reason, the gentleman has chosen to single out five projects which involve not only housing for senior officers, but also senior and junior noncommissioned officers.

I say to the gentleman, Mr. NEUMANN, we have an all volunteer force—and that includes noncommissioned officers as well as officers of any rank. Are you telling the Members of this body that the quality of life of any man of woman who serves this country and is prepared to risk his or her life is more important than another? Are you saying that those individuals who make a multiyear commitment to the defense of this country and who grow to become leaders do not deserve a decent place to live?

As a member of the National Security Subcommittee, I am sure the gentleman is aware that it costs roughly $1.3 million to train a fighter pilot in today's Air Force. Is it not worth the minor expenditure to provide decent housing to keep that pilot in the Air Force?

And, Mr. NEUMANN, I remind you that this Nation is still on a high because of the courageous survival of Capt. Scott O'Grady and the success of the Marines who went into Bosnia to rescue him. Mr. NEUMANN, members of our forces—at all ranks—were involved in that mission. Are you telling me that those men and women who just happen to be officers don't deserve a decent place to live?

As long as I am chairman of this subcommittee, I will work to improve the housing of every individual who serves this country—they deserve no less.

I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEUMANN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 160, not voting 8, as follows:

[Roll No. 397]

AYES—266

Ackerman
Allard
Andrews
Archer
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilirakis
Blute
Boehner
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Camp
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Coble
Coburn
Collins (IL)
Conyers
Cooley
Costello
Coyne
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doyle
Dreier
Duncan
Durbin
Ehlers
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastings (WA)
Hayworth
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
LaHood
Lantos
Largent
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McInnis
McIntosh
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Moran
Morella
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Radanovich
Rahall
Ramstad
Reed
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Schaefer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spratt
Stark
Stearns
Stockman
Studds
Stupak
Talent
Tate
Tauzin
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Traficant
Tucker
Upton
Vento
Volkmer
Waldholtz
Walker
Wamp
Ward
Waters
Weldon (FL)
Weller
White
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—160

Abercrombie
Armey
Bachus
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bateman
Bevill
Bilbray
Bishop
Bliley
Boehlert
Bonilla
Bono
Borski
Bunning
Burton
Buyer
Callahan
Calvert
Chambliss
Clay
Clinger
Clyburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cox
Cramer
Cunningham
DeLay
Dicks
Dingell
Dixon
Doolittle
Dornan
Dunn
Edwards
Ehrlich

Emerson	Kolbe	Regula
Engel	Latham	Reynolds
Ensign	Laughlin	Richardson
Everett	Lazio	Riggs
Fazio	Lewis (CA)	Rogers
Fields (LA)	Lewis (KY)	Rose
Flake	Lightfoot	Saxton
Foglietta	Lincoln	Scarborough
Fowler	Linder	Schiff
Frelinghuysen	Livingston	Seastrand
Frisa	Lucas	Shaw
Frost	Markey	Sisisky
Funderburk	McCollum	Skeen
Gallegly	McCrery	Skelton
Geren	McDade	Smith (TX)
Gibbons	McDermott	Spence
Gonzalez	McHale	Stenholm
Green	McHugh	Stokes
Hansen	McKeon	Stump
Hastert	Meek	Tanner
Hastings (FL)	Mica	Taylor (MS)
Hayes	Mink	Taylor (NC)
Hefley	Molinari	Tejeda
Hefner	Mollohan	Torkildsen
Herger	Montgomery	Towns
Hilleary	Moorhead	Visclosky
Hilliard	Murtha	Vucanovich
Hoke	Myers	Walsh
Hostettler	Nethercutt	Watt (NC)
Hoyer	Norwood	Watts (OK)
Hunter	Ortiz	Weldon (PA)
Hyde	Packard	Whitfield
Johnson (CT)	Pallone	Wicker
Johnson, E. B.	Peterson (FL)	Williams
Johnson, Sam	Pickett	Wilson
Jones	Pombo	Wolf
Kelly	Pomeroy	Young (AK)
Kennedy (MA)	Quillen	Young (FL)
King	Quinn	
Knollenberg	Rangel	

NOT VOTING—8

Gilman	LaFalce	Waxman
Heineman	Moakley	Yates
Jefferson	Velazquez	

□ 1800

Messrs. NETHERCUTT, MARKEY, HASTINGS of Florida, McDADE, WATT of North Carolina, FOGLIETTA, and SHAW, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. GEJDENSON, TRAFICANT, FORBES, SPRATT, FIELDS of Texas, DE LA GARZA, HALL of Texas, CRAPO, and WARD, Mrs. COLLINS of Illinois, Mrs. CUBIN, and Mrs. CHENOWETH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1800

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $3,772,000, to remain available for obligation until September 30, 2000; for Operation and maintenance, $30,467,000; in all $34,239,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, $22,000,000, to remain available until expended: *Provided*, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to this Fund from amounts appropriated in this Act for Construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to that Fund: *Provided further*, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of, and amendments made by, the National Defense Authorization Act for fiscal year 1996 pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $75,586,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $964,843,000, to remain available until expended: *Provided*, That not more than $224,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $2,148,480,000, to remain available until expended: *Provided*, That not more than $232,300,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $784,569,000, to remain available until expended: *Provided*, That such funds will be available for construction only to the extent detailed budget justification is transmitted to the Committees on Appropriations: *Provided further*, That such funds are available solely for the approved 1995 base realignments and closures.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies in the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred among the Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374); the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991; and appropriations available to the Department of Defense for the Homeowners Assistance Program of the Department of Defense. Any amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the fund, account, or appropriation to which transferred.

SEC. 124. The Army shall use George Air Force Base as the interim airhead for the National Training Center at Fort Irwin until Barstow-Daggett reaches Initial Operational Capability as the permanent airhead.

SEC. 125. (a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at former Fort Sheridan to the Fort Sheridan Joint Planning Committee, or its successor, for an amount no less than the fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 19, after line 12, insert the following new section:

SEC. 126. The amounts otherwise provided in this Act for the following accounts are hereby reduced by 5 percent:

(1) "Military Construction, Army".
(2) "Military Construction, Navy".
(3) "Military Construction, Air Force".
(4) "Military Construction, Defense-wide".
(5) "Military Construction, Army National Guard".
(6) "Military Construction, Air National Guard".
(7) "Military Construction, Army Reserve".
(8) "Military Construction, Naval Reserve".
(9) "Military Construction, Air Force Reserve".
(10) "North Atlantic Treaty Organization—Security Investment Program".

Mrs. VUCANOVICH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes or less and that the time be equally divided between the proponents and opponents of the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN. The gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 15 minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would cut 5 percent from those accounts in this bill that do not affect housing or the Base Closing Commission. Those two accounts are most of the bill. The amendment is to almost 3 billion dollars' worth of new construction. The 3 billion dollars' worth of new construction, other than housing and other than base closing, includes regular military construction and it includes the NATO infrastructure. And it does seem to me time NATO could come here and build some infrastructure. It would save $148 million.

The bill is significantly over the President's recommendation. And even

if my amendment is adopted, this bill will still, in these accounts, have more money than the President recommended. And it will also have a significant increase over last year.

We are talking here about military construction at a time when we are closing things down. I leave 95 percent in the bill. I leave more than the President asked for. I leave more than we had last year. I am struck, Mr. Chairman, by my own moderation in this particular amendment, but I am trying to get something accomplished.

This would go into reducing the deficit. It is an appropriation. If we save this $148 million, the deficit at $148 million less, housing is not affected, base closing is not affected, and I do not believe the American people will be one bit less secure.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, this is not a wise amendment. We have got a committee process, and that committee process is proceeding within the appropriations cycle to meet the recommendations reflected in the budget resolution adopted by this House of Representatives and a companion resolution adopted by the other body just a relatively few short weeks ago.

We are balancing the budget by the year 2002. The President says he does not want to balance the budget until the year 2005, but he has become a budget balancer and has become convinced of the need to avoid disaster for the future by making sure we get our spending in line with our revenues.

The Committee on Appropriations is meeting regularly. We are bringing forth bills within the House budget caps. The gentleman says, this bill is above the President's request. That is true. But this bill also addresses the needs for base closing; roughly 35 percent of the bill addresses the need to pay the money in order that we can close the bases.

This bill addresses the fact that 60 percent of our current military housing is inadequate, woefully inadequate in many instances. We are addressing the military construction demands of the armed services of this country. We are addressing the needs of the NATO commitments around the world. And this bill, along with its 12 counterparts in the appropriations process, will come under the budget allotments adopted by the House of Representatives a few short weeks ago.

If you want to scrap the budget; scrap the committee process; if you want to handle all of the business of the House of Representatives on the floor, then start with this amendment and let us add in a few others. Every time we come up with an appropriations bill, we can say we all are experts on every single issue, and we will just gut the hell out of the bills and the budget. But we may be causing ourselves great harm in the future.

I would say to my colleagues that the committee process works, if they will give it an opportunity to work. Unfortunately, there are those who think that their wisdom supersedes the committee process and maybe in some instances they do. Maybe they are very bright people. I give them credit.

But I want to commend the gentlewoman from Nevada and her staff and all of the members of the subcommittee who have worked very hard on this bill to meet the needs of this Nation. A mindless amendment of this sort, cutting across the board, even though it is confined to certain narrow categories, is not the way we should go about balancing the budget. If that is what we need, then we should just not stop here. We should just close down the committees and all of us sit on the floor and each of us come up with a new idea on what we should cut.

Eventually, we will get the balanced budget, because we will not be spending any Federal money at all. But I dare say that will be because the U.S. Government and this great Nation of ours will come to a screeching halt, and we will be sorely ashamed of abdicating our responsibility to our people to represent them wisely and efficiently and with foresight and with good judgment. All of those are lacking in this amendment. I urge its defeat.

Mr. FRANK of Massachusetts. Mr. Chairman, I have not heard such a touching plea for the sacrosanct nature of anything a committee does since Jack Brooks left.

Mr. Chairman, I yield 5½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I must say I was amazed to hear this amendment classified as a mindless amendment, because I was getting ready to taunt the gentleman from Massachusetts that he had mellowed; this was a mellow amendment for the gentleman and that indeed middle age may be setting in. I do not know. But I rise in strong support of this amendment, and let us talk about it.

First of all, the gentleman from Massachusetts' amendment does not touch the base closing process over there, nor does it touch housing that is over there that is essential for troops. This only touches additional add-ons in the whole structure for NATO.

As one of the Members who has been talking about burdensharing forever and ever and ever and ever, and every time we come to this floor they say, great idea but now is not the time, this is not the day, when are we ever going to deal with this? The NATO infrastructure formula has not been changed since NATO began. Our allies have changed a lot. They have become a lot richer. In fact all of them together have a larger economy than ours.

But we still put in the same amount that we did right after World War II, when we were carrying a large share of the budget.

□ 1815

That formula did change in Japan and other countries. They have not gotten enough credit for it. They are picking up much, much more of the infrastructure budget. In fact, Japan is practically picking up the whole thing. However, no, not Europe. We would not want to tell the Europeans that they could now do a little more because they are a little richer.

The gentleman's amendment only cuts 5 percent non-base closing and non-housing, and yet it will save $148 billion. One of the reasons this is higher than the President asked for and higher than the Pentagon asked for is because, as we know, on this side of the Congress our budget is $9.7 billion more than the Pentagon asked for, more than the President asked for, and more than the Senate did.

Since we do not have a budget resolution, this committee was forced to mark up to those higher levels. There is the padded budget, therefore.

If Members vote for the gentleman's amendment, which I am going to do, we are taking the padding out. We are taking some of the padding out, and getting back to the realistic number that the Commander in Chief and the Pentagon recommended.

Of course, the reason I think it is so mellow is the gentleman and I used to go after both the Pentagon and the Commander in Chief for asking too much. However, we are just saying here it is being padded ever more to kick it up that $9-plus billion, because we have to use fillers in order to do that, to try and continue this budget negotiation with the Senate. If Members are into that, fine, vote against the amendment.

However, I think the time has come that reason should come forward, as we are slashing bases at home, as we are slashing the infrastructure at home, as we are harming all sorts of things. In fact, the base closure commission is meeting today, as it has been meeting every other day, and why in the world we cannot vote for a 5 percent cut in Europe that would be $148 billion, I do not know. I do not get it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am glad the gentlewoman made that point about the budget. The chairman of the Committee on Appropriations, in his plea for not interfering with the sacred deliberations of the

holy committee and not profaning it with our individual judgments, said "We are just doing what the budget said. First, the budget is a ceiling. It is not a floor, it is not a command. The budget is a ceiling."

Second, as the gentlewoman said, the House budget figure is almost certainly going to be higher than the Senate budget figure, than the final budget figure. The House is $9 billion in this account, the overall military account, higher than the Senate. No one thinks the conference report is coming out at the House number.

The chairman of the Committee on Rules said there were delicate negotiations going on with the Senate now, so we are not going to have a final budget resolution that is at this higher number, and we are anticipating that in a reasonable way.

I thank the gentlewoman.

Mrs. SCHROEDER. I thank the gentleman from Massachusetts.

Basically, Mr. Chairman, it is not 1945, it is 1995. The formula does not look any different in 1995 than it did in 1945. The wall came down but the formula did not change. The cold war is over but the formula did not change.

The question is, Mr. Chairman, what are they building over there? We are leaving 95 percent of it intact, not touching the base closure, not touching housing. If we stand here and say we cannot even cut 5 percent out of the stuff we are building in NATO under a post-World War II formula, we have never had the guts to tell them to change, we are really, I think, wimpish.

I have always felt we are really Europhiles, and that we really always kind of yield and defer to them. I have always seen that going on in all the burdensharing amendments. If we cannot ask for this little bit, especially since we are so over the budget, so over what everyone asks, I think we really look silly.

Mr. Chairman, I stand in strong support of this amendment and I hope people vote aye, very, very affirmatively.

Mr. VUCANOVICH. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER] who is ranking on our committee.

Mr. HEFNER. Mr. Chairman, I admire people for wanting to cut the budget and save money that we can apply toward the deficit, but I think this is a little bit wrongly directed. We exempt the base closure, the BRACC, we exempt that. We exempt family housing, which is good. We have fought over the past 10 years to increase this budget. However, as I said earlier, it has been stagnant for 10 years.

Just let me tell the Members some of the things that are going to be affected with this 5-percent across the board. It is not going to affect family housing. It is not going to affect BRACC. However, let me tell the Members what it is going to do. It is going to go directly to quality of life, because we would affect the building of barracks.

The gentlewoman from Nevada [Mrs. VUCANOVICH] and I went to Fort Bragg in North Carolina. We went through some barracks in North Carolina, where if Members took their kids to camp or to college, and they took us in and said "This is where you are going to be living," we would load them up in the car, put the suitcases back in, and we would come home. We would not let them stay at camp for 2 weeks in the barracks which some of these people are living in.

That is one of the things it is going to affect. Also, child development. We have made some real strides in child development. It is going to affect child development, which directly impacts on retention to these men. In many cases both parents are in the service, or either one parent is in the service and the other is working, and they have the day care centers and the child development programs. We would be going to cut that.

Also, the hospitals and medical centers all across this country, and in Fort Bragg, NC, we have a new medical facility that is being built, and clinics all across this country. We are experimenting with mental care in some of these bases all across the country. That is going to be cut.

We are also going to be cutting some other critical programs, like chemical weapons demilitarization. I know that this budget is more than it was last year, Mr. Chairman. Thank God for that, because we have been trying to beef up the military construction budget for years. It has been stagnant.

However, let me point out one other thing. If we do this 5-percent across-the-board cut, and then we get a budget agreement, we have $500 million in this budget that was marked up on the basis of the budget that was passed in this House that we very easily could not have when we come to a compromise. We may have to lose another $500 million, and if we add to that this 5 percent, plus we add to the cut that was just made on an earlier vote, this budget is going to be about stagnant again in this session.

Mr. Chairman, we cannot stand that, if we want to use this voluntary Army, we want to have retention, and we want to get the very best people that can operate these sophisticated weapons and serve us well.

The gentlewoman from Colorado [Mrs. SCHROEDER] and I have talked many times about quality of life and about burdensharing. We are not going overboard for building facilities in Europe. We did beef up a little in Korea because we had a serious situation there, but if we take the cuts we have just made, and if we do this 5-percent cut and then we lose on top of that a half a billion dollars because of a compromise on the budget conference between the House and Senate, this budget once again will be a stagnant budget, and we will not be able to do the things we need to do for our men and women in the Armed Forces.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3½ minutes.

First, the gentleman from North Carolina [Mr. HEFNER] is wrong when he says if we take this 5-percent cut and then have a budget conference reduction of a half a billion, they will be additive. No, this will be a way of reaching that.

The budget conference would lower the number that this goes to. My amendment would be a way of reaching that lowering, so they would not be added. It would not be cumulative. This would be a way of dealing with that.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, just a question. Once we have passed this bill, we go to conference with the Senate, and we come out with a bottom-line number, if it is $500 million, is the gentleman saying that his 5 percent would go to that bottom line?

Mr. FRANK of Massachusetts. Mr. Chairman, I assumed the gentleman was talking about the budget conference. My point is the amount that we are going to be able to vote is contingent on the budget resolution, and the budget resolution is way above this.

Yes, the final figure will be a compromise in this particular account between what we vote and the Senate votes, but what I was talking about was the budget resolution. The budget resolution is the one where there is going to be a reduction on what the House voted, and this is not additive to that, this is going to be a way of reaching that.

Mr. HEFNER. If the gentleman will continue to yield, Mr. Chairman, what I was getting at, when they reach a compromise on the budget, the 302 allocation, it is $500 million less than we have now, then the 5-percent cut will go to that number?

Mr. FRANK of Massachusetts. It would be a way of reaching that number. It would not be on top of that number, of course. It would not automatically reduce it by 5 percent plus $500 million, of course not.

Mr. Chairman, let me continue with a couple of other points. The gentleman read some very appealing things here: child development. Child development is very appealing. It gets $57 million out of the $3 billion.

NATO alone, Mr. Chairman, NATO alone gets more money in this bill than the entire amount my amendment would cut. NATO in this bill get $161 million. My total amendment cut is

$148. It is true, Mr. Chairman, if they decide, and the 5-percent cut leaves it to the discreation of the committee. It is 5 percent, not in every single number that the gentleman mentioned. It does not mandate a 5-percent cut in child development or in barracks. It says find 5 percent of cut. Cut NATO by half and we have met already 2½ percent. Cut some of the other construction.

What we are saying is, Mr. Chairman, they are going to spend $161 million on NATO along when this House has felt that it is the Europeans who owe us, rather than the other way around. We think with some cut out of NATO and elsewhere we can find it.

Mr. Chairman, we have a terrible budget crisis, we keep being told. Yes, there are things we would like to do, but we cannot exempt any part of the budget, in my judgment, and then reach an sensible zero figure.,

Just to reiterate, this does not affect family housing, it does not affect base closing. It need not affect hospitals or child development if the subcommittee does not want it to. We can make it all up out of NATO. We can make half up out of NATO.

Mr. Chairman, as far as the budget resolution is concerned, if the budget resolution reduces the budget authority, we are going to have to cut by more than this amendment. This amendment will not then be relevant if the budget authority is so substantially reduced, except it is a way of saying yes, we are going to cut in the NATO account, but we are not going to cut family housing in BRACC.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentlewoman for yielding to me.

First of all, Mr. Chairman, this body has exercised pretty sound judgment with regard to having an all-volunteer military. With that, and we talk about support for an all-volunteer force, it means the readiness. We have talked about it on the House floor often. It means training the force and equipping the force so they will be ready.

Second is pay and benefits for an all-volunteer force. Third is taking care of the military family, and what that encompasses. We talk about it on the House floor as the quality-of-life issues, whether it is housing and recreation, et cetera.

Mr. Chairman, this issue about let us do a 5-percent cut across the board, someone called it mindless. I am not going to call it mindless. I have voted in the past for across-the-board cuts. However, this one, I think the chairwoman and the ranking Member have done an excellent job in this military construction budget. There is no padding, as the gentlewoman from Colorado [Mrs. SCHROEDER] said. There are some very important decisions that need to be done, and I think that the subcommittee of the Committee on Appropriations did a very good job.

What are we cutting, when we talk about a 5-percent cut? That is new construction, whether it is for port facilities, a fire station, medical facilities, hospitals, dental clinics, outpatient clinics, recreational facilities; we are talking about child care centers, we are talking about barracks. When they say cutting for housing, I would like to ask the author of this amendment, he says it would not touch housing. Would his amendment affect military barracks?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would tell the gentleman, not if the subcommittee does not want it to. My amendment gives full discretion to the subcommittee, and would not mandate any reduction in barracks at all.

Mr. BUYER. Reclaiming my time, Mr. Chairman, it also would affect environmental compliance. When the gentleman talks also about its impact upon NATO and our security interests, chemical weapons, demilitarization, while I applaud across-the-board cuts, I think that the subcommittee has done an excellent job, and we should support the subcommittee.

When they say that this is not going to touch BRACC, when they say this will not touch BRACC, first of all, to my colleagues, we have to remember there are a lot of things in motion out there, whether it is in NATO or here in the United States, with regard to consolidation of posts and the impact upon installations. There are a lot of decisions that base commanders out there have to make, whether it is the commander of a fort. To say it will not be affected by BRACC does not really take some rational thought. A lot of these military construction projects, especially in Europe, are based because of consolidation of the force.

Mr. Chairman, I urge my colleagues to vote "no" on this amendment.

□ 1830

Mrs. VUCANOVICH. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER], the ranking member.

Mr. HEFNER. Mr. Chairman, I don't relish engaging in debate with the gentleman from Massachusetts or the gentlewoman from Colorado, but let me just tell you what this amendment says.

The amounts otherwise provided in this act for the following accounts are hereby reduced by 5 percent: military construction Army, military construction Navy, military construction Air Force, military construction defensewide, military construction Army National Guard, military construction Air National Guard, military construction Army Reserve, military construction Naval Reserve, military construction Air Force Reserve, North Atlantic Treaty Organization security investment programs. Each one of these would carry with it a 5 percent. I wish the gentleman, if it was possible, to take it all out of NATO if you are going to make the cut.

Mr. FRANK of Massachusetts. If the gentleman would yield for a unanimous-consent request, I would ask unanimous consent that the amendment be amended so that at the subcommittee's discretion as much as possible could be taken out of NATO. I ask unanimous consent for that amendment.

Mrs. VUCANOVICH. Mr. Chairman, I object.

Mr. FRANK of Massachusetts. Well, I tried.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as was just made clear, I was prepared to give the subcommittee more power to cut NATO but they do not want to do that.

This does not mandate cuts in barracks or child development. It does cut, and I agree, as worded it has less flexibility than it should have with regard to NATO. I would agree to changing that, but as I said, they don't want to do it.

Here is where we are. We have broad agreement that we are going to get to a balanced budget soon. We are in a zero sum situation. If we do not make reductions here to get the deficit down, then either we raise taxes somewhere else, which is very, very unlikely, or the cuts in Medicare are deeper than they have to be, the cuts in aid to college students are deeper than they have to be, the money to reimburse communities trying to meet existing Federal mandates is less than it has to be.

We talk about no further unfunded mandates. I am for that, but the legislation we passed does not touch any of the existing Federal mandates that are unfunded. I would like to make some more money available to do that.

If we pass legislation like this without this amendment, if we lavish the $161 million on NATO, if we go more than the Pentagon asked for for construction elsewhere, we mandate deeper cuts in all these other programs. Members will go to their districts and say, "Gee, I want to balance the budget, and I am sorry we have to really cut the National Institutes of Health. I am sorry we will do much less research on disease. I am sorry transportation will get hurt. I wish we didn't have to cut Medicare so much. I wish we did not have to insist that the cost of living increase for Social Security be reduced as their budget resolution says."

Well, this is why it happens. You cannot claim helplessness when you are talking about these cuts and then vote to insist on spending on military construction, other than housing and other than BRAC more than the Pentagon asks for. I am sure that many of these projects, most of this money, would be usefully spent, but that is no longer the criterion. What we have here is a view that says we will exempt the ordinary operations of the U.S. military from the discipline that everybody else gets.

Mr. Chairman, a few years ago a great thing happened in the world. The Soviet Union collapsed. Yes, it is still a threat in some ways, but our major enemy now just failed to take a military hospital, with their crack troops, manned by 50 irregulars.

There is simply no qualitative comparison to be made between the nature of the threats that face us today and those that faced us 10 years ago. There are bad people in the world, there are people who run countries who should not even be allowed to drive cars in a rational world, but they have not got the power to threaten us. What we are doing is acting as if the United States was still threatened.

I heard a Member say during the debate on the military bill, "Well, the world is a more dangerous place now because the Soviet Union collapsed." That nostalgia for a major enemy capable of destroying us is nonsensical in any other context than trying to put more money here, and more money here will inevitably mean less in Medicare, less in college student loans, less in the National Institutes of Health, less in helping people comply with environmental mandates, less in law enforcement.

Vote to give this $148 million to the Pentagon, vote for the full funding of the NATO infrastructure gift from America to the economies of western Europe, vote for other additional military construction at a time when the threat has diminished, and you take away from every other account. You deprive yourselves of the argument that you regret the other cuts in important programs that help people because you are voluntarily taking the money from Medicare, taking the money from student loans, taking the money from the National Institutes of Health, taking the money from Head Start, taking the money from pollution enforcement, and putting it here where it is at a much lower level of social need.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

The committee has done its job and has been responsible.

This bill is about things the gentleman from Massachusetts should be able to support. It is about the soldiers, sailors, airmen, marines, and their families—that is what this bill is about. Providing for their working environment, their housing, their hospitals and clinics, their child care centers—the gentleman's amendment impacts all of these things.

Mr. Chairman, as we find ourselves with fewer personnel in the Armed Forces we are going to have to provide bases that are maintained in top order and personnel must be adequately housed.

Does the gentleman think our soldiers are overhoused—because his amendment could impact a total of $636 million for troop housing. Does the gentleman not believe that child development centers are important to single military parents, dual military couples, and military personnel with a civilian employed spouse—because his amendment could impact a total of $57 million for child development centers. Does the gentleman not believe the members of the Armed Forces and their families deserve to have updated hospitals and clinics because his amendment could impact a total of $178 million to provide these facilities. Does the gentleman not believe that we should meet the requirements of the Federal Facilities Compliance Act because his amendment could impact a total of $207 million for environmental compliance.

Mr. Chairman, the committee has been responsible and reviewed each project provided for in this bill. The gentleman is not being responsible by approaching his reductions in such a vague manner. I ask my colleagues to oppose his amendment and suggest if he is serious about cutting this bill that he provide this body with the specific projects that would be related to his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 131, noes 290, not voting 13, as follows:

[Roll No. 398]

AYES—131

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gejdenson
Green
Gutierrez
Hamilton
Hilliard
Hinchey
Hoekstra
Horn
Jackson-Lee
Jacobs
Johnston
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klug
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Luther
Maloney
Markey
Martinez
Martini
McCarthy
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Poshard
Rahall
Ramstad
Rangel
Reynolds
Roemer
Rohrabacher
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schroeder
Sensenbrenner
Serrano
Shays
Slaughter
Smith (MI)
Stokes
Studds
Stupak
Torres
Torricelli
Towns
Tucker
Upton
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Zimmer

NOES—290

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manzullo
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Meyers
Mica

Miller (FL)	Riggs	Talent
Molinari	Rivers	Tanner
Mollohan	Roberts	Tate
Montgomery	Rogers	Tauzin
Moorhead	Ros-Lehtinen	Taylor (MS)
Morella	Rose	Taylor (NC)
Myers	Roth	Tejeda
Myrick	Royce	Thomas
Nethercutt	Salmon	Thompson
Neumann	Sawyer	Thornberry
Ney	Saxton	Thornton
Norwood	Scarborough	Thurman
Nussle	Schaefer	Tiahrt
Ortiz	Schiff	Torkildsen
Orton	Scott	Traficant
Oxley	Seastrand	Visclosky
Packard	Shadegg	Vucanovich
Pallone	Shaw	Waldholtz
Parker	Shuster	Walker
Paxon	Sisisky	Walsh
Payne (VA)	Skaggs	Wamp
Peterson (FL)	Skeen	Ward
Pickett	Skelton	Watts (OK)
Pombo	Smith (NJ)	Weldon (FL)
Pomeroy	Smith (TX)	Weldon (PA)
Porter	Smith (WA)	Weller
Portman	Solomon	White
Pryce	Souder	Whitfield
Quillen	Spence	Wicker
Quinn	Spratt	Wolf
Radanovich	Stearns	Young (AK)
Reed	Stenholm	Young (FL)
Regula	Stockman	Zeliff
Richardson	Stump	

NOT VOTING—13

Duncan	Murtha	Wilson
Frost	Schumer	Wynn
Jefferson	Stark	Yates
Manton	Velazquez	
Moakley	Vento	

□ 1859

Mr. COX changed his vote from "aye" to "no."

Mr. RANGEL and Mr. SMITH of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1900

Mrs. VUCANOVICH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker pro tempore (Mr. NORWOOD) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT, 1996

Mr. MEYERS of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1868, FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–147) on the resolution (H. Res. 170) providing for consideration of the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Appropriations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 15, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Committee has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

BOB LIVINGSTON,
Chairman.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON SMALL BUSINESS,
Washington, DC, June 15, 1995.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that the Committee on Small Business has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

JAN MEYERS,
Chair.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LESSONS FROM THE HISTORY OF AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, you know, we are a young Nation, and our focus is forward with only an occasional glance back at the lessons of Athens or Rome or even the lessons of the dust bowl in this country.

But this House is soon going to consider an important issue that requires a deeper look back so we can better plan ahead.

We will soon consider a farm bill that warrants an examination of the history of agriculture and a study of the lessons learned. There is a lineage between the modern American farmer and the ancient Sumerian who worked the land between the Tigris and the Euphrates. It is an equality of importance. Both were responsible, indeed farmers throughout history have been responsible for their countries' civilizations.

It has been said that in the last reckoning, all things are purchased with food. This was true with the cradle of

civilization, and it holds true now. Today, American agriculture is this country's largest industry. Agriculture accounts for a full 16 percent of our current gross domestic product, $355 billion worth of food and fiber were produced this past year. That is more than any other industry.

And so it is especially critical that we learn the lessons taught by the successes and failures of the past. History is awash with the remains of societies that failed their farmers and ultimately failed to maintain their soil and who let it succumb to erosion and certainly that resulted in a fall of their civilization.

Cities like ancient Babylon, 2,600 years ago, developed a productive agriculture. It allowed their civilization to grow to 17 million people and a remarkably diversified society. King Nebuchadnezzar boasted, "That which no king has done before, I did. Great canals I dug and brought abundant waters to all the people." But agriculture and farmers became a lesser priority in that country, and ultimately failed.

Today, the site of Babylon is desolation, a dry land, and the promised land 3,000 years after Moses, he called it the land of milk and honey, now barren and rugged, the victim of soil erosion. Only dregs of fertile soil remain at the bottoms of narrow valleys.

But there are also successes. Societies with plans maintaining farmers and maintaining agriculture survived and flourished. For the last 1,000 years, farmers in the French Alps have terraced hillsides dramatically in an effort to prevent soil loss, resulting in continuously fertile soil, fertile agriculture and abundant production.

Essentially, countries that practice a careful stewardship of the Earth's resources through terracing, crop rotation and other sound conservation measures have flourished for centuries, Dr. W.C. Lowdermilk, of the Soil Conservation Service, reported in 1953. Forty-two years have not changed that.

In the U.S. Congress we are now engaged in a great agricultural debate. We are deciding what proper role the Federal Government has in Federal agricultural policy.

It is important that the American people understand that agricultural programs have been designed to encourage a continuous, but slight, overproduction. Farm prices have been kept low.

Most farmers over the past 50 years have experienced subsistence standards of living, mostly because of the agricultural farm programs.

A goal of those programs has been to keep enough farmers and ranchers producing so that an abundant supply would result in not only lower food and fiber prices in this country, but huge exports of commodities that has eventually assisted in our balance of trade.

For 60 years, we have enticed farmers to become more and more dependent on Government subsidy programs. As we move to a more market-oriented farm policy, it is important that we do it gradually and we do it smartly to make sure we do not endanger this productive and efficient industry of American agriculture.

American consumers now spend 9.5 percent of their take-home dollars for food. With that 9.5 percent they are able to buy the best-quality, lowest-priced food anywhere in the world.

In our haste, we cannot jeopardize the survival of American agriculture or the economic strength of our country.

HONORING ST. LOUIS CITY HALL EMPLOYEES FOR THEIR EFFORTS ON BEHALF OF VICTIMS' FAMILIES OF OKLAHOMA CITY TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise today to honor St. Louis City Hall employees for their efforts on behalf of the victims and families of the Oklahoma City tragedy. The Recorder of Deeds, Sharon Quigley Carpenter, and her staff organized a fund-raiser in conjunction with other departments in City Hall and raised a total of $3,415.50. In addition, city hall employees sent a sympathy card to Oklahoma City signed by hundreds of people who either worked or came into City Hall on business.

The initiative taken by the employees at St. Louis City Hall demonstrates their caring spirit. It is a model of action stimulated by compassion and empathy. I want to salute these employees for their selfless and generous contributions to the victims of Oklahoma City.

STATE OF EMERGENCY IN GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1996, the gentleman from New York [Mr. OWENS] is recognized for 1 hour as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, there is a state of emergency with respect to decisionmaking right here in this capital right now, and there are large numbers who do not recognize the fact that there is a state of emergency.

We are faced with an unprecedented situation. Government is about to make a dramatic change, and most people, most groups who are going to be victimized by this dramatic change, do not quite seem to understand that there is no miracle in the offing, nothing will save us from the kind of decisionmaking that is taking place now which will result in some devastating cuts in program that benefit large numbers of the American people.

There is a state of emergency, and we should understand that there is a state of emergency. Those who do not understand that we are caught up in extremism, driven by the radical right, public policy is being driven toward a dangerous cliff. We are going to go over that cliff if we do not summon our forces and begin to fight back and understand the kind of problem we face.

To approach extremism and to try to combat extremism with moderation is to guarantee defeat. We must summon up the same kind of intensity that is being summoned against us. We must defend ourselves with the same kind of intensity.

Let us take a look at the budget making process that is now begun. We have already passed the House of Representatives budget. The ruling majority, the Republicans, have passed a budget already. The Senate has passed a budget, and the Senate and House budgets do not differ dramatically. There are draconian cuts in both budgets.

Granted, the Senate's wisdom seems to be to move much slower than the House budget, and that is under negotiation now, the House budget versus the Senate budget, two Republican majorities negotiating with each other.

But there is extremism in both. Never before in the history of the country, this Nation has never seen before such drastic changes being pushed over such a short period of time.

There is a document that was issued by the Republican majority in the House called "Cutting Government," and I have it in my hand. Cutting Government was issued, and it is an indication of what was passed in the Republican majority's budget in the House of Representatives. Cutting Government summarizes extreme changes that are being proposed, extreme, and the sooner we all understand it, the better we will be able to marshal some kind of appropriate defense.

Let me just read the first paragraph of the Cutting Government document. It reads as follows: "The House committee on the budget proposes to terminate, block grant or privatize three Cabinet departments, 284 programs, 69 commissions, 13 agencies, and privatize three commercial activities in our 1996 budget resolution."

That is the opening statement of the document, Cutting Government, from the Republican majority in the House of Representatives.

□ 1915

Unprecedented. Where else in the history of the Nation have we seen a Congress propose such drastic, reckless changes in such a short period of time, to cut 284 programs, to eliminate three Cabinet departments? Sixty-nine commissions are to be eliminated, 13 agencies to be eliminated, all in a 2-year period—really it is 1 year because a budget is a 1-year document. It is hoped that once they accomplish this, you know, that this is the worst possible scenario, that next year there would not be another budget which will make additional draconian cuts. I do not

know what else there will be left to cut in such an extreme matter. They have set out a pattern which I assume will be followed next year, and I assume the pattern will be followed for the next 7 years because there is a 7-year budget that has been proposed. These are extreme measures, you know.

They do not like to hear the word "extreme" around here. They do not like to have recognized exactly what is happening. These extreme measures are camouflaged under talk that makes it appear that this is all a matter of fiscal responsibility, that we are going to save the Government from bankruptcy. These extreme measures will hurt a great deal. They will hurt people in my district; they will hurt people right across the country.

These are extreme measures and represent war being declared on certain categories of people in our society. They do not like to hear class warfare. The Republicans are quick to respond to any notion of an attack on the working class. This is an attack on the working poor, it is an attack on the working middle class, it is an attack on people who are not working and poor. That is class warfare; it is clearly an attack.

You know, it is a blitzkrieg; that is a German word related to World War II that nobody wants to hear either. I am not implying that the Republicans are Fascists or Nazis. It is a figure of speech that I use when I say that they have launched a blitzkrieg because of the rapidity with which they are moving, and the destructive nature, the all-encompassing destructive nature, of the budget process that has been launched by the Republicans: 284 programs to be eliminated, 3 Cabinet departments to be eliminated, 69 commissions to be eliminated, 13 agencies to be eliminated; if this is not a blitzkrieg, then what is a blitzkrieg? You know, if this is not devastation that goes deep and is quite thorough, and to do it all within one budget over a 2-year period, 7 year period, to move that rapidly; if that is not a blitzkrieg, if that figure of speech is not appropriate, I do not know what figure of speech would be appropriate.

On the other hand there are people who say we should not use such harsh language, that we are overdoing it when we talk about the fact that we are faced with an unprecedented situation in our history. We should respond in a more genteel terms. We should be civil in the face of uncivil actions that are uncivilly perpetrated against us. We should ignore the Speaker of the House when the Speaker of the House states that politics is war without blood.

The Speaker of the House says politics is war without blood. He has proceeded to set a tone in the House which runs parallel to that statement. It has been pretty clear that we have been pursuing business here in a manner which very much resembles war. War requires enemies. War requires losers. I do not think that we define what happens here in the Congress, or here in Washington in the past, as being war without blood. We have defined it as being a contest between two responsible parties. Whether they agree or not, at least we did not consider that there must be ultimate losers, casualties. We did not put it in terms that made it appear that, you know, the Nation is going to suffer, a large segment is going to suffer, as a result of one group trampling over another.

I said before we have been engaged in what I would consider to be a noble contest between two political parties. The contest is to determine who can provide the best possible government or what compromise will result—will result because you have two competing parties who both have the goal of improving the Government, of promoting the general welfare, of establishing an environment where people can pursue happiness in the easiest possible way with the least amount of impediments.

I assume that a noble contest is what we were talking about, and the tone of our deliberations in the House and the tone of the deliberation of the Government in Washington are affected by the fact that many of the leaders in the past have considered us to be engaged in a noble contest to determine how best we can improve our Government to keep the great American experiment going forward and getting better all the time. But Speaker GINGRICH has defined what is happening here as war without blood, and the attack launched by the budget process is a blitzkrieg, it is a war, it is scorched-earth warfare when you eliminate three Cabinet departments, you eliminate 284 programs, you eliminate 69 commissions, 13 agencies, and you privatize three major commercial activities all in a very short period of time. That is war, and, if we do not recognize, if the opposition, the Democrats, loyal opposition, does not recognize it, then they are doomed to failure.

The great majority of the American people are going to be impacted, and the majority will be hurt, an elite group in the minority will benefit greatly from this blitzkrieg. They will be the winners. The majority of Americans will be hurt. They are going to be hurt, and we are going to have to hide our heads in shame if we do not offer a better defense.

We may lose; after all, the Republicans have the numbers in the Senate, they have the numbers they need in the House of Representatives. We may lose, but at least we ought to rally ourselves and not fool ourselves about what we are confronted with and make an appropriate response.

You know, to take another analogy from World War II, my father, who gave me the name "Major," so you know he must have been interested in war and soldiering a great deal; he followed events in World War II very closely in the newspaper and magazines. He only had an eighth-grade education, so he did not read scholarly journals, but I think he was as smart as anybody I ever met. He followed it very closely, and he explained to me at one point the tragedy of the blitzkrieg launched by Hitler against Poland and how they had these Panzer tanks. Hitler and his army mechanized, modernized, moving toward Warsaw, and the Polish sent the cavalry out to meet him. Poland sent men on horses, beautifully trained horses, beautifully trained riders, the old glory of the aristocracy riding with him. They sent horses out to meet tanks, and that is the danger that I see developing here, is that we are allowing ourselves to be lulled to sleep by some kind of gas or some kind of noxious fumes. Something is affecting us in ways which are inexplicable. We do not understand what we are up against. We are ready to send beautiful horses out to meet tanks, murderous tanks.

On the one hand we say, well, you have the Republicans propose this reckless budget, extreme budget. They cannot get away with that. But the Republicans in the House control the votes, have enough votes to do it. The Republicans in the Senate have enough votes to do it. That is on the one hand.

On the other hand you say, well, you got a Democratic President. A Democratic President will not let him get away with that, but recently the Democratic President says that he is in favor of moving in the same direction, not just moving toward a balanced budget, and wisely so. He makes a difference, that we will do it in 10 years, but the only difference that he proposes, that the cuts be a little less drastic, that the blitzkrieg be joined, not opposed, you know.

That is on the one hand, the other hand, and you know there is just no other hand if the President, the Democrat who has the power to veto—all expecting the veto of the President to put a check on extremism; the veto of the President will slow down this blitzkrieg. The veto of the President will force a halt to the rapid movement toward the cliff, the dangerous cliff that our public policy is moving toward. The veto of the President would make it necessary to negotiate. There will be no unconditional surrender, but a negotiation which would at least preserve some of what is under attack here.

But the President has said that he will join the rapid movement, and the only difference is he wants to slow it down or he wants to spread it out. That is the only difference. The President wants to balance the budget, and he refuses to talk about the one item that we know one could use to balance the

budget in 7 years or in 10 years. You could balance the budget; we have proven that. The Congressional Black Caucus budget, which was introduced here on the floor here, said, if you insist on balancing the budget, we think it is very unwise to try and do it in 7 years, but whether you do it in 7 or 10 years, the way to balance the budget without forcing the draconian cuts in Medicare, the draconian cuts in Medicaid, the terrible cuts in education, without cutting the throat of the effort to improve education, which is so vital to our society, without those drastic moves you could still balance the budget if you would raise the percentage of the tax burden which is borne by the corporations. You could raise the percentage of the tax burden borne by the corporations, and there would be very little pain out there because the corporations are making tremendous amounts of money in our society at this point. Our economy is booming. Part of our economy is booming. The Wall Street economy where investments are made and the profits of corporations are up; that side of the economy is booming.

There is another side of the economy, or another economy totally at this point which I call the job economy which has no relationship between the—there is no relationship between the booming Wall Street economy and the job economy. The job economy is suffering from less and less unemployment in certain places is quite high. Underemployment is rampant all over the country. People are working for less. When they have the good fortune to find a job and have a job, they are working for less, even in the ranks of middle management. They are working for much less. The downsizing, the streamlining, has driven down the quality of life and the standard of living of large numbers of middle-class people who seemed quite safe before in our economy. The very industries which would drive the need for people in an information economy, an information-driven economy, that industry is automating so fast, streamlining its communications technologies and its computerization that large numbers of employees who were needed before are not needed now, or they can take portions of their operations overseas for cheaper and cheaper labor, and the cheap labor is not necessarily only the children in Bangladesh who make sneakers and who are forced to work long hours. Cheap labor sometimes are computer specialists, people who are programing computers in India and who are college graduates or from Eastern Europe who are college graduates, and they work for half of what the computer specialists or the computer programmers would make here in this country.

So there are many ways in which our industries, American industries, can earn huge profits without improving the job situation. So we need a program to correct that. We need to deal with how Americans are going to protect their standard of living the way the Japanese protect their standard of living, the way the Germans protect their standard of living. We need a program.

□ 1930

Before we get to a comprehensive program to do that, one obvious step we should take is to take advantage of the fact that our corporations are making a lot of money. The profits are up very high, and yet they are paying less of a tax burden than families and individuals.

In 1943, and I have a chart here which shows this, the Congressional Budget Office uses the same statistics. I think this chart came out of one of their documents, the Office of Management and Budget, nobody disputes the fact that these are facts. In 1943, 39.8 percent, of the tax burden, the revenue that runs our Government, came from corporations, corporate income taxes. In 1943, 39.8 percent almost 40 percent. At the same time, in 1943, 27 percent of the tax burden, the revenues that run the country, came from individuals and families.

I have repeated these facts several times here in this Chamber. You cannot repeat it too much, because at some time the American people have to wake up; at some time they have to realize they have a good reason to be angry. At some point they have to know where to direct their anger appropriately. The anger should be directed at the sellout that has taken place in this Congress, in this city, Washington, since 1943. The tax burden that is borne by the corporations dropped all the way from 39.8 percent, almost 40 percent, to 8 percent in 1982, 8 percent. It went all the way down from 40 percent to 8 percent in 1982.

Now, how did that happen, while at the same time the individual share of the tax burden went from 27 percent in 1943 to 48 percent in 1982? And in 1995 we are looking at a situation where the individual taxes, individual and family income taxes, are still at 43.7 percent in terms of the total amount of revenue raised to run the country, while the corporate share is down still, not quite as low as it was under Ronald Reagan in 1982, not at 8 percent, but it is at 11 percent. Eleven percent.

Now, if you want to balance the budget, then I was waiting for the President to say, "Let's balance the budget by closing the corporate loopholes, by getting rid of the corporate welfare, by restoring a balance in the tax burden. Let's do it over 8 years." You could balance the budget and meet that need, if we consider that to be such a great need, without cutting Medicare 1 cent, without cutting Medicaid.

Medicare and Medicaid should go back to where Hillary Clinton placed them. In her health plan we were going to make cuts in health care, but we were going to make them in the context of a plan which would provide better health care for all Americans, and, most of all, would cover all Americans. Within the context of that kind of plan, we were also going to be able to slow the rate of the rise in the cost of health care, which is what is being talked about now. The cuts being proposed now are being proposed without any discussion of providing health care to all Americans who are uncovered, or without any discussion of how health care can be improved.

What am I talking about? I am saying that on the one hand, the Republicans in the House and the Senate propose to recklessly balance the budget by making cuts that are going to make large numbers of Americans suffer, by making cuts that are going to leave a mark on our infrastructure, our social infrastructure as well as our physical infrastructure, that will make it very difficult to overcome in future years. All of this is being done very rapidly, and nothing seems to be in place to stop it. The Republicans are moving rapidly, and the President now has joined the flow in the same direction, instead of being the opposition force, the one remaining opposition force we could rely on, the veto of the President.

I projected on the floor of the House a few weeks ago that we would have a situation where the President would stand between the American majority, the caring majority of Americans who are going to be hurt by these cuts, he would stand between them and the Republican blitzkrieg, and force the issue by vetoing the appropriations bill. He cannot veto the budget. That will be decided in the next few days probably by the House and Senate, and the budget will be there. But the budget only sets the upper limits as to how each Committee on Appropriations can operate.

The appropriations bills, one by one, go to the President. The President can veto them. The power to override the vetoes does not reside in either House, I do not believe. The Senate could override the vetoes and the House could not. The Democrats have enough coherence, unity, enough strength left to be able to assist the President in the veto process.

Then negotiations would be forced. You have to have negotiations. We all remember the famous negotiations at the White House when we had gridlock with George Bush. George Bush, facing a democratically controlled House of Representatives and Senate, they had to negotiate a settlement. Each side had to give and take, and you had a balance coming out that nobody was really that happy with, but at least it

did not wreck the country overnight. It was not extremism of the kind we are faced with here.

So if we do not have the hope that the President will stand against the blitzkrieg of the Republicans, then what do we have? All we have left is a possibility that the American people can be mobilized and public opinion can be so focused and so determined and communicated in such a forceful way that the President will wake up and change his course.

Our hope is we can have the executive branch of Government stand firm against these draconian, disastrous cuts that will drive our Nation over the cliff into an abyss that will be very difficult to get out of.

Let me just go into a little more detail, because people still do not believe that we are in a crisis. Nobody seems to understand what is in plain English. This is not so subtle. There is nothing hidden. It is all quite out in the open. There is no conspiracy. Republicans cannot be accused of a conspiracy. It is right out there in the open. Everybody has a copy of this list, "Cutting Government."

Departments to be eliminated: The Department of Commerce, the Department of Education, the Department of Energy. They are to be eliminated. That is the Republican proposal. I understand the Senate only proposes to eliminate the Department of Commerce. We can be hopeful in the negotiations between the Senate and the House that we are going to save, if not all three of these departments, at least two of them.

But that is a fact now. It is a very hard fact. One-half of the legislative process, one-half of the legislative branch of Government, is on record already to want to eliminate the Department of Commerce, the Department of Education, and the Department of Energy.

They want to eliminate 13 agencies. I invite anybody who wants to go along with me to take out a pencil and write it down. If you do not have the list, I will give it all to you in detail. Details sometimes are very important. Maybe the details will awaken the American people to the fact we have a crisis. We have a state of emergency in decision making.

The decisions that are going to be made in the next few months in Washington are going to leave us in a situation that will create massive amounts of pain and suffering. The decisions that are made are going to be very difficult to undo in the next few years. Something must be done to rally the American people, the public opinion, and communicate that to the executive branch, that they have to stand against this blitzkrieg that is going to make for so much pain and suffering.

Agencies eliminated, 13. The Economic Development Administration, the Travel and Tourism Administration, International Trade Administration, Minority Business Development Administration, Maritime Administration, Federal Transit Administration, Agency for Health Care Policy Research, Corporation for National and Community Service, which was created by the National Community Service Act just 2 years ago, the Corporation for Public Broadcasting will be phased out over 3 years, Administrative Conference of United States, Legal Services Corporation, which has provided legal services for poor people since Lyndon Johnson created the Legal Services Program during the Great Society years in the 1960's. That is going to be wiped out completely, eliminated like all the other agencies that I have just named. The State Justice Institute, the Office of Technology Assessment. All eliminated.

Maybe this is too high up for most of you who are listening. You cannot comprehend what it means, because these are big agencies still. They are pretty big. Maybe you want to go to another level and let's talk about the 284 programs to be eliminated. The Housing Investment Guarantee Program, USDA's Strategic Space Plan, FMF, loans to Greece and Turkey, assistance to Eastern Europe and Russia, East-West Center, North-South Center, Office of the American Workplace, the SBA Tree Planting Program, DOT's Minority Resource Development Program, highway demonstration projects, mass transit operating assistance, Air Traffic Control Revitalization Act.

There is an article today on the front page of one of the magazines that asks is the Government doing all they can to protect us in the sky when we are flying? Their answer is no, the Government is not. We are going to eliminate a portion of the effort to make it safer for us to travel by air.

The National Highway Institute, the Office of Physical Fitness and Sports. Under Ronald Reagan I think we had a fitness program that was launched that has been quoted over and over again as having reaped great gains in terms of improvements in health and the movement in the direction which would lessen the cost of health care by having a more fit population.

There is an assumption that any small program, because it is small, is undesirable. Some of the programs I am reading here are small, and they are deemed to be automatically undesirable and unproductive because they are small. There is nothing rational about that. That is totally irrational.

I do not say that some of this reasoning does not come from the administration. The White House, the executive branch, started looking at everything small and deciding that we would consolidate. But every time they consolidate by bringing them together, one office under one umbrella, they would eliminate some of the funding, which means that consolidation was really a way to cut out some of the programs.

It is like saying that fingers on your hand are undesirable and no good, unproductive, because they are smaller than the hand. We would be better off if we had just one lump here, consolidation. Let's consolidate all this stuff, and you have it all in one lump, and that is a great improvement automatically.

Well, the animals on the Earth that do not have the kind of finger separation and these smaller items here are not able to compete at all with the manual dexterity of the species homo sapiens. God knew what he was doing, and can we not follow the example? We make the assumption because the fingers are smaller than the hand, we would rather consolidate it in order to improve it. Many of these small programs are far more effective and far more beneficial than large programs. The cost benefits ratio for what we pay for these small programs as taxpayers, we get a far greater benefit out of them than you get from some of the better known, larger programs that are being protected, of course.

The VISTA Program, volunteers in this country, originally created to sort of parallel the Peace Corps, where you would have volunteers in this country. Senior Volunteer Corps, Retired Senior Volunteer Corps, the Foster Grandparent Program, Senior Companion Program, Senior Demonstration Program, these programs are being eliminated because they are very small. They are very tiny, but they are very beneficial and nobody ever argues at any hearing or markup that the programs do not work.

□ 1945

They just are small, and they are going to be eliminated because they happen to be too small.

Goals 2000, State and local education programs. Goals 2000 national programs, Goals 2000, parental assistance, small efforts in the Department of Education that represent a great deal of time, energy, brainpower, devotion, patience, Goals 2000 resulted from a long effort that began under Ronald Reagan when he commissioned a group to study the state of American education, public education. They came back with a report entitled "A Nation at Risk." "A Nation at Risk" said that we are at risk in the modern world of not being able to compete globally with our competitors in trade, not being able to in technology or the use of technology match our competitors and produce the kind of products, the quality of products at the cost level necessary to be able to maintain our leadership in the world.

Goals 2000 is a result of a long process begun then. First, "A Nation at Risk" report was issued by Ronald

Reagan, and then George Bush came along and issued a position statement called American 2000. President Bush called a summit of Governors in Virginia, and the Governors decided to establish a six-point program, six goals for education. These are very, very energetic, knowledgeable people who participated in this process. More important than anything else, they were elected by the American people. They participated in the process together.

It was not to the credit of President Bush, it was not the White House handing down something from Olympia and expecting all the States to comply. There was instead a participation of all existing Governors, including Governor Bill Clinton. So when Governor Bill Clinton became President, he was in a position to follow through. There was continuity from a Republican President to a Democratic President on the all-important matter of education.

Yes, the emphasis was different in terms of the great emphasis on vouchers and privatization of education that was written into the American 2000 program by President Bush and Secretary Alexander. That emphasis was not there in Goals 2000. But much of what was in America 2000 under George Bush was retained in Goals 2000, especially the standard setting.

There was agreement, Republican and Democrats all Governors, that you need to have some standards set. You need to have standards set with respect to the kind of curriculum, the quality of curriculum, the purpose and goals of curriculum. You need to have standards set in terms of how you were going to assess the performance of students, and they did not decide this among the Governors but in the Education and Labor Committee. We introduced a third set of standards called opportunity to learn standards that in addition to standards for curriculum and standards for the assessment of the performance of students, tests, there also should be standards for opportunity to learn, all the young people in the States given an opportunity to learn.

All of these standards were set and would be voluntary. No State would have to do anything. The State has an option. The State would not have to accept the standards. The State would not have to accept standards for curriculum, standards for opportunity to learn. It is all voluntary, but even that, by the way, has been quite successful.

There has been a national math curriculum issue, a national arts curriculum issue. The curriculum standards have moved forward. There is a national history curriculum in the works now, a lot of controversy about it, but it is moving forward. And for the first time the effort to improve American schools is on a systematic upward, forward, progressive path. But now we are going to eliminate that effort. The heart of the effort will be eliminated in this budget that eliminates 284 programs.

Education is a particular target. If you recall, when I read the names of the departments to be eliminated, education was one of the departments, one of the three departments proposed by the Republicans in the House to be eliminated. That alone, when a civilized nation in 1995, given where the world is, how complicated it is, how competitive it is, when a civilized nation decides it wants to eliminate its Department of Education, then you have a state of emergency right there, even if it did no further damage.

If no other reckless proposals were made, that alone is enough for the American people to understand that something is seriously wrong here in Washington. How can any civilized nation say it does not want to provide some kind of direction and some kind of effort to influence the way education is undertaken in the whole nation.

We have a situation where local and State governments are primarily responsible for education. They always have been. There was an editorial in The Hill last week where one of the members of the Education and Labor Committee argued that we have spent more and more on education, and education has gotten worse; and the Federal Government, therefore, should get out of the business of education. We spend more on education, but the money has come from the States and the local levels, and the States and the local governments have been in charge.

Local school boards and the States have been in charge of education. They have the power, $360 to $380 billion. That is a lot of money spent on education last year. But only about 7 percent of that was Federal money. The rest of it came from the States and the localities.

So 93 percent of the dollars, the cost is covered by State and local government. They have 93 percent of the power. The Federal Government is a small bit player in education. The largest program, the chapter 1 program, is a $7 billion program out of that total of $360 to $380 billion. So the Federal Government cannot be blamed if we have spent more money on education and got poor results because it has been a bit player, a tiny player. Its influence is at this point quite minimal. I think it would be very appropriate, highly desirable if the Federal Government's role in education increased to about 25 percent and the Federal funding for education moved in the same way.

If we were funding 25 percent of the total education budget of the country and we had 25 percent of the decision-making power, education would still be very much under the control of local governments, local school boards and the States. It would still be 75 percent. Anybody who has 75 percent of the power is in control.

The Federal Government would have some influence and that is all it has ever had, a tiny amount of influence. So if education is in trouble, things have gone wrong, it is not because the Federal Government has had a major role and it is the cause. The Federal Government has come to this situation very late in the history of this Nation. State governments have always been in control.

Even this tiny effort now would be wiped out in the pending budget. Education for disadvantaged concentration grants, wiped out; education for disadvantaged targeted grants wiped out; impact aid, wiped out; education infrastructure, small program which was to begin the process of providing some help to have poor local school boards to remove asbestos or lead where it is a problem and make schools more healthy in areas where they do not have the money and will never be able to raise the money to do it so that kids would go to safe schools or schools that are not so life threatening as lead poisoning and asbestos are to young children, that is eliminated.

Magnet schools assistance, eliminated; drop out prevention demonstrations, eliminated; bilingual education instruction services, eliminated; Gallaudet University will not be eliminated but they must combine four programs into one. National Institutes for the Deaf combined three programs into one. This is small efforts for people with disabilities, and they are squeezed also.

The Eisenhower Leadership Program, the minority teacher recruitment, minority science improvement, innovative projects for community service, these are all tiny programs, but they have gone and assumed that because they are so tiny they are undesirable, unproductive and must be eliminated.

Federal TRIO programs are tampered with, five programs are eliminated: National Science Scholars, National Academy of Science, Space and Technology, Teacher Corps. I am not reading them all. I am just reading a few of those on the list. Harris fellowships, Javits fellowships, graduate assistance in areas of national need. These are all graduate programs that will be fashioned by members of the Education and Labor Committee in response to longstanding needs. They are tiny programs, but they meet specific kinds of needs that have been identified for more aid in certain areas.

Science is one of those areas. We need more aid for students who are studying, minority students studying science. Javits fellowships were a different kind of effort to aid minority students, not minority students, but students in general. Graduate assistance in areas of national need says it exactly as it is, areas of national need

identified, public health people, people who could work with children with disabilities, various areas where you identify national need, there was an effort to target the funding. All of that eliminated. Too small.

Nobody has ever said it does not work, they just said, it must go.

Howard University academic program, Howard University endowment program, elimination. We are talking about wiping out the Howard University academic program, Howard university research, Howard University Hospital, Howard University Clinical Center, Howard University construction, all that wiped out, about $110 million wiped out of Howard University's budget, which wipes out Howard University, because Howard University is the only federally funded university for primarily, it was created primarily, after the Civil War, for the newly freed slaves. But it serves students of all colors, races and creeds now, but it is federally funded primarily.

It does receive funds from some other sources, but only tiny amounts. So when you take away federal funds from Howard University, you are saying we are wiping out Howard University. That is a serious action. That is certainly a state of emergency for Howard University, a state of emergency for education.

Star Schools, eliminated; Ready to Learn Television, the whole area of technology, the use of mass media to improve education, to lower the cost of education, all of that discussed for many years in the Education and Labor Committee, the old Education and Labor Committee, which is now called the Committee on Economic and Educational Opportunities, the representatives that you elect, the representatives that you send here who are placed on authorizing committees labor to get the best wisdom in the country through hearings, through reading papers. Staff organizes legislation, and we created these programs in response to real needs.

But now the power is in the Committee on the Budget and the Committee on Appropriations to wipe all this out, and it proceeded to destroy it. When I use the word blitzkrieg or scorched earth, it is quite appropriate. This is very thorough. This is very devastating, very destructive. It is public policy decisionmaking, but it is as deadly as knives and guns are on a smaller level.

What is being done to our society, the torture and the maiming of our society is incomprehensible to most people. We do not think in those terms. One of the problems with the species Homo sapiens is that they are very physical. Species Homo sapiens only reacts to what it can see and feel, what our senses can identify.

The cognitive process is more difficult to comprehend than we allow, and we allow it to be fooled and manipulated and misused by people who understand the cognitive processes better, who understand futurism and how to project and create new systems. And they understand the result of the systems that they create.

They talk about a balanced budget amendment, but what they are doing is presenting a situation or creating a situation and an environment which will be hostile to social programs and sets up a situation which allows them to squeeze the social programs that they do not want out of existence.

□ 2000

Granted, another group could do that, and squeeze the defense programs and some of the undesirable programs that are being funded out of existence also, but the process is in the control of those who want to go after the programs that benefit the great majority of the American people.

These people who are doing the squeezing, this list of programs to be eliminated and destroyed, which I will discontinue reading at this point, this list is promulgated by people who know very well what they are doing, and have targeted people programs, programs that do benefit the working poor, the working middle class, the poor who have no jobs, and large numbers of the upper middle class will also be hit.

The professional classes will also be hit. The government workers, they are going after their pensions, and going to squeeze those. They know what they are doing. It is not by accident. Nothing has happened by accident. It is clearly understood what the process is.

When they decide to do something in the opposite direction, which is clearly going to cost a lot of money, but they want to do it, they can be very reckless about doing it, very open.

Mr. Speaker, I think that the discussion on the budget and the discussion on appropriations and the discussion about where the country is going with respect to fiscal responsibility, what the danger of bankruptcy might be, that discussion ought to be divided into two parts: before the B–2 bomber vote that took place last week, and after the B–2 bomber vote. The B–2 bomber is a defining point in this whole discussion. The funding for the B–2 bomber, the authorizing of the funding for the B–2 bomber, was on the floor. There was an amendment to eliminate the funding for the B–2 bomber.

What is the B–2 bomber? It is a dream machine for people who want to sneak into areas through a stealth process with a bomber and drop bombs. It was originally conceived to go into the Soviet Union during a nuclear war and drop bombs on selected targets, and it would do this during a nuclear war by using the state-of-the-art stealth technology. It would not be observed. It could sneak in there and do it. With the whole world exploding around us, we would send this bomber in there and it would finish off targets in the Soviet Union.

We say we still need it. It is under production already. The item on the floor was whether or not they should add additional B–2 bombers. The cost was about $30 billion, when we add the production costs and operations costs. The figure of $30 billion sticks out. We are talking about $30 billion in the budget.

Mr. Speaker, I am saying the discussion before and after the B–2 bomber tells us a great deal, because there were large numbers of people who insisted that they came here to cut government, to get government off the backs of people, to make government more effective and more efficient.

There was a discussion on the floor of the B–2 bomber costing $30 billion. Thirty billion dollars can buy a lot of hospital beds, it can buy a lot of school lunches. Thirty billion dollars can build beautiful new schools where there are unsafe schools with asbestos and lead poisoning. Thirty billion dollars can accomplish a great deal in our society in any of the areas of need.

However, $30 billion was on the floor, and the deliberation was shall we go ahead with this madness and keep this $30 billion in the budget, or shall we be reasonable and sincere and show that we are honest about wanting to improve the efficiency of government, about wanting to save the Nation from bankruptcy, about wanting to keep our children from having to bear the burden of paying the debt we build up. All the rhetoric that has come around the balanced budget and the need to move forward to make these draconian cuts was on the table.

The B–2 bomber, the Pentagon says they do not need it. The Secretary of Defense said "We do not need the B–2 bomber." Nobody in the military wants the B–2 bomber. The President does not want the B–2 bomber. The people who are the experts, people who have to fight the wars, say "We do not need a B–2 bomber." Yet, $30 billion is on the table that we can realize and regain to do other things with, to go toward helping the deficit, to keep our children from having to pay these gigantic debts in the future.

All of the rhetoric could be realized. All of the things promised in the rhetoric could be realized to a great degree with $30 billion on the floor. The military does not want it, the Air Force does not want it, the Secretary of Defense does not want it; yet, the majority of the people on the floor of the House of Representatives voted to keep the $30 billion in the budget for the B–2 bomber.

Before the B–2 you might have said "Some of these people are really sincere, especially the freshmen." The

freshmen came with their eyes popping with sincerity, bright with sincerity. They said "We do not care what it is, if it is wasteful, we will eliminate it."

Here is an example on the floor, a concrete physical example, a $30 billion example of what you can do to help eliminate waste, make government more effective and efficient, and reduce the deficit. All the objectives can be met to the tune of $30 billion on the floor. Yet, the vote was that the majority says "No, we will keep the B–2 bomber," for whatever reasons.

I do not stand here to impugn the motives of my colleagues, and Congressmen are not in the business of explaining the votes of other Congress persons. They can explain their own vote, but I think you ought to call up each one who voted to keep the B–2 bomber to explain "What is the magic, what is it that we cannot see through simple, ordinary logic?"

There may be some special kind of reasoning and logic, or some deep-seated wisdom that the people who voted to keep this $30 billion monster in the budget have that the rest of us do not have. Let them explain. I see no rush to explain by many who voted.

Of course, there were people who argued on the floor that we need to give our troops the very best, and the stealth bomber would help make it safer for our fliers, et cetera, et cetera. The fliers do not say that. The experts in the military do not say that. The generals do not say that. The Secretary of Defense does not say that. They all gave these arguments, running counter to the people we trust and pay to run our defense.

Therefore, let the B–2 bomber be the deciding point in terms of determining the integrity and the consistency, the truthfulness of anybody who stands on this floor and calls for budget cuts. Let that be the determining, defining moment. It is worthy of saying "Before the B–2 I saw you this way. After the B–2 you are exposed."

Across the B–2, across the spectrum, there are some other B–2 bomber types of votes. We are voting to keep in the F–22, a fighter plane that is the most sophisticated fighter plane ever conceived. It is not needed, also. There are many others. Then we are going to be considering very soon a reorganization of the agricultural bill, continuation of agricultural welfare. Here you have very dishonest discussions about to shape up, similar to the B–2 in terms of the rhetoric is in one place and the action is in another.

If we want to eliminate welfare as we have known it, if we want to change welfare and eliminate welfare as we know it, then let us eliminate agricultural welfare as we know it. From New York, Chicago, Los Angeles, there are thousands, millions of people who would love to go to Kansas and be able to enjoy the benefits that Kansas farmers enjoy from the taxpayers. They get $20,000, $30,000, $40,000 checks each year of doing nothing. They get checks for not plowing the soil, for not growing grain. The checks are without question. They do not have to prove that they are poor.

If you go in any city and say that you are desperately poor, you have no other means to feed your children, then you have to fill out forms. You have to have an audit of your expenses. Somebody has to investigate you before you get a penny. The average welfare check for Aid to Dependent Children recipients, for a family of three, is about $300 a month across the Nation, it being much lower in certain places, like Mississippi, and higher in places like New York. However, the average check is $300 a month for a family of three. Yet, you have to fill out numerous forms, be investigated, and establish the fact that you really need it. There is a means test.

There is no means testing for farmers. There is no means testing. The rich farmers will get the same check that the poor farmers get. There is no means testing. Yes, true, when Franklin Roosevelt first established the program there were poor farmers in the Nation, and it served the purpose. That is no longer the case. We have rich farmers as well as poor farmers getting this welfare.

My time is up, Mr. Speaker, but my point is we are on the verge of a major catastrophe here in Washington. A state of emergency exists. All of America should wake up, particularly the caring majority, the large majority of people who are going to have a great deal of pain and suffering generated for them as a result of these terrible decisions that are being made here.

I hope people understand that in the final analysis, the war that is raging is for us to win. We are still a majority. We are not beggars. We are not in a situation where we have no arms to fight back with. We are still a majority. The caring majority can rally its forces and still prevail. We have to understand first that we are in a state of emergency, that we are threatened, before we rally, but we can and we shall overcome.

CONGRESS MUST LEAD BY EXAMPLE IN DEFICIT REDUCTION

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, we address the House tonight on some important issues, many of which are coming up tomorrow. The fact is, in the legislative branch of the Government, if we are going to lead by example, we need to reduce our own expenditures.

We have already seen in this 104th Congress, Mr. Speaker, there have been tax reductions. We have had spending reductions of $190 billion. We have had a deficit reduction of $90 billion. We have had regulatory relief to try to eliminate the unnecessary regulations on businesses and individuals, so they have a chance to succeed in life and be able to create jobs. Now we are talking about downsizing Government.

We talked about eliminating some Federal agencies and reducing others, privatizing still others and consolidating their functions, making sure that we have more direct services for people but less bureaucrats we are supporting. That is what the people of the United States want.

We see historically tomorrow a very important day in the life of this 104th Congress in the House, because House Republicans will continue to keep their promise to the American people by making Congress smaller, more efficient, more accountable, and less costly.

In H.R. 1854, the legislative branch appropriations bill will bring to an end 40 years of largesse in the bloated congressional bureaucracy. By ending business as usual, the GOP bill slashes wasteful congressional spending and ensures that Congress will show its fair share of deficit reduction on the road to a balanced budget.

With me tonight is the gentleman from Minnesota, Mr. GIL GUTKNECHT. He will be working with me in discussing with the American people a number of issues where we can see the downsizing. For instance, Congress must lead by example in its quest to balance the budget by the year 2002. H.R. 1854 will cut congressional spending by $155 million below the fiscal 1995 levels, and we think that is a step in the right direction.

Once the Senate considers its changes, Mr. Speaker, the total savings just within the Congress could be $200 million. I would like the gentleman from Minnesota [Mr. GUTKNECHT] to in fact outline for those Members of the House who are present and listening tonight and others who are joining with us the kinds of changes we are fundamentally making in the way the House runs itself.

I yield to the gentleman from Minnesota [Mr. GUTKNECHT] to outline for us some of those points which are radically different than any prior Congress.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. FOX] for yielding to me.

Mr. Speaker, my grandmother used to say it was wrong to tell our children that they should do as I say, not as I do. I think it is important, as the gentleman has indicated, that we lead by example.

Mr. Speaker, I was pleased and terrified on my very first day in this body to stand in this very place and be the

freshman lead sponsor on the adoption of the rules for the Congressional Accountability Act, which essentially said that Congress is going to have to start to play by the same rules as everybody else. That, I think, was the first step in saying that we are going to lead by example in the 104th Congress.

The bill that probably has more to do with actual Members of Congress than any other bill we will deal with this year, the legislative appropriations bill that will be on the floor tomorrow, really begins to make a very important start, and more importantly, an important statement about what we are going to do.

Let me quote one other person who it may seem unusual for someone on our side of the aisle to quote, but one of my favorite quotations is from a gentleman by the name of Jesse Jackson. Several years ago Jesse Jackson said "If you want to change the world, you have got to first change your neighborhood."

I think if we are going to downsize the Federal Government, we have to start with our own House appropriations bill, and I am very pleased with the bill that the gentleman from California [Mr. THOMAS] and others have put together. I think it reflects what the American people voted for back in November 1994. I think it reflects what the American people want. I think it reflects what the American people expect.

□ 2015

Let me just talk about some of those things you have already mentioned and I don't want to be redundant but I think it bears repeating, that this legislative branch appropriations bill is going to spend $155 million less in fiscal year 1996 than we are spending in fiscal year 1995. I think that people need to put that in perspective.

If if fact we did that throughout the entire Federal budget, if we reduced the Federal budget in every category as much as we are reducing our own budget, it would mean that we would cut over $130 billion from the Federal deficit next year. I think that is important. I think the American people need to know that.

Among some of the things that they have included in this bill, and again I congratulate the committee and the staff and all the Members who have been working so hard, and frankly I think maybe, JON, you and I can take some credit as Members of the freshmen class in the 104th Congress, we have been applying pressure from day one to make certain that these kinds of changes were made. But let me just read a few of the changes that are included in this important bill. First of all we eliminate the funding for the Office of Technology Assessment. Second, we eliminate the Joint Committee on Printing, because there is an awful lot of duplication. We will still be able to get our documents printed. It is just eliminating some of the waste and duplication here in the House. We eliminate one House parking lot. I think long term we are looking at a plan perhaps of privatizing all the House parking lots and making it pay its own way. We eliminate complimentary Historical Society calendars. We eliminate the complimentary volumes of the United States Code for Members. We eliminate constituent copies of the CONGRESSIONAL RECORD. In other words, people who want this information are going to have to help pay for it. We privatize the Flag Office. Many constituents write in and they want flags that have been flown over the Capitol. We are still going to make that available but we are not going to do it as a Government-run operation. We are going to privatize. We are going to privatize the House Folding Room which has been a sore spot I think particularly with many of the reformers for a number of years. We are also going to reform, we are going to go right where it hurts, we are going to privatize the House barber shop and the House beauty shop. More important probably than anything else, we are going to begin to consolidate all of these various Members' allowances into a single account.

Again let me just restate. I think this is what the American people wanted back in November when they sent such a clear message that they wanted to downsize the Federal Government. I think they want the Congress to live by example. I think they have seen over the years the number of abuses that Members of Congress have piled upon themselves in terms of perks and advantages that we enjoy, and I think this is a giant step in the right direction in returning some of the credibility to the U.S. House of Representatives and making us much more accountable and making us live within the means that we can afford.

Again, finally, let me just restate something else. If we downsize the rest of Federal spending as much as we are downsizing legislative appropriations in this bill that we will hear tomorrow, we will be saving the taxpayers over $130 billion. I think that is a giant step forward.

Mr. FOX of Pennsylvania. I thank the gentleman from Minnesota [Mr. GUTKNECHT]. I think the fact is that you have displayed repeatedly on the House floor and in committee your resolve as well as the Speaker's that we move forward in making those kinds of fundamental changes.

As we look to this budget for this year, and we look to reconciliation and the appropriations process, we have to keep asking ourselves, because our constituents will be asking us as well, is this a legitimate function for government? Could the private sector better handle it? If it should be government, could it be done with less money? And if it should be government, should be it the Federal Government? Could it be better handled by the State government or local governments which are closest to the people?

Extending if I may beyond what you have said already on some of the savings, the Printing Office would be reduced as far as what their actual budget items would be. The Office of Technology Assessment. The Architect of the Capitol would be reduced by $9.9 million. I think part and parcel of reducing the legislative expense of running this House and of running the Senate which could, like you said, be sizable figures, part of what the freshman class has been doing, and you may want to expand on this, Congressman, after I reflect on it, that is, we have talked already and have obviously acted to reduce by at least one-third to 50 percent our amount of money for franking, that is the mail that is paid for by citizens to receive information which is supposed to be factual data but reducing that budget by a great extent which makes it better for challengers and more fair to the process. We have reduced already the pensions which I would like to see reduced further. We have a bill to ban gifts from lobbyists, which is certainly appropriate and in line with our reforms. We are also looking to eliminate the frequent flier miles, as no one should personally benefit from the fact they have to fly home or fly back or go to a committee meeting, those personal flier miles should not go to the Congressman, they should go back to the Federal Government in savings for travel.

We also should be looking to election and lobbying reform. I think people want to see reform of political action committees and their involvement and influence in elections. This is just one more dimension as I see it in making sure we in fact reform the House, reform its operations, and reform the procedure by which Congressmen run their offices and run the Government to the extent that legislative branch impacts on the total Federal arena.

I would like to yield back to the gentleman from Minnesota [Mr. GUTKNECHT] to reflect further if you have comments on these reform procedures beyond the downsizing of the House itself.

Mr. GUTKNECHT. I remember on that very first night, I was just thinking about it as we were standing here, one of the people I quoted, another person that I have a tremendous amount of respect for, is Vaclav Havel, the first free elected President of Czechoslovakia. I will never forget he came to Minnesota a number of years ago and he said something incredibly profound. Actually he was quoting Thomas Jefferson. He said, "Words are plentiful but deeds are precious."

I think the important thing about the 104th Congress whether we are talking about the Legislative Branch appropriations, a lot of the other reforms you are talking about, as a matter of fact, I think sometimes people say, "Well, what have you done for us lately?"

We are trying every day to press for these reforms, whether it is campaign finance reform, ethics reform, lobbying reform. I think those items are still on the agenda and obviously we would like to work together with our friends on the other side of the aisle and the President if possible on some of those things, but if they are not willing to work with us, I think we are willing to take those bulls by the horns as well and do it ourselves. But the important thing is I think we are leading by example, particularly with this legislative branch appropriation and I think the American people need to know that. I think they need to know that we are working to keep those promises that many of us made back in the campaigns last year that we do want to downsize the Federal Government, we want government to do what they have to do and that is to live within its means, that is why we fought for term limits, that is why we fought for all these other reforms.

Tomorrow I think is a very important day and marks one more milestone in this historic reform-minded 104th Congress.

Mr. FOX of Pennsylvania. I appreciate the gentleman's quote from important individuals around the world who recognize the importance of the actions as opposed to just the words that we speak here on the House floor. Frankly we have been meeting in more days and more hours and more votes than any prior Congress in recent memory, and our work is obviously not completed. While we have done much to set the stage by reducing by one-third of House committee staff, eliminating 3 committees, 25 subcommittees, on the opening day $93 million alone in savings, we are now looking to downsizing the Federal Government so that we have more for direct services and less in bureaucracy and paying for bureaucrats.

One of my pieces of legislation that the gentleman from Minnesota [Mr. GUTKNECHT] is working with me on and many of the freshmen, that is, to have a sunset review of Federal agencies within an every 7-year cycle. This worked very successfully in Pennsylvania where each agency, bureau and department would have to justify their existence on a regular basis and to the extent they are not really fulfilling their original objectives or is duplicating another level of government service, it gets eliminated. The employees would move on to other agencies or into the private sector.

The fact is we need to downsize the Government which has to a great extent created a cottage industry of just more regulations, and more bureaucrats to in fact carry them out. We have legitimate services for which government is important but not just to have more regulations that cost individuals and cost businesses.

The gentleman from Minnesota [Mr. GUTKNECHT] has been working closely with me in our Government Reform and Oversight Committee. Some of the accomplishments we have already had is to make sure we have legislation when there is regulation? And correspondingly, what benefit will they get out of this new regulation? In fact, we have passed in this House this year a moratorium on new regulations until the inventory that we already have on the books and whether or not enforcing them is in the pubic interest.

We have also had a Paperwork Reduction Act, now trying to reduce our paperwork by at least 10 percent. The Government has not been really user-friendly. What we need to do is make sure that like as a business, we justify every dollar we spend, every service we are trying to perform and if the private sector can do it better, then the private sector ought to be left to doing it because the Government usually is slower, more costly, creates more barriers and does not reward initiative.

I know the gentleman from Minnesota [Mr. GUTKNECHT] is a leader in his State in this movement. The gentleman might want to reflect on regulations and where we have come thus far in the 104th Congress and where you see us going from this point.

Mr. GUTKNECHT. I would just go back to a couple of points you made as well. Not only I think has this Congress been reform-minded, we have also been about opening up the process to the public, reminding Members of exactly who pays the bills and who we work for.

Despite some of the cuts, I want to point out that in this legislative branch appropriation, one point that I missed and I do want to come back to that, that we fully fund projects to bring Congress into the information age, including Office 2000 Network and the National Digital Library. We want to encourage all agencies to move towards electronic formatting of documents. We want to make it easier for people to get information about what is happening here in the People's House. I know the Speaker has set that as the standard from day one and I think that is something we are going to continue to work for.

Despite some of the budget cuts that we are going to sustain here in the legislative branch appropriations bill, we are not going to close the process to the American people.

One of the other reforms that we passed on the very first day, we said we are going to open all the meetings, so the meetings that we are having now are open to the public. One other thing we have found now as we have been through these markups, and I know the gentleman has been in some, I was in one most of the day and will be in one most of tomorrow. We do not have proxy voting anymore. Members actually have to be in those committees and we have to actually cast our own votes.

I think many folks would come in from other parts of the country, would come to Washington, they would see some of these committee meetings where almost no one was actually there to listen to the testimony or to participate in the process in terms of marking up these bills and actually voting on amendments, where the committee chairman would sit with a handful of proxies and literally vote half of the members of that particular committee or subcommittee. I think we all knew that that was wrong, and it took the 104th Congress to begin to end that.

Despite the cuts that we are making, we are going to continue to press to make this much more open, much more user-friendly and much more available to the average American so that they know what is happening with their government here in the People's House.

I wanted to mention that. I also want to get back, you began to talk a little about being more businesslike and doing some things as relates to regulatory reform. There is no question that one of the things that we need in this country is regulatory reform and if I might just continue on the time of the gentleman from Pennsylvania [Mr. FOX] for just a little bit, talk about one of the committees that I serve on and why I believe it is important that we continue to press for regulatory reform.

I happen to serve on the McIntosh subcommittee that deals with regulatory reform. It has got a name much longer than that but the short title around here is the Regulatory Reform Subcommittee. Let me just share some of the things that we have learned in testimony in that committee so far. One think tank told us that they believe that the cost of unnecessary Federal regulations to the average consumer in the United States per household works out to about $4,000 per household. It totals about $400 billion a year, according to that one particular think tank.

Federal spending to run regulatory agencies in 1994 was $144 billion. We have approximately 130,000 Federal employees, some might call them bureaucrats, but 130,000 people whose principal job it is to write, interpret or enforce new rules. What we hear from many small business people that have come in to testify, and we have had field hearings around the country, is that they really cannot bear the cost of all of these new Federal regulations. Let me give a few examples.

When we talk about the FDA. It is estimated that on average it will cost a drug manufacturer, a pharmaceutical company over $350 million and 10 years of time to come out, to get approval for FDA of one new drug. Sometimes we wonder why our drug prices are so high. I certainly would not be one that would defend some of the high drug prices, but certainly the amount of regulation and redtape that the pharmaceutical companies have to go through to get one new drug approved is almost staggering. In fact, one estimate said that 25 cents of every dollar spent by consumers on new drugs falls within the FDA empire. This is the largest consumer protection agency in the world and sometimes we have to ask ourselves, how much protection can we afford?

Mr. FOX of Pennsylvania. If the gentleman will yield, the fact is we just had a hearing in my district on FDA reform. Most of the new miracle, lifesaving, life-extending drugs that are created in the country, in fact in the world are created here in the United States.

Many of our experts in the biotech and pharmaceutical companies have informed us that in fact we may be the last recipients, our constituents, of these miracle lifesaving and life-extending drugs because of all the delays in approvals.

□ 2030

And people who are waiting for the drugs say, "Well, if my insurance company will not approve it because the FDA has not, in fact, sanctioned it, then we cannot get it." We had witnesses who had ALS, epilepsy, cancer, or AIDS, all waiting for drugs that, frankly, have gone through appropriate protocols, have had the clinical trials, which most countries might approve.

We are just saying in new legislation we are trying to get passed is, "please speed up the process of approving or disapproving the drugs." We want them to be pure. We do not want overregulation. That is what you are getting at. When we overregulate, we delay the time period by which our constituents might be able to extend lives or the quality of their years.

Mr. GUTKNECHT. It is not just in terms of the number of lives and people waiting for new drugs and chemicals and new procedures, new technologies. I must say that is an issue that is relatively near and dear to our heart back in the State of Minnesota. Obviously, the largest employer in my district is the Mayo Foundation. We are very keen in making certain we have the latest technologies, latest developments for patients who come to visit Mayo Clinic.

As a matter of fact, I like to share the story; it is told that shortly before he retired, one of the Mayo brothers gave a speech. He said, "The plain truth is the average American becomes seriously ill 11 times during their lifetime. They recover 10 times. The reason they recover as many times as they do is because we know as much as we know. When we know more, they will recover more times."

The problem we have in the United States, as it relates to new technologies, new drugs, new procedures, it takes so long from the time they have been developed until they are on the market and the result of which is not only are we losing the benefit of some of those new technologies, in many cases they are very cost-effective as well, but we are also losing some of the jobs that go with producing those new devices and those new technologies.

The medical advice business is more and more being exported to Europe and Japan where they can get approval much faster. They do not have to go through as many hoops, and, as a result, the manufacturers are saying, "I am not going to fool with the FDA. We can get approval much faster in Sweden, Germany, France and Great Britain, and so forth."

So we are not only losing the advantage of having those technologies and drugs available to the American consumer, we are also losing all of that economic growth and development, the jobs that go along with that very important biotechnical industry.

So that is another thing we are losing, and as we talk about the rules and regulations, and we have had so many examples, it is not just FDA.

I will give you one more example about the FDA. The last food additive that was approved by the FDA was in 1990, 5 years ago. When you talk to the food processors in the Midwest or anywhere, they tell us that you know, it is next to impossible because you have to almost prove or disprove the negative. I mean it is next to impossible.

In fact, just a few years ago, we had a scare, you may remember about Alar in apples, and everybody thought, well, we should not eat the apples because some of the apples have had, you know, a very minute amount of Alar applied to them.

Well, only later did we find that the average consumer would have to consume 28,000 pounds of apples a day for 70 years to have something like a 1-in-a-million chance of additional cancer in their particular body.

The point, I guess, of all of this is we can never make things that are completely 100 or 1,000 or whatever, 1-in-a-million percent safe. And so I think we have to have some reasonable regulation, and it is going to be placed upon us to change some of those things.

And, you know, it is like the Alar example, there are lots of examples. Just because we can measure in parts per billion does not necessarily mean that a drug or a chemical is completely unsafe for the American consumer. At some point I think we are going to have to deal with that.

I think American consumers are ready for that.

Mr. FOX of Pennsylvania. One of the things I wanted to say is the fact that on all of these items we are dealing with, whether we are dealing with reform or dealing with items of reduction of our spending or tax cut adoption, or whether we are talking about deficit reduction in this House, the 104th Congress, I am very heartened to tell you and those who are listening, in fact, reforms have been bipartisan, that it has largely been the majority of both sides of the aisle. I think that tells us a lot about the fact that our agenda has been pro-people, pro-active, pro-jobs, pro-business, because the American business cannot depend on having all of these regulations. If we have to over regulate ourselves, as you just said, our jobs are going overseas. We have to make sure regulations are reasonable, not overly expensive, overly intricate. They have to be related to safety and not related to a bureaucratic maze.

I have just seen in my own district, where a gentleman wanted to deal with the Federal Government, but there were 187 pagers of forms, a small contract, $25,000. He would have had to hire a architect, an engineer, attorney, to get through the maze of those documents. He said to me, "Well, you know the Federal Government is not user-friendly."

And, you know, the fact is if the Federal Government was a business, it would be out of business. So we have to make sure we continue our bipartisan situation where we are looking at the focus of the country and saying what can we do to make sure the Government is really delivering the services the people want, that they cannot already take care of themselves, that the private sector is not taking care of.

FDA reform, I believe, is one of the major areas, not only in your district, but my district as well. Some 12,000 jobs are dependent just on pharmaceutical and biotech areas where they helped to make people live longer, live better, and actually provide employment for a great number of high-tech jobs.

So I believe that in this Congress you are going to find some reform legislation adopted which will make the system work better.

Mr. GUTKNECHT. I wanted to restate something else about that. It is not just the jobs and all the other things, but in many cases, the use of some of these new technologies, new drugs, pharmaceuticals and so forth, are very cost-effective, even though the cost of that drug, even at today's prices, because of all the regulations and, to a certain degree, because of the litigation that goes on, we are paying probably for more than we should pay

for those drugs, it is still more cost-effective than a hospital stay or the alternative that people might have to confront.

So it is not just that. There are a lot of factors here. I do not think we want to leave the impression with the American people we want no regulations. All we want is reasonable regulations, and we cannot prove something is safe to 1 in 1 million or 1 in a billion. At some point we have to understand that there are some risks. Every morning when we get up in the morning, we take a certain amount of risk. When we get in our car, we take a certain amount of risk. Some of us fly home almost every weekend. We take a certain amount of risk.

I wanted to also share a story of some things I have learned here recently, for example, about the Department of Defense. I believe these numbers are correct, and this is all about all of regulations that, in part, we create, but, more importantly, are created by the various other Federal agencies.

But I am told we have working for the Department of Defense 106,000 people, now, you almost have to be sitting down to hear this, 106,000 people whose principle job it is to be buyers. In other words, they buy things for the Department of Defense, everything from toilet paper to F-16 fighters.

In fact, F-16 fighters are a good example. I think we have something like 1,646 people to buy one F-16 fighter. Now, we pretty much know what one looks like. We know what it is supposed to do. I understand there are certain specs. We have got to make certain the contractors are meeting those specs. But it is hard for me to believe we need 1,646 people to buy one F-16 a week.

Now, 106,000 buyers seems a bit exorbitant, at least it did to me. What bothered me even more, as a matter of fact, I think the story is bad but it gets worse, I am told they have over 200,000 managers to manage the 106,000 buyers. Largely, it is because we have this convoluted set of rules and regulations and regulations piled on top of regulations.

As a matter of fact, I have to tell this story. This morning I gave a talk to a group of electronics folks who were in town. One of them gave me this little circuit board. This circuit board, I guess, goes into an M-1 tank, and it helps to monitor the fuel supply in an M-1 tank. It is a very simple, and I am not an expert on circuit boards but I know just about enough to be dangerous, but this is a very simple circuit board. In fact, the gentleman told me it costs about $3. But because of all the Federal regulations and all the hoops they have to go through, when they sell this circuit board, I think General Dynamics, they sell it for $15.

He said the biggest reason is we have to deal with all the various rules and regulations of the Federal Government, the procurement process and everything that goes with it, and they have to certify, and now, this has a life cycle of about 20 years, but they have to certify at the end of 20 years that this will have no detrimental impact on the environment.

Now, this is going into a machine whose principal mission it is to destroy the environment, a tank; I mean, what it does is break things and destroy things, and yet this circuit board has to prove beyond any doubt that it will do no environmental damage, and, you know, again, I want to say that we want regulation. We need regulation, and there certainly is a role for the Federal Government to play, and I know that left to its own devices, the free markets will not take good care of our environment. I understand that.

Mr. FOX of Pennsylvania. The point you make is well taken. The fact is that this U.S. Congress and this House and Senate will have to take those kinds of examples you just showed us with regard to what one circuit board for $3, that we need to reexamine every single department. What we are talking about with sunset review might eliminate some useless jobs, some duplicating jobs, some positions that are really redundant.

We certainly need to make sure our defense is combat-ready and that our people have the technology and training that goes with having a job with the military, and we have the finest units in the world. There is no question about it.

But to have us spend $12 extra for overregulation, environmental conditions that really not applicable, shows to me that the sunset review legislation would certainly be an idea whose time has come.

Mr. GUTKNECHT. I would say absolutely it is just indicative; I think it does tie together with this whole legislative branch appropriations.

I think we are showing that if we operate our House more efficiently and show how it can be done, if we begin to reduce the needless regulations that the Federal Government has created over the years, and I sometimes do not like this term, if we begin to run the Government more like a business, maybe a better way to say it is we ought to say use more business principles and common sense in achieving some of the things the American people want us to do, I think, and I am an incurable optimist, I believe you can balance the budget. I believe you can make the Federal Government live within its means. I believe you can have reasonable regulations. I think you can have a strong economy.

I do not think these are mutually exclusive. It is just that it takes a little bit of common sense. I think that is what the American people want. That is what we promised, and, as I say, I think that is what we are delivering every day for the American people here in the 104th Congress, and it has been a privilege for me to be a part of it, and it has been a privilege for me to have been working with people like you, and I think we are making a difference, and this legislative branch appropriation is important tomorrow because it sends the right kind of signal.

It is going to demonstrate to the American people we can run the Congress on a much smaller budget. If we can do it in the House of Representatives, it can be done in Federal agencies all over. We can reduce the bureaucracy in the Department of Defense. We can have a strong national defense. We do not have to spent 70 percent more than we have to when we buy circuit boards, whether we are buying toilet paper, toilet seats. You know, the examples go on. Many times, though, those things happen because of all the regulations that we have piled onto the bureaucracy, and it is not just on the Federal Government. We are piling those kinds of regulations on the private sector as well.

So if we unleash some of those powers, use business principles, use common sense, I think we can balance the budget. We can have a clean environment. We can have safe drinking water. We can have new drugs and pharmaceuticals. We can have a growing industry in all kinds of fields. We can have all those things the American people want.

We do not have to sacrifice. We just have to have some common sense.

Mr. FOX of Pennsylvania. What you stated is very much on point. The fact is what we need to do is have a new orientation. Your positive aspect I certainly applaud, and I think the enthusiasm is infectious.

Beyond that, what is even more important is the commonsense ideas, good business ideas. We can take a look at industry and say what have they done well. Frankly, business people have to balance the bottom line every day. If something is not working, is not profitable, they eliminate it. In the Government, if it is not profitable we just send it onto the taxpayers, more taxes, more regulation, more waste, and, the American people are tired of that. They want less waste, more accountability, less taxes, less wasteful spending, more direct service they need which the private sector cannot take care of themselves.

I am very happy tomorrow, you will you and I will be leading the charge, along with our colleagues here in the House, to make sure the kinds of changes fundamental to the running of the House, to downsizing, privatizing and consolidating will be the hallmark for the future on how we look to each Federal agency.

Mr. GUTKNECHT. I would only say in closing, I thank the gentleman for giving this opportunity to speak for a

few moments here on the House floor, and some of our Members who may be watching back in their offices, that downsizing the Federal Government is a very difficult task, and I think as freshmen we are beginning to learn how difficult that can be, as the various groups come in and say, "Well, but do not cut this program, do not cut this program."

We can reduce the size of Government. We can reduce many of the things that the Government does without hurting people, and unfortunately sometimes the debate we hear is if you reduce this, it means people are going to get hurt.

One of the examples you used, and I just want to come back to it very briefly, you talked about in the private sector if something is not working and it is too expensive, it is downsized or eliminated. Unfortunately, what happens so often in the Federal Government, they do not downsize anything, do not eliminate anything, but come out with a new program and fund the old program at even larger scale. As a matter of fact, I think that is one of the reasons we have something like 160 different job training programs which are subsidized in whole or in part by the Federal Government, and we have been told by private consultants that most of those job training programs really do not work.

□ 2045

But the answer is never to eliminate any. It is to come out with more programs and prop up the ones that are not working, and I think we have to have the courage as we go forward to do what we are doing with the legislative branch appropriations, and that is to make real cuts, to make some of those tough decisions, and to force the use of technology and other ways to get more efficiency so that we can get more bang for the buck because again I think that is what the American people want, that is what they expect, and hopefully this is just one more example of our promises made and promises kept.

Mr. FOX of Pennsylvania. I say to the gentleman from Minnesota, "Thank you, Congressman. I want to take this opportunity to thank you for participating in this colloquy and dialogue with the American people on how to make sure the Federal Government, through the Congress, can be more accountable to the people and to make sure we stay openminded to hear new ideas from our constituents whether it be by town meetings, by letter, or by phone call. We certainly will be responsive as our colleagues have been in the past."

Mr. Speaker, I appreciate your indulgence in giving us this opportunity to speak out on some important issues of the day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD of Guam (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BECERRA) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mrs. SEASTRAND, for 5 minutes, on June 21.

Mr. SMITH of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BECERRA) and to include extraneous matter:)

Ms. HARMAN.
Mr. CLYBURN.
Mrs. MEEK of Florida.
Mr. MCDERMOTT.
Mr. GORDON.
Mr. BROWN of California.
Mr. SKELTON.
Mr. KLECZKA.
Mr. RAHALL.
Mr. NADLER.
Mr. MILLER of California.
Mr. PALLONE.
Mr. TOWNS.
Ms. SLAUGHTER.
Mr. DURBIN.
Mr. SKAGGS.
Mr. WILLIAMS.

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. SAM JOHNSON of Texas in two instances.
Mr. LEWIS of California.
Mr. SHAW.
Mr. TAYLOR of North Carolina.
Mr. ROTH.
Mr. FUNDERBURK.
Mr. QUILLEN.
Mr. HOUGHTON.
Mr. SMITH of New Jersey.
Mrs. SMITH of Washington.
Mr. WAMP.
Mr. BRYANT of Tennessee.
Mr. GILLMOR.
Mr. PACKARD.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. GUTKNECHT.
Ms. NORTON.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 21, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1074. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "District of Columbia Emergency Highway Relief Act"; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 170. Resolution providing for consideration of the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–147). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 558. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact (Rept. 104–148). Referred to the Committee of the Whole House on the State of the Union.

Mr. MYERS: Committee on Appropriations. H.R. 1905. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–149). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DURBIN (for himself and Mr. CAMP):

H.R. 1889. A bill to encourage organ donation by enclosing information in income tax refund check mailings; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. FARR, Ms. WOOLSEY, Ms. PELOSI, Mr. MINETA, Mr. MILLER of California, and Ms. LOFGREN):

H.R. 1890. A bill to establish a California Ocean Protection Zone, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAMILTON:

H.R. 1891. A bill to provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA (for himself, Mr. OXLEY, Mr. EHRLICH, and Mr. GILLMOR):

H.R. 1892. A bill to amend the Communications Act of 1934 to clarify the requirements applicable to hearing aid compatible telephones in workplaces; to the Committee on Commerce.

By Mr. HOUGHTON (for himself, Mr. MCNULTY, Mr. ACKERMAN, Mr. BUNNING of Kentucky, Mr. VOLKMER, and Mr. SHAW):

H.R. 1893. A bill to amend the Internal Revenue Code of 1986 to exclude length of service awards to volunteers performing fire fighting or prevention services, emergency medical services, or ambulance services from the limitations applicable to certain deferred compensation plans, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 1894. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 regarding impact aid payments, and for other purposes; to the Committee on Economic and Educational Opportunities.

H.R. 1895. A bill to amend title 23, United States Code, relating to a vehicle weight and longer combination vehicles exemption for Interstate routes 29 and 129 in Iowa; to the Committee on Transportation and Infrastructure.

H.R. 1896. A bill to waive requirements mandating that States use the metric system in erecting highway signs and taking other actions relating to Federal-aid highway projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself and Mr. MOORHEAD):

H.R. 1897. A bill to amend the Immigration and Nationality Act to assure immigration priority for unmarried sons and daughters of citizens of the United States over unmarried sons and daughters of permanent residents; to the Committee on the Judiciary.

By Mr. MILLER of California (for himself, Mr. FAZIO of California, Mr. MATSUI, Ms. PELOSI, Mr. LANTOS, Ms. ESHOO, Mr. FARR, Mr. WAXMAN, Mr. TORRES, Mr. SERRANO, Mr. MCDERMOTT, Mr. STUDDS, Mr. JOHNSTON of Florida, Ms. DELAURO, Mr. GEJDENSON, Mr. DEUTSCH, Mr. MINETA, Mr. DELLUMS, Ms. WOOLSEY, Mr. PALLONE, and Mr. BEILENSON):

H.R. 1898. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on submerged land of the Outer Continental Shelf that is adjacent to a coastal State that has declared a moratorium on such activity, and for other purposes; to the Committee on Resources.

By Mr. NADLER:

H.R. 1899. A bill to amend title 18, United States Code, to prohibit certain conduct relating to civil disorders; to the Committee on the Judiciary.

By Mr. NUSSLE:

H.R. 1900. A bill to amend the Clear Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes; to the Committee on Commerce.

By Mr. ROSE:

H.R. 1901. A bill to require the Administrator of the Environmental Protection Agency to delay the implementation of remedial action and design for a particular Superfund site for 1 year while undertaking monitoring and testing to determine whether further action is needed; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1902. A bill to remove the New Hanover County airport burn pit Superfund site from the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS (for himself, Mr. STARK, Mr. EVANS, and Mr. SANDERS):

H.R. 1903. A bill to provide health insurance benefits to certain former employees at defense nuclear facilities of the Department of Energy for injuries caused by exposure to ionizing radiation; to the Committee on Commerce.

By Mr. WILLIAMS:

H.R. 1904. A bill to provide for various programs relating to improving the health of rural populations; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. ROTH.

H.R. 104: Mr. SMITH of Texas, Mr. INGLIS of South Carolina, Mr. FRANK of Massachusetts, and Mr. CHAMBLISS.

H.R. 127: Mr. ZIMMER and Mrs. MEYERS of Kansas.

H.R. 156: Mr. SMITH of New Jersey.

H.R. 218: Ms. DUNN of Washington.

H.R. 219: Ms. HARMAN.

H.R. 263: Mr. STARK.

H.R. 264: Mr. WAXMAN.

H.R. 311: Mr. NEY and Ms. SLAUGHTER.

H.R. 312: Mr. ARMEY.

H.R. 364: Mr. MARTINI.

H.R. 390: Mrs. KELLY and Mr. ROYCE.

H.R. 407: Mr. POMEROY.

H.R. 488: Ms. RIVERS, Ms. LOFGREN, and Mr. GENE GREEN of Texas.

H.R. 500: Mr. DEAL of Georgia.

H.R. 528: Mr. JACOBS and Mr. COLLINS of Georgia.

H.R. 574: Mr. ORTIZ and Mr. GENE GREEN of Texas.

H.R. 732: Mr. INGLIS of South Carolina.

H.R. 733: Mr. SPRATT.

H.R. 734: Mr. SPRATT.

H.R. 752: Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. CALLAHAN, Mr. CALVERT, Mrs. CHENOWETH, Mr. CUNNINGHAM, Mr. EHRLICH, Mr. HALL of Texas, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MCCRERY, Mrs. MORELLA, Mr. PORTMAN, Mrs. SEASTRAND, Mr. TORKILDSEN, Mr. WHITFIELD, Mr. LIPINSKI, Mr. DEUTSCH, Mr. DICKS, Mr. BISHOP, Mr. MCKEON, and Mr. DOOLITTLE.

H.R. 789: Mr. CHAMBLISS.

H.R. 797: Mrs. LOWEY.

H.R. 798: Mr. HEFNER, Ms. DELAURO, and Mr. HASTINGS of Florida.

H.R. 810: Mr. EHLERS and Mr. CRAMER.

H.R. 843: Mr. HOUGHTON.

H.R. 863: Ms. LOFGREN and Mrs. MEEK of Florida.

H.R. 896: Mr. REYNOLDS.

H.R. 909: Mr. GUTKNECHT.

H.R. 913: Mr. THORNBERRY, Mr. LUTHER, Mr. GANSKE, Mr. ZIMMER, and Mr. INGLIS of South Carolina.

H.R. 994: Mr. WELLER, Mr. TORKILDSEN, Mr. CANADY, Mr. EHRLICH, Mr. SCARBOROUGH, Mr. ZELIFF, Mr. DAVIS, Mr. SHADEGG, and Mr. BURTON of Indiana.

H.R. 995: Mr. RIGGS.

H.R. 996: Mr. RIGGS.

H.R. 1021: Mr. ZIMMER.

H.R. 1023: Mr. PAYNE of Virginia.

H.R. 1085: Mr. ZIMMER.

H.R. 1100: Mr. DEUTSCH.

H.R. 1114: Mr. EVERETT, Mr. NEY, Mr. DUNCAN, and Mr. SKEEN.

H.R. 1130: Mr. WELLER.

H.R. 1138: Mr. DELLUMS.

H.R. 1143: Mr. HOLDEN.

H.R. 1144: Mr. HOLDEN.

H.R. 1145: Mr. HOLDEN.

H.R. 1192: Ms. SLAUGHTER, Mr. SAXTON, Mr. REYNOLDS, and Mr. ZIMMER.

H.R. 1193: Ms. SLAUGHTER, Mr. SAXTON, Mr. REYNOLDS, and Mr. ZIMMER.

H.R. 1222: Mr. Jacobs and Mr. TORKILDSEN.

H.R. 1229: Mr. WATTS of Oklahoma.

H.R. 1235: Mr. ROYCE.

H.R. 1268: Mr. SENSENBRENNER.

H.R. 1299: Mr. REYNOLDS.

H.R. 1339: Mr. KENNEDY of Rhode Island.

H.R. 1385: Mr. PETERSON of Minnesota.

H.R. 1386: Mr. YOUNG of Alaska, Mr. TAYLOR of North Carolina, and Mr. KLUG.

H.R. 1400: Mr. DELLUMS.

H.R. 1406: Mr. KLINK, Mr. GOODLATTE, Mr. HOLDEN, Mr. CLINGER, and Mr. FOGLIETTA.

H.R. 1448: Mr. KASICH and Mr. SKEEN.

H.R. 1450: Mr. ROYCE.

H.R. 1496: Mr. CLYBURN, Mr. SERRANO, and Ms. VELÁZQUEZ.

H.R. 1512: Mr. ZIMMER and Mr. HERGER.

H.R. 1546: Mr. REYNOLDS.

H.R. 1594: Mr. BLILEY, Mr. NEY, Mr. BUYER, and Mr. THOMAS.

H.R. 1610: Mr. HOBSON and Mr. FILNER.

H.R. 1617: Mr. SENSENBRENNER.

H.R. 1670: Mr. WATTS of Oklahoma, Mr. MCKEON, Mr. MORAN, and Mr. FOX.

H.R. 1677: Mr. BENTSEN, Mr. REYNOLDS, Mr. STUPAK, and Mr. SERRANO.

H.R. 1739: Mr. LATOURETTE and Mr. LUTHER.

H.R. 1744: Mr. STOCKMAN.

H.R. 1768: Mr. SKEEN.

H.R. 1791: Mrs. JOHNSON of Connecticut, Mr. PASTOR, and Mr. GENE GREEN of Texas.

H.R. 1794: Mr. BAKER of Louisiana, Mr. LATOURETTE, and Mr. REYNOLDS.

H.R. 1799: Mr. LATOURETTE.

H.R. 1810: Mr. STOCKMAN.

H.R. 1821: Mr. REYNOLDS, Mr. CUNNINGHAM, and Mr. REED.

H.R. 1834: Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. PACKARD, Mr. PAYNE of Virginia, Mr. SKEEN, Mr. SMITH of Texas, Mr. STEARNS, Mr. STOCKMAN, Mr. WATTS of Oklahoma, and Mr. WHITE.

H.R. 1837: Mr. TORRICELLI.

H.R. 1876: Mr. FARR and Mr. LAFALCE.

H.J. Res. 93: Mr. BEREUTER, Mrs. FOWLER, and Mr. HERGER.

H. Con. Res. 10: Mr. BARCIA of Michigan, Mr. SHAYS, Mr. MINETA, Mr. COBLE, and Mr. PICKETT.

H. Con. Res. 42: Mr. KLECZKA and Mr. HOKE.

H. Con. Res. 47: Mr. OWENS and Mr. HOKE.

H. Con. Res. 50: Mr. HOKE and Mr. PALLONE.

H. Con. Res. 60: Mr. MANTON, Mr. BROWN of Ohio, and Mr. SCHUMER.

H. Con. Res. 76: Mr. BONIOR, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. OBERSTAR, Mr. MCHALE, Mrs. MINK of Hawaii, and Mr. CONYERS.

H. Con. Res. 77: Mr. SOLOMON.

H. Res. 153: Mr. REYNOLDS, Mr. MILLER of California, Mr. LEWIS of Georgia, Mrs. SCHROEDER, Mr. BERMAN, Mr. KENNEDY of Massachusetts, Mrs. LOWEY, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. WARD, Ms. ESHOO, Mr. KLINK, Mr. HINCHEY, Mr. GEJDENSON, Mr. DURBIN, Ms. NORTON, Ms. PELOSI, Mr. ABERCROMBIE, Mr. TORRICELLI, Mr. MENENDEZ, Mr. HASTINGS of Florida, Mr. FROST, Mr. ACKERMAN, Mr. THOMPSON, Ms. SLAUGHTER, Mr. BECERRA, Mrs. KENNELLY, Ms. WOOLSEY, Mr. RICHARDSON, Ms. VELÁZQUEZ, Mr. JEFFERSON, and Mr. ORTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of February 13, 1995]

H.R. 521: Mr. BEILENSON.

[Omitted from the Record of March 10, 1995]

H.R. 24: Mr. FOX.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1868

OFFERED BY: MR. BROWNBACK

AMENDMENT NO. 13: Page 8, line 16, strike "$669,000,000" and insert "$645,000,000".

Page 12, line 8, strike "$7,000,000" and insert "$3,000,000".

Page 13, strike line 18 and all that follows through page 14, line 11.

Page 16, line 24, strike "$595,000,000" and insert "$643,000,000".

H.R. 1868

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 14: Page 13, strike line 18 and all that follows through page 14, line 11.

H.R. 1868

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 15: Page 77, line 3, insert before the period the following:

or full access for human rights organizations to areas where there exist human rights problems

H.R. 1868

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 16: Page 78, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT ACCESS OF HUMAN RIGHTS ORGANIZATIONS

SEC. 564. (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, full access for human rights organizations to areas where there exist human rights problems.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.

H.R. 1868

OFFERED BY: MR. DELAY

AMENDMENT NO. 17: Page 29, line 1, strike "$50,000,000" and insert "0".

H.R. 1868

OFFERED BY: MR. DELAY

AMENDMENT NO. 18: Page 29, line 1, strike "$50,000,000" and insert "10,000,000".

H.R. 1868

OFFERED BY: MR. DELAY

AMENDMENT NO. 19: Page 29, line 1, strike "$50,000,000" and insert "$30,000,000".

H.R. 1868

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 20: Page 7, strike line 18 and insert the following: "CHILDREN AND DISEASE PROGRAMS FUND".

Page 7, line 23, strike "$484,000,000" and insert "$592,660,000".

Page 8, line 6, strike "and (7)" and insert "(7) basic education programs, and (8)".

Page 8, line 16, strike "$669,000,000" and insert "$655,000,000".

Page 14, line 22, strike "$2,336,700,000" and insert "$2,310,000,000".

Page 30, line 17, strike "$167,960,000" and insert "$100,000,000".

H.R. 1868

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 21: Page 7, strike line 18 and insert the following: "CHILDREN AND DISEASE PROGRAMS FUND".

Page 7, line 23, strike "$484,000,000" and insert "$592,660,000".

Page 8, line 6, strike "and (7)" and insert "(7) basic education programs, and (8)".

Page 8, line 16, strike "$645,000,000" and insert "$631,000,000".

Page 14, line 22, strike "$2,336,700,000" and insert "$2,310,000,000".

Page 30, line 17, strike "$167,960,000" and insert "$100,000,000".

H.R. 1868

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 22: Page 16, line 24, strike "$595,000,000" and insert "$296,800,000".

H.R. 1868

OFFERED BY: MR. KLUG

AMENDMENT NO. 23: Page 5, line 9, strike "$79,000,000" and insert "$60,629,334".

H.R. 1868

OFFERED BY: MR. KLUG

AMENDMENT NO. 24: Page 5, beginning on line 10, strike ", to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account".

H.R. 1868

OFFERED BY: MR. KLUG

AMENDMENT NO. 25: Page 5, line 9, strike "$79,000,000" and insert "$60,629,334".

Page 5, beginning on line 10, strike ", to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account".

H.R. 1868

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 26: Page 23, line 19, insert "or Indonesia" after "Zaire".

Page 23, line 21, strike "Indonesia and".

H.R. 1868

OFFERED BY: MR. MARTINI

(Amendment to the Amendment Offered By Mr. Sanders)

AMENDMENT NO. 27. Strike "$1,000,000" each place it appears in the amendment and insert "$0".

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 28: Page 78, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

Sec. 564. (a) None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

(b) Not more than the amount under the heading "FOREIGN MILITARY FINANCING PROGRAM SUBSIDY APPROPRIATIONS" necessary to subsidize loans to the Government of Turkey in the amount of $213,000,000, may be made available to the Government of Turkey unless it is made known to the President that the Government of Turkey has—

(1) formulated and begun implementing a plan to ensure the economic, political and human rights of the Kurdish community in Turkey through political, economic, and other nonviolent means;

(2) lifted all restrictions on free expression in Turkey which controvert Turkey's human rights commitment as stated in OSCE documents and the United Nations Human Rights Convention;

(3) completely lifted its blockage of Armenia; and

(4) begun a comprehensive withdrawal of its troops from Cyprus.

H.R. 1868

OFFERED BY MR. PORTER

AMENDMENT NO. 29: Page 78, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

Sec. 564. (a) None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

(b) Not more than the amount under the heading "FOREIGN MILITARY FINANCING PROGRAM SUBSIDY APPROPRIATIONS" necessary to subsidize loans to the Government of Turkey in the amount of $240,000,000, may be made available to the Government of Turkey unless it is made known to the President that the Government of Turkey has—

(1) formulated and begun implementing a plan to ensure the economic, political and human rights of the Kurdish community in Turkey through political, economic, and other nonviolent means;

(2) lifted all restrictions on free expression in Turkey which controvert Turkey's human rights commitment as stated in OSCE documents and the United Nations Human Rights Convention;

(3) completely lifted its blockade of Armenia; and

(4) begun a comprehensive withdrawal of its troops from Cyprus.

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 30: Page 78, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

Sec. 564. (a) None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

(b) None of the funds under the heading "FOREIGN MILITARY FINANCING PROGRAM

SUBSIDY APPROPRIATIONS" may be made available to assist the Government of Turkey unless it is made known to the President that the Government of Turkey has—

(1) formulated and begun implementation a plan to ensure the economic, political and human rights of the Kurdish community in Turkey through political, economic, and other nonviolent means;

(2) lifted all restrictions on free expression in Turkey which controvert Turkey's human rights commitment as stated in OSCE documents and the United Nations Human Rights Convention;

(3) completely lifted its blockade of Armenia; and

(4) begun a comprehensive withdrawal of its troops from Cyprus.

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 31: Page 78, after line 5, insert the following new section:

CONDITIONS ON ASSISTANCE TO TURKEY

SEC. 564. None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey unless it is made known to the President that the Government of Turkey has—

(1) formulated and begun implementing a plan to ensure the political, economic, and human rights of the Kurdish community in Turkey through political, economic, and other nonviolent means;

(2) lifted all restrictions on free expression in Turkey which controvert Turkey's stated human rights commitment as stated in OSCE documents and the United Nations Human Rights Convention;

(3) totally lifted its blockade on Armenia; and

(4) begun a comprehensive withdrawal of its troops from Cyprus.

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 32: Page 78, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 564. None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 33: Page 78, after line 5, insert the following new section:

LIMITATIONS AND CONDITIONS ON ASSISTANCE TO TURKEY

SEC. 564. (a) LIMITATION.—None of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

(b) CONDITIONS.—None of the other funds appropriated in this Act may be made available to the Government of Turkey prior to April 1, 1996, prior to which the Secretary of State, in consultation with the Secretary of Defense, shall have submitted to the Committees on Appropriations a report detailing the Government of Turkey's progress in—

(1) formulating and implementing a plan to ensure the political, economic, and human rights of the Kurdish community in Turkey through political, economic, and other nonviolent means;

(2) lifting all restrictions on free expression in Turkey which controvert Turkey's stated human rights commitment as stated in OSCE documents and the United Nations Human Rights Convention;

(3) lifting its blockade on Armenia; and

(4) removing its troops from Cyprus.

H.R. 1868

OFFERED BY: MR. PORTER

AMENDMENT NO. 34: Page 78, after line 6, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 564. Not more than $21,000,000 of the funds appropriated in this Act under the heading "ECONOMIC SUPPORT FUND" may be made available to the Government of Turkey.

H.R. 1868

OFFERED BY: MR. PORTER

(Amendment to the Amendment Offered by Mr. Smith of New Jersey)

AMENDMENT NO. 35: In addition, $25,000,000, to be transferred to and merged with the appropriation for "Development Assistance Fund".

H.R. 1868

OFFERED BY: MR. PORTER

(Amendment to the Amendment Offered By Mr. Smith of New Jersey)

AMENDMENT NO. 36: At the end of the amendment, insert the following: In addition, $25,000,000, to be available only if there takes effect a reduction in United Nations Population Fund amounts provided for under this heading in the event of noncompliance with certain requirements specified under this heading, and to be transferred to and merged with the appropriation for "Development Assistance Fund".

H.R. 1868

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 37: Page 14, line 22, strike "$2,326,700,000" and insert the following "$2,325,500,000".

Page 21, line 7, strike "$671,000,000" and insert "$672,000,000".

H.R. 1868

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 38: Page 78, after line 6, insert the following new section:

LIMITATION ON FUNDS FOR BURMA

SEC. 564. None of the funds made available in this Act may be used for International Narcotics Control or Crop Substitution Assistance for the Government of Burma.

H.R. 1868

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 39: Page 78, after line 6, insert the following new section:

LIMITATION ON IMET ASSISTANCE FOR GUATEMALA

SEC. 564. None of the funds appropriated in this Act under the heading "International Military Education and Training" shall be available for Guatemala.

H.R. 1868

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 40: Page 16, line 24, strike "$595,000,000" and insert "$355,000,000".

H.R. 1868

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 41: Page 16, line 24, strike "$595,000,000" and insert "$416,500,000".

H.R. 1868

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 42: Page 78, after line 6, insert the following new section:

LIMITATION ON USE OF FUNDS BY RUSSIA FOR CONSTRUCTION OF JURAGUA NUCLEAR POWER PLANT IN CIENFUEGOS, CUBA

SEC. 564. None of the funds made available in this Act for assistance in support of the Government of Russia may be used for the construction of the Juragua nuclear power plant in Cienfuegos, Cuba.

H.R. 1868

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 43: Page 78, after line 6, insert the following new section:

REDUCTION OF FUNDS FOR RUSSIA IN AMOUNT PROVIDED FOR CONSTRUCTION OF JURAGUA NUCLEAR POWER PLANT IN CIENFUEGOS, CUBA

SEC. 564. (a) IN GENERAL.—The funds otherwise provided in this Act for the Government of Russia under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be reduced by an amount equal to the amount of funds provided by such Government for the construction of the Juragua nuclear power plant in Cienfuegos, Cuba.

(b) EXCEPTION.—The reduction provided for by subsection (a) shall not apply if the President certifies to the Congress that a restoration of the funds is required by the national security interest of the United States.

H.R. 1868

OFFERED BY: MR. SANDERS

AMENDMENT NO. 44: Page 4, line 26, strike "$26,500,000" and insert "$1,000,000".

Page 5, line 9, strike "$79,000,000" and insert "$0".

H.R. 1868

OFFERED BY: MR. SAXTON

AMENDMENT NO. 45: Page 72, line 5, strike "for the" and all that follows through line 16 and insert a period.

H.R. 1868

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 46: Page 20, line 25, strike the semicolon and all that follows through "Code" on page 21, line 5.

Page 21, line 7, strike the final comma and all that follows through line 9 and insert the following:

: *Provided*, That none of the funds appropriated under this heading shall be available for salaries and expenses of personnel assigned to the bureau charged with carrying out the Migration and Refugee Assistance Act.

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 47: Page 78, after line 5, insert the following new section:

PROHIBITION ON FUNDING FOR ABORTION

SEC. 564. (a) IN GENERAL.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made available, directly or through a subcontractor or sub-grantee, perform abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—

(1) Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any private, nongovernmental, or multilateral organization until the organization certifies that it does not now, and will not during the period for which the funds are made

available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

H.R. 1868

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 48. Page 78, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 564. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 10 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Export and Investment Assistance" (title I of this Act).

(2) "Development Assistance Fund".

(3) "Development Fund for Africa".

(4) "International Disaster Assistance".

(5) "African Development Foundation".

(6) "Inter-American Foundation".

(7) "Peace Corps".

(8) "International Narcotics Control".

(9) "Anti-Terrorism Assistance".

(10) "Nonproliferation and Disarmament Fund".

(11) "Contribution to the International Development Association".

(12) "Contribution to the Asian Development Fund".

H.R. 1868

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 49: Page 78, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 564. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Export and Investment Assistance" (title I of this Act).

(2) "Development Assistance Fund".

(3) "Development Fund for Africa".

(4) "International Disaster Assistance".

(5) "African Development Foundation".

(6) "Inter-American Foundation".

(7) "Peace Corps".

(8) "International Narcotics Control".

(9) "Anti-Terrorism Assistance".

(10) "Nonproliferation and Disarmament Fund".

(11) "Contribution to the International Development Association".

(12) "Contribution to the Asian Development Fund".

H.R. 1868

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 50: Page 78, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 564. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Export and Investment Assistance" (title I of this Act).

(2) "Development Assistance Fund".

(3) "Development Fund for Africa".

(4) "International Disaster Assistance".

(5) "African Development Foundation".

(6) "Inter-American Foundation".

(7) "Peace Corps".

(8) "International Narcotics Control".

(9) "Anti-Terrorism Assistance".

(10) "Nonproliferation and Disarmament Fund".

(11) "Contribution to the International Development Association".

(12) "Contribution to the Asian Development Fund".

H.R. 1868

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 51: Page 78, after line 5, insert the following new section:

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 564. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

H.R. 1868

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 52: In Title V Section 507 strike "Provided further," and all that follows in Section 507.

H.R. 1868

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 53: In Title V Section 507 strike "Provided further," and all that follows in Section 507 and insert "Provided further, That, notwithstanding any other provision of law, non-governmental organizations and private voluntary organizations operating within Azerbaijan and Nagorro-Karabagh shall be eligible to receive funds to be used for humanitarian assistance for refugees displaced by the conflict in Nagorno-Karabagh and also for technical assistance for election observers and other assistance to facilitate free and fair parliamentary elections in Azerbaijan scheduled for November 12, 1995. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated directly to the government of Azerbaijan.

H.R. 1868

OFFERED BY: MR. WOLF

AMENDMENT NO. 54: Page 23, line 19, insert "or Indonesia" after "Zaire".

Page 23, line 21, strike "Indonesia and".

H.R. 1868

OFFERED BY: MR. WOLF

AMENDMENT NO. 55: Page 78, after line 6, insert the following new section:

LIMITATION ON IMET ASSISTANCE FOR INDONESIA

SEC. 564. None of the funds appropriated in this Act under the heading "International Military Education and Training" shall be available for Indonesia.

EXTENSIONS OF REMARKS

THE TRUE INTENT OF THE FIRST AMENDMENT

HON. JAMES H. (JIMMY) QUILLEN
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. QUILLEN. Mr. Speaker, my good friend and constituent W.W. Belew, of Bristol, TN, is a prominent businessman and an inspiration to his community and church. Bill kindly sent me a copy of the following article from Reader's Digest that I believe every Member of Congress should read. We have just finished the season when high schools around the Nation hold their annual graduation exercises, and students everywhere were again denied their rights to include religious references at this important time in their lives. The reason for this is the unfortunate and harmful decision of our judicial system to take religion entirely out of any public enterprise. I believe that this decision is wrong, and the article sent to me by Mr. Belew clearly states why. I look forward to being able to vote for a constitutional school prayer amendment soon to rectify this situation, and I am hopeful that my colleagues will join me in this endeavor.

[From the Reader's Digest, Dec. 1994]

THE SUPREME COURT IS WRONG ABOUT RELIGION

(By M. Stanton Evans)

A rabbi prays at a Rhode Island high-school graduation ceremony. This brings a lawsuit, and a court prohibits invocations at such ceremonies. In Morrow, Ga., a school-board attorney advises a class officer to delete reference to God from her commencement remarks—because it is unconstitutional. A federal judge abolishes the Good Friday holiday in Illinois public schools.

Over three decades ago the Supreme Court declared that prayer in the public schools was unconstitutional—a violation of the First Amendment, which states that "Congress shall make no law respecting an establishment of religion." Since then traditional religious beliefs and customs have retreated before a secular onslaught by our courts.

Was the First Amendment really intended to build a "wall of separation" between church and state? History is clear: it was not. The Founding Fathers wanted to protect religion from federal-government interference, not diminish its influence in our public life.

What were the religious convictions of the framers?

Some historians, as well as members of the Supreme Court, have implied that the Founding Fathers were religious skeptics. In fact, the vast majority of those who gathered in Philadelphia to create the Constitution were church-going believers.

They included Presbyterian Hugh Williamson, a former preacher from North Carolina; Roman Catholics such as Daniel Carroll of Maryland; Quakers John Dickinson of Delaware and Thomas Mifflin of Pennsylvania.

Ben Franklin asserted, "The longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men." George Washington, for his part, had urged his troops "to live and act as becomes a Christian soldier," and wrote in his Farewell Address that "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

What were the public customs at the time of the First Amendment?

The providence of God was openly and officially acknowledged. Most states had religious requirements to hold office. South Carolina, for instance, said no one was eligible for the legislature "unless he be of the Protestant Religion."

The term "establishment of religion" had a definite, agreed-upon meaning: an official church, vested with privileges denied other churches and supported by the public treasury. Such was the Church of England in Great Britain—and churches in nine of the 13 Colonies at the outset of the American Revolution.

Because of growing religious diversity, however, pressure mounted within the Colonies to disestablish these churches. In 1785, James Madison co-sponsored a bill in Virginia to disestablish the Protestant Episcopal Church and prohibit taxes from being used to support any church. He did not act out of animosity to religion, but mainly at the request of other denominations who felt unfairly treated. Nor did he intend to erect a "wall of separation" between church and state: on the same day, he introduced a bill "for appointing days of public fasting and thanksgiving."

What was the federal policy?

Religious belief was officially sanctioned. Days of prayer and appeals for divine assistance were common. The Continental Congress appointed a chaplain and provided for an opening prayer as one of its first items of business.

When the Continental Congress passed the Northwest Ordinance, governing territories beyond the Ohio River, one of its goals was the promotion of religion. One lot in each parcel of land in the territories was to be "given perpetually for the purposes of religion." And in 1780, in the midst of Revolutionary conflict, the Congress also took steps to print an American Bible, as the supply from England had been cut off.

How was the First Amendment written?

After his election to the House of Representatives, Madison proposed a Bill of Rights on June 8, 1789. It assured that "the civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established."

In debating the bill the House made it clear that its objective was to prevent Congress from establishing a "national" religion that would threaten the religious prerogatives of the states.

The specific First Amendment language adopted—"Congress shall make no law respecting an establishment of religion"—was worked out by a six-man committee, including two members of Connecticut's state-established Congregational Church. The meaning was clear. Congress was forbidden to legislate for or against church establishments. It could neither set up a national church, nor interfere with the established churches in the states.

Official support for religion persisted well after adoption of the First Amendment. The established church of Massachusetts, for example, lasted until 1833, when it was abolished by the state itself, not the Supreme Court.

In recent times, the Supreme Court has "applied" the First Amendment's establishment clause to the states. Thus, what was once prohibited only to the Congress is now also prohibited to the states. Yet even if this approach is valid, it hardly warrants banishing religion from public life.

The Court has prohibited prayer in state-sponsored schools, yet Congress itself has engaged in officially sponsored, tax-supported prayer, complete with paid official chaplains, from the very outset. The day after the House approved the First Amendment's establishment clause, September 25, 1789, it called for a day of national prayer and thanksgiving—the precursor to our present national holiday.

President Washington said: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly to implore His protection and favor."

The Supreme Court's term "wall of separation" comes from a letter Jefferson wrote to Baptist officials in Danbury, Conn. In it, he affirmed his view that establishing or disestablishing a church was not a question for the federal government. In his second inaugural address, Jefferson stated that in matters of religion, he had "left them, as the Constitution found them, under the direction and discipline of State or Church authorities acknowledged by the several religious societies."

Later, Jefferson told a clergyman that his views were based on the states' rights Tenth Amendment as well as on the First: "Certainly no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the general government. It must then rest with the states as far as it can be in any human authority."

The conclusion seems irresistible: that no wall of separation between religious affirmation and civil government was intended by the First Amendment. The wall of separation was between the federal government and the states.

The Constitution, including the First Amendment, was the work of believers in God who expressed their faith through public prayer. We have come to a day when a child's mention of God in a graduation address or the presence of a Nativity scene in a public place triggers threats of legal action. This is a gross distortion of our Constitutional history and a dishonor to our Founders.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO MAUMEE VALLEY GUIDANCE CENTER ON THE OCCASION OF THEIR 35TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's 5th Congressional District. On June 22, 1995, the Maumee Valley Guidance Center will celebrate their 35th anniversary.

The guidance center is a community mental health center serving residents of Defiance, Fulton, Henry, and Williams Counties in OH. Under the leadership of executive director, William Bierie, and the center's dedicated staff of professionals, it has steadfastly served northwest Ohio for 35 years.

The Maumee Valley Guidance Center believes in the principles associated with continuous quality improvement as supported by various health care accrediting agencies and consistent with organizations committed to excellence.

The purpose of continuous quality improvement is to provide a mechanism whereby onging and systematic monitoring and evaluation of the quality of client services can be accomplished. Continuous quality improvement activities provide direction for the development and implementation of change toward improved quality of care and client outcome.

Mr. Speaker, anniversaries are a time to reflect on past accomplishments, they are also a time to look toward new horizons. The staff of the guidance center has made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind. I ask my colleagues to join me today in recognizing the achievements of the Maumee Valley Guidance Center and encourage them to continue to uphold what has become the standard for service in Ohio.

IN HONOR OF RITA GERBER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Ms. HARMAN. Mr. Speaker, I ask that my colleagues join me today in honoring a constituent of mine and longtime Westchester resident, Rita Gerber. Rita is concluding a 1-year term as president of the Westchester/LAX Chamber of Commerce, and is being honored by her colleagues at the chamber's annual dinner on June 27.

Under Rita's leadership the Westchester Chamber experienced a significant increase in membership, and received its first ever ranking in the Los Angeles Business Journal's listing of the largest Chambers of Commerce in Los Angeles County. The chamber now boasts over 375 members.

Rita oversaw a year of firsts at the Westchester/LAX Chamber. The chamber held its first business recognition dinner and also launched the flight path, a walking tour that commemorates pioneers in aviation and aerospace history. The flight path dedication was attended by retired Brig. Gen. Chuck Yeager. Another first was the chamber's protectors' breakfast held to honor men and women in law enforcement. These events would not have been possible without Rita's ability to turn ideas into action. Rita lent the enthusiasm and the consensus building skills she possesses to see these projects through.

During Rita's tenure the chamber took a lead role in the formulation of the Los Angeles City general plan, the blueprint for future progress and growth in Los Angeles. In addition, the chamber was instrumental in building a coalition between business leaders and educators in Westchester, ensuring that the area's most valuable asset, its children, are given as many opportunities as possible to learn.

Rita is truly a modern woman. Along with all her responsibilities as president of the Westchester/LAX Chamber, she still finds time to spend with her husband Greg, and daughter Christine, 12, their proudest accomplishment. Her friends appreciate her infectious laugh, and her great sense of humor. Please join me in honoring a very special person, Rita Gerber.

TRIBUTE TO THE DESCENDANTS OF JACK SPANN OF SUMTER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the descendants of Jack Spann of Sumter, SC as they celebrate their family reunion.

Jack Spann was born May 16, 1844, in Middleton Township in my hometown of Sumter County, SC. Jack was the son of Milton and Lettie Spann, who had one other son, Dave.

Born into slavery, Jack received his freedom around 1854, prior to the 1863 Emancipation Proclamation. After receiving his freedom, Jack lived on Scriven Moore's place as a tenant farmer in a community known as Scuffletown.

Jack Spann was also a minister and was assistant to the pastor of St. Luke AME Church for many years. He could quote the Bible from Genesis to Revelation. It was said of him, "If Christianity was ever demonstrated, Jack Spann was an excellent example." When a member of the community died, families called on Jack Spann to pray with them.

In 1876, Jack Spann married Sophie Bradford, with whom he had 11 children, 6 of whom died in infancy and early childhood. Those who lived to adulthood were: Harriet, Annette, Jack, Joseph, and Henry. Sophia Bradford Spann died in 1889 and is believed to be buried in the old St. Luke AME Church cemetery.

In 1891, Jack married Alice Jackson Singleton, a young widow, who had a child from her first marriage, Sipio, who was known as "Fisher." Jack and Alice had nine children of their own: James, Richard, Albert, Samuel, Mary Alice, Eliza, Willa, and Sarah—twins, and Lummie. After a long and fruitful life, Jack Spann died in Sumter County at 7:35 a.m. on June 11, 1925, at the age of 81. Alice Spann died in Kershaw County on July 29, 1948, at the age of 76.

Mr. Speaker, on June 23, 1995, Jack Spann's descendants, including his only surviving child, Eliza Spann Missouri Pickett, 92 years of age, will gather in New York to celebrate their family reunion and to honor the memory of Jack Spann and all of their long-gone relatives. Please join me in congratulating this fine family.

IN RECOGNITION OF THE INSTITUTE IN BASIC LIFE PRINCIPLES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SAM JOHNSON of Texas. Mr. Speaker, in a day when crime and juvenile delinquency are growing concerns internationally, I would like to commend a group of outstanding young people who are striving to set a new standard of strong moral character and social good works in our Nation and around the world. Among these young people are the 130 individuals below who recently traveled to Taiwan, and the Republic of China, to represent positive qualities before government leaders, in public meetings, and most importantly of all, in presentations to and personal conversations with over 14,000 Chinese students. The youth named below traveled to the Republic of China on April 1, 1995 and visited the cities of Taichung, Taipei, and Kaoshiung before departing on April 17, 1995. The leaders with whom they met included Dr. Ma Ying-Jeou, the Minister of Justice, R.O.C.; Dr. Yung Chao-Hsiang, Political Deputy Minister of the Ministry of Education R.O.C.; Dr. Hwang Jen-Tai, Administrative Deputy Minister of the Ministry of Education, R.O.C.; Mr. Wu Den-Yih, Mayor of Kaohsiaung; Mr. Wu Ying-Jang, Commissioner of the Bureau of Education of Taipei; Dr. Wu Chung-Lih, Deputy Director of the Government Information Office, R.O.C.; Dr. Li Tchong-Koei and Dr. Jeng Sen-Shyong, President and Vice President of the China Youth Corps with the directors of their cabinet; Dr. Chen Chien-Chin, Speaker of the House for the Taipei City Council; and various other educational leaders of all three cities. In the course of these contacts, invitations were extended for additional groups of these young people to come to Taiwan, The Republic of China and initiate long-term projects with Chinese youth and families.

Steve Alexander (TX), Julie Allen (TX), Dominique Bakash (IN), Kimberly Barber (GA), Matthew Barnes (IN), Jamie Becker (CO), Mary Bolin (NE), Bethany Bowman (MI), Matthew Bowman (MI), Tom Boyle (CT), Bud Bramblett (GA), Billy Briscoe (OK), Joshua Brock (GA), Bert Bunn (NC), Gracie Butler (AL), Mike Cancigilia (WA), Jonathan Carslile (MO), Mary Carpenter (SC), Pamela Chamberlin (IN), Faith Chen (NY), Karen Chen (NY), and Stephen Chen (NY).

Timothy Chen (NY), You-Lan Chen (NY), Amanda Collyer (MI), Bridget Conklin (CT),

April Cooney (OR), Jill Cooney (OR), Abby Cowan (NZ), Emily Cummings (WA), Garrett Dauer (CA), Dorece DeLano (WA), Sonia Dietos (CA), Anitra Donald (WA), Jessica Douglas (IN), Reuben Dozeman (MI), Annie DuBreuil (IL), Ryan Ennis (AR), Erika Engen (WA), Prggy Evans (TX), Steve Ferrand (CO), Janet Fay (PA), Paul Ford (MN), and David Freeman (FL).

Antonio Garza (TX), Danielle Greiger (NC), Delisa Greiger (NC), Abagail Gelotte (WA), Paul Glader (SD), Rachel Glader (SD), Alison Gracom (CA), Christen Grunden (TX), Desiree Hansen (BC), David Hanson (IN), Matthew Harry (MI), Titus Heard (OK), Rachel Hedden (MN), Matthew Heisey (PA), Strickland Holloway (GA), Timothy Hood (FL), Seth Horvath (NY), George Hsu (TX), Timothy Hsu (TX), Jennifer Hulson (OK), Andrea Jackson (CA), and Annette Jackson (CA).

Lulu Jang (Taiwan), Matthew Jefferys (OH), Aaron Johnson (WA), Scott Johnson (TX), Shannon Johnson (NC), Bradley Johnson (IN), Jody Killingsworth (MO), Karl Kinzer (MN), Leslie Knight (GA), Tracy Koskart (SD), Janet Lassiter (TX), Stephen Leckenby (WA), Tim Levendusky (TX), Rebekah Lilly (MI), Aaron Lioi (OH), Samuel Lundmark (PA), Mike Lyle (GA), Christina Mason (AR), Chad Max (MN), Nathan Maxwill (KS), Sonshine Meadows (GA), Jason Miller (NY), Christina Navarro (NJ), Kristia Needham (MN), Sara Needham (MN), Jonathan Newhouse (MN), Shawn O'Rourke (TN), Matthew Olsort (KS), and John Pate (AR).

Courtney Pell (IL), Amy Pelletier (WA), Rachel Perdue (CO), Douglas Plagerman (WI), Michelle Pollock (MI), Michelle Popowich (CO), Jonathan Purks (MD), Christy Rayla (MI), Jenny Roberts (KS), Christopher Rogers (WA), Jamie Rutland (MS), Cara Sanford (TX), Gretchen Schiller (NY), Aaron Scott (CA), David Sevideo (VA), Joel Smith (OK), John Stephens (IL), Melissa Stroder (TX), Kira Stuckey (ON), Rebecca Swanson (IO), Bradley Voeller (MN), Jim Voeller (MN), Jim Voeller (MN), Kathy Voyer (CA), Brandon Wassenaar (IL), Elizabeth Whiting (NZ), Joel Williams (NZ), Matthew Wood (WA), Erin Worley (TX), Sara Yoder (IA), Matthew Yordy (IN), and Elisabeth Youngblood (NC).

ARTIST'S VIEW OF JAPANESE-AMERICAN INTERNMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. McDermott. Mr. Speaker, I would like to draw your attention to a unique exhibit, featuring works by internationally renowned artist Kenjiro Nomura, on display in the Cannon Rotunda, until June 23, 1995.

The exhibit, "Kenjiro Nomura: An Artist's View of the Japanese-American Internment," consists of sketches and paintings produced by the artist while interned during World War II at the Minidoka Relocation Center in Hunt, ID. Like other Japanese-Americans, Mr. Nomura and his family lost their freedom, home, possessions, and business when they were uprooted from their home in Seattle, WA, and herded off to internment camps.

Under orders not to depict camp life in a negative way, Nomura, who worked as a sign painter during his internment, used Government-issue paints, crayons, and paper to create a diary of his internment ordeal. His paintings done in oil or watercolor on mostly yellowish paper are the artist's record of proud people living in the harsh conditions of internment.

I encourage you to take a moment to view these remarkably poignant works of art.

I wish to thank June Mukai McKivor, Mr. Nomura's niece and art scholar in Seattle, who is responsible for recognizing the historical significance of these paintings and for organizing them into a traveling exhibit.

TRIBUTE TO DR. SELINA SMITH: ADVOCATE AND EDUCATOR

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mrs. MEEK of Florida. Mr. Speaker, it gives me great pleasure to rise today to recognize a truly remarkable woman. Dr. Selina Smith is a nutritionist who has dedicated 15 years to furthering research which links dietary habits to breast and cervical cancer. Her tenure in academia, the American Cancer Society, and the Fred Hutchinson Cancer Research Center will have long-range impact on the lives of an estimated 13,500 women stricken with cancer every year.

Dr. Smith's recent endeavors include a free clinic at the Rainbow Village housing complex in Overtown which provides free breast and cervical screenings to poor women. Additionally, Dr. Smith currently hosts and produces "Witnessing," a 12-part cable program aimed at informing highly at-risk populations of breast and cervical cancer.

"Witnessing" and the free screening clinic in Overtown are the latest attempts at health care outreach to traditionally underserved women in Dade County. Her work is of utmost importance in the African-American community where mortality rates for breast and cervical cancer far exceed the mortality rates within other communities.

Mr. Speaker, Dr. Smith is also a cancer survivor. Seven of ten women in her family have been afflicted by breast cancer. Dr. Smith, herself, is currently receiving chemotherapy treatments. Perhaps, it is because this disease has affected Dr. Smith's life with such frequency and proximity that she is able to be such an exemplary advocate and educator for women at risk and women with cancer.

Dr. Smith knows that cancer is beatable. Her self-described mission is encapsulated in the following quote: "Hopefully, women will see me and not equate cancer with death. Hopefully, I can ease some of the fears." Dr. Smith's efforts at educating and empowering women will greatly reduce the chances of cancer affecting the lives of someone we know. Mr. Speaker, I congratulate Dr. Selina Smith for her achievements, and I urge my colleagues to join me in recognition and enthusiastic support of this truly courageous and inspiring woman.

A TRIBUTE TO DR. RAYMOND SCHULTZE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Raymond Schultze of Tarzana, CA. Dr. Schultze, a dedicated medical professional, is retiring after 36 years of service to UCLA.

Dr. Schultze received his bachelor's and medical degrees from Washington University in St. Louis and was twice selected as a U.S. Public Health Fellow. He first came to UCLA in 1959 for his internship and residency and has served in a wide variety of roles over the years including chief of UCLA's Division of Nephrology, executive vice chairman of UCLA's Department of Medicine, and associate dean for administration of the UCLA School of Medicine. From 1986 to 1991, Dr. Shcultze served the UCLA campus as its administrative vice chancellor while concurrently serving as director of the medical center.

In his 15 years as director of one of America's finest hospitals, Dr. Schultze has guided the institution through the ever-changing health care environment to a position of international prominence. Dr. Schultze's distinctive combination of business acumen, medical knowledge, commitment to the community, and concern for patients have been crucial components in the UCLA Medical Center being consistently ranked in surveys as the best hospital in the West.

Whether testifying before the Senate Finance Committee on the impact of managed care on teaching hospitals, meeting with a small group of UCLA Medical Center nurses to hear their suggestions for improving patient-focused care, consulting with hospital directors in western Africa, or leading UCLA's effort to trim the budget while improving the quality of patient care—Dr. Schultze has demonstrated his willingness to improving health care at UCLA, in the United States, and around the world.

Mr. Speaker, running a large academic medical center in today's marketplace is a tremendously challenging task. Throughout his remarkable career, Dr. Raymond Schultze has provided outstanding leadership, skill, and expertise leaving a rich legacy for the future of the UCLA Medical Center. I ask that you join me, our colleagues, and Dr. Schultze's friends and family in recognizing his fine achievements and selfless contributions. He has touched the lives of many people and it is only fitting that the House of Representatives recognize him today.

A TRIBUTE TO JO M. WRIGHT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SHAW. Mr. Speaker, this past weekend, the people of south Florida lost a valuable

member of their community and I join them in mourning the loss of Jo M. Wright.

I rise today to pay tribute to the memory of Jo for her unparalleled service and contributions to the people of south Florida. Jo was a dedicated community leader, a successful business woman, and a mother of six.

For more than 30 years, she was an active member of the Florida Association of Realtors, the State's largest professional trade association. As a result of her outstanding participation and professionalism, she was named the Fort Lauderdale Realtor of the Year in 1976 and the Florida Realtor of the Year in 1985. In addition, Jo was an energetic political activist, participating in the development of the Realtor's Political Action Committee [RPAC], chairing the State Woman's Council of Realtors, and acting in a key capacity on numerous other government-appointed committees. She was appointed by the Truman administration to serve as a 1950 delegate to the White House Conference on Children and Youth and continued on to energetically serve at local, State, and national levels for the next 40 years.

Jo's impressive achievements are easily documented. However, the high respect in which she was held by her peers is also worthy of recognition. Jo was a kind, strong woman whose positive impact will be felt far into the future.

"ALWAYS IN MY HEART"—PRESIDENT LEE SPEAKS AT CORNELL UNIVERSITY

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. FUNDERBURK. Mr. Speaker, on June 9, 1995, President Lee Teng-hui of the Republic of China delivered the Olin lecture at Cornell University, his alma mater. President Lee's lecture, "Always in My Heart," included his personal reminiscences of his student days at Cornell. He recalled "the long, exhausting evenings in the libraries, the soothing and reflective hours at church, the hurried shuttling between classrooms, the evening strolls. * * *"

President Lee then went on to described what was truly in his heart: The Taiwan Experience. With considerable pride he said eloquently:

By the term Taiwan Experience I mean what the people of Taiwan have accumulated in recent years through successful political reform and economic development. This experience has already gained widespread recognition by international society and is being taken by many developing nations as a model to emulate. Essentially, the Taiwan Experience constitutes the economic, political and social transformation of my nation over the years . . . It is worth remembering what we in the Republic of China on Taiwan have had to work with in achieving all that we now have: a land area of only 14,000 square miles (slightly less than ⅓ the area of New York State) and a population of 21 million. My country's natural resources are meager and its population density is high. However, its international trade totaled U.S. $180 billion in 1994 and its per capita income stands at U.S. $12,000. Its foreign exchange reserves now exceed U.S. $99 billion, more than those of any other nation in the world except Japan.

Indeed, within a period of 45 years Taiwan has compiled a most impressive economic and political record. I am happy to see that the Clinton administration had the wisdom to allow President Lee Teng-hui to visit Cornell, and I hope that the United States and its people will also open their hearts to receive and welcome President Lee Teng-hui to Capitol Hill and the White House in the very near future. The Republic of China is a model ally, worthy of our support.

IN MEMORY OF THOMAS L. SALTZ

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to honor the memory of a very special man from western North Carolina, Thomas L. Saltz, who passed away on June 5, at the age of 64. It is with great sadness that I offer my condolences to his wife Doris and the rest of the Saltz family. Thomas Saltz was a friend to all and a tireless worker. His passing is a great loss to all who knew him.

Mr. Saltz grew up in Henderson County, NC. He was schooled at Dana High School, where he also played basketball. Later, he joined the Army, and is a Korean war veteran. After leaving the service, he went to work for General Electric, where he served for 35 years until his retirement in 1990.

Mr. Saltz loved his community and participated actively in it. He was a member of the American Legion Post 77, Woodmen of the World, Southern Lights Square Dance Club, and the East Flat Rock First Baptist Church. He was a steadfast Republican who put people first in everything he did. He was a former party chairman and had served as chairman of the Henderson County Board of Elections. Mr. Saltz was devoted to the party until his death. He has been considered by many who knew as the backbone of the Henderson County Republican Party for the last 40 years. At the time of his death he was a Henderson County precinct chairman.

Thomas Saltz will be remembered as a father, a friend, and a leader. He touched the lives of many people and will be missed dearly.

TRIBUTE TO THE MERCHANT MARINE FLEET

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mrs. SMITH of Washington. Mr. Speaker, I rise today to recognize those men and women who served our Nation as members of the merchant marine fleet in times of peace and national crisis. Recently, I heard from a constituent, Lawrence Jacobson of Olympia, WA, who reminded me of the great contributions that our merchant marines have given to the United States.

In World War II, it was the merchant marine who was most likely to give his life to transport much needed cargo to our embattled allies, risking attack by Nazi U-boats and other hazards. Without their diligent, selfless and brave determination, England would have been almost defenseless.

Every armed conflict has demanded sea transport that only our merchant marines could provide. Even as recently as the Gulf war, U.S. merchant marines served along-side their brothers and sisters in the Army, Air Force, Navy, and Marine Corps with equal valor and at great personal risk. I am proud to serve a District that touts such men and women as the merchant marine.

There are very few men and women who can say that they have served their country in both peace and war as those brave souls who served on the decks of our merchant marine fleet. Mr. Speaker, the merchant marines have my admiration and I am sure that I speak for every American when I say, thank you.

TRIBUTE TO DR. BOB FOWLER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. GORDON. Mr. Speaker, few get the chance to know someone who exemplifies the very meaning of the word service. I am honored to be able to tell you about this man who has given so much to all of us.

Dr. Bob Fowler learned the true meaning of service to his country through his military work and the true meaning of service to the men and women of our communities through his work as a physician. From day one, he was dedicated to both.

As a young man, he hitchhiked to Fort Bragg, NC hoping to join the 82d Airborne Division of the U.S. Army. He was placed in the infantry instead, but got his chance to work with that acclaimed division 45 years later, as the oldest combat soldier in the Persian Gulf war. Dr. Fowler served both the 82d and 101st Airborne Divisions on the front lines. By then he was a combat surgeon because following his World War II service as a private, Fowler attended the University of North Carolina and Duke University Medical Schools.

Following graduation he continued his Army service in the Medical Corps, serving as a first lieutenant in the Korean war. After active duty, he continued to practice general surgery, but he still retained a love for military service.

In 1987, Dr. Fowler joined the Tennessee Army National Guard as a battalion surgeon. During that period he used the kind of practical and creative thinking that merged his many talents and helped so many people.

He came up with what is now known as MediGuard, a system that allows Guard medical facilities to be used to help indigent patients and rescue missions when the staff and facilities are not busy.

The concept has been so successful it is now used nationally, but to Fowler it is just another way to help others. That is the kind of

spirit that has made our country and our communities strong.

The dedication has not gone unnoticed, even now upon his retirement. Gov. Don Sundquist has promoted Dr. Fowler to the rank of major general of the Tennessee National Guard. It is a well deserved honor for him and a wonderful moment for all of us, who continue receiving the benefit of his talent, experience, and dedication. I am proud to call Dr. Bob Fowler a friend.

HONORING DON KAMPFER

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. ROTH. Mr. Speaker, I rise today to honor a member of our community who has worked diligently to uphold the highest standards of American journalism.

After 36 years at the Post-Crescent in Appleton, WI, publisher and general manager, Don Kampfer, will retire on July 31.

In the newspaper business—like many businesses—you start from scratch every day and hope your efforts gain wide acceptance by your customers and high praise from your peers. The Post-Crescent, under Don's direction, has achieved both.

He has guided Appleton's daily newspaper through some turbulent times in the industry, and the Post-Crescent has not only survived, but grown and flourished as an award-winning publication.

Don was born in Chilton, WI, and has lived there ever since. He is a graduate of Chilton High School and served his country in the Korean conflict. Don became a self-made person. He never attended college, but became such a capable newsman that he is undoubtedly qualified to teach college journalism.

Don's tenure at the Post-Crescent started when he left a position with his hometown newspaper, the Chilton Times-Journal, to open an editorial and circulation office for the Post-Crescent in Chilton. From that day forward he worked himself from the bottom of the news operation to the very top. He went on to hold the positions of farm editor, copy desk editor, regional editor, Sunday editor, news editor, managing editor, and executive editor.

Throughout his career, Don was a mentor for aspiring journalists and has been called a newsman's newsman. He was very dedicated to his profession, rarely calling in sick or taking a vacation.

Kampfer was named general manager of the Post-Crescent in 1982. Since then, Don has distinguished himself in Wisconsin as an accomplished journalist, manager, and businessman. Don used the skills he attained in his ascension to publisher when he assumed that role in 1986. By that time, he had an in-depth knowledge of every facet of the newspaper business, including production, advertising, and circulation.

He put his skills to good use. Juggling the needs of a community, its subscribers, a newspaper staff, advertisers, and a parent company is no easy task, but Don handled it all with skill and sensitivity.

His redesign of the Post-Crescent is one of the highlights of his career. At a time when many newspapers felt the need to compete with television—with flashy graphics and less room for hard news—the Post-Crescent stayed true to its tradition of in-depth reporting and continued focus on the people and events of the Fox Valley. It remains to this day a first-class newspaper.

As the Post-Crescent's circulation grew under Don's watchful eye, so did the newspaper's involvement in the community. The Post-Crescent sponsors dozens of charitable events every year and has donated $500,000 in free advertising to a variety of nonprofit organizations.

Among the beneficiaries of the newspaper's good will have been the YMCA, Outagamie County Museum, Thompson Senior Center, Appleton Library Foundation, St. Elizabeth Hospital, Fox Cities Growth Alliance, Fox Cities Stadium, and the Avenue Mall development.

Like so many others, I count on the Post-Crescent for news of the Fox Valley and will always be a faithful subscriber. Lately it has been fashionable in Washington to attack the media for being too negative, too cynical or too liberal. Such attacks would fall flat against Don Kampfer and the Post-Crescent, however, who I feel has guided a newspaper dedicated to finding the facts and telling the truth.

I think Don would find Washington journalists quite different from the type of reporter and editor found in northeastern Wisconsin. In Wisconsin, we remain optimistic about the future. In Appleton, people work together to solve problems in the community and preserve a quality of life we see disappearing in this country. I believe the Post-Crescent continues to fulfill its duty of bringing people the good news as well as the bad. In Washington and across America, this is too seldom the case. Too often, newspapers forget the positive role they can play in their communities.

In addition to its superior local reporting, the Post-Crescent under Don's direction has consistently provided fair and balanced coverage of Congress. Over the years, I have placed great value in my honest and candid relationship with the Post-Crescent, its fine editorial staff and talented reporters. I credit Don, and thank him, for building and sustaining this important forum for our community and its people.

I am sure Don is looking forward to spending more time with his wife of 39 years, Lila, his son, and three daughters. I wish to congratulate Don Kampfer, once again, on a well-deserved retirement and wish him many blessings and continued success in his future endeavors.

IN RECOGNITION OF THE INSTITUTE IN BASIC LIFE PRINCIPLES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the Congress deliberates the issues facing our Nation and the world today, I would like to bring to your attention a group of young people and families who are taking significant steps to strengthen society in our country and around the globe. In particular, I would like to commend 329 such individuals who have recently returned from Moscow, Russia, where they have been involved over the 1994–95 school year in providing character education to orphans, public school children, college young people, juvenile delinquents, and families. They have been serving at their own expense under the authority and official invitation of the Moscow Department of Education. The success continues to be heralded throughout Moscow by television, newspaper, and word of mouth among the citizens and leaders of Russia. Furthermore, the credential and strengthening that this experience provides for those who have taken part will heighten the success of their work in their own home communities as they continue to serve families and young people through positive character training and practical assistance.

Karleen Affelt (MI), Evangeline Alexander (AK), Adam Allen (CA), Gabriel Anast (NM), Christy Armstrong (CA), Jason Axt (OH), Aileen Bair (OH), John Bair (OH), Peter Bair (OH), Robert Bair (OH), Stephen Bair (OH), John Barja (NC), James Beaird (TX), Amy Beckenhauer (CA), Kurt Beckenhauer (CA).

Zachery Beckner (MN), Paul Bedingfield (GA), Joshua Billingmeier (MD), Alan Balck (TX), John Lack (TX), Nicole Blockeel (ON), Dean Boehler (CO), Justin Boehler (CO), Rachel Borchers (MO), Sarah Borchers (MO), Andrew Bowers (TN), Skylar Bower (WA), Rachel Brillhart (FL), Vann Brock (GA).

Hannah Brooker (GA), Daniel Brown (TX), Micah Buckner (TX), Reuben Burwell (TX), Andrew Campbell (NZ), Jerry Campbell (FL), David Carne (OR), Andy Cecil (GA), Estelle Christensen (NM), Jim Christensen (NM), Justin Christensen (NM), Mark Christensen (NM), Stephen Christensen (NM), Timothy Christensen (NM).

Nathan Clausseen (MN), James Clifford (ON), Lisa Cload (OH), Barbara Coker (OH), Chuck Coker (OH), Matt Coker (OH), Buck Collie (CA), David Collie (CA), Sarah Collie (CA), Sue Collie (CA), Tim Collie (CA), Jesse Conklin (CT), J. Marty Cope (SC), Arrie Courneya (MN), Annalisa Craig (NE).

Daniel Craig (NE), David Craig (NE), Mary Craig (NE), Neil Craig (NE), Stephen Craig (NE), Timothy Craig (NE), Timothy Crawford (MI), David Cummings (WA), Benjamin Daggett (TX), Steve Dankers (WI), Trey Darley (GA), Mary Kay Del Mul (TX), Orlando Diez, Jr. (WV), James Diel (WI).

Don Dillhaunty (TX), Jason Dolan (TX), Daniel Dorsett (CA), Kieran Dozeman (MI), Joseph Elam, Jr. (FL), Ben Easling (WA), Jason Edwards (VA), David Elliott (WY), Jason Elliott (EY), Paul Elliott (WY), Jana Farris (CA), Amanda Feldman (WA), Carolyn Fickley (VA), Robert Fickley (VA), Scott Flaugher (MO).

Scott Forrester (TN), Jennifer Freeman (CA), Stephen Gaither (TX), Vawna Gary (TX), Charles Gargeni (IN), Gary Gilchrist (FL), Jonathan Glick (PA), Chris Goodman (TX), Chad Greenacre (IL), Andrew Griffin (TN), Peter Guy (CA), Bonnie Hackett (OR), Marie Hackelman (MI), Susan Hall (MI), Brant Hambly (IA), Brian Hambly (IA).

Daniel Hambly (IA), Denise Hambly (IA), Milton Hambly (IA), Terra Hambly (IA), Aaron Hawkins (AZ), Sally Hawkins (OR), Susan Hawlins (OR), Timothy Haynes (NY), Trevor Haynes (NY), Amy Hensarling (MS), Adam Hess (NE), Dean Hertzler (PA),

Kaarina Hilman (OR), Tamra Hoaglund (IL), Daniel Hobbs (PA), Nathan Hoggatt (TX).

Robert Holbrook (GA), Aimee Howd (IA), Terrill Hulson (OK), Wilburn Hunsucker (NC), Blayne Hutchins (ON), Judith Hynds (TX), Drew Inman (NE), Michael Jacobson (ON), Michael Jacquot (SD), Katie Jett (AL), Matt Jett (AL), Stanley Jett (AL), Trevor Johnson (WA), Chris Johns (MS), Joseph Jones (GA).

Jonathan Kangas (OR), Kristina Kangas (OR), Laura Kangas (OR), Mike Kangas (OR), Susanna Kangas (OR), Caleb Kasper (WA), Dean Kersliner (MD), H. Michael Koller (MO), Michael Krabill (OR), Stephen Krell (BCL), Matthew Kruse (IN), Aaron Laird (MT), Davis Lambert (MI), Sondra Lantzer (MI), Mark Lassiter (TX).

Anthony Leggett (NZ), David Lent (GA), Deena Lent (GA), George Lent (GA), Marywinn Lent (GA), Michael Lent (GA), Rachel Lent (GA), Matthew Lindquist (CA), Jason Litt (OH), Jonathan Little (CA), Christen Lofland (KS), Andrew Long (GA), Elizabeth Long (GA), James Long (GA), James Long, Jr. (GA), John Long (GA).

Rosemarie Lyda (OR), Sarah Lyons (OH), De Shea Mabra (MO), Paul Marosi (ID), Joshua Martin (PA), Robert Matlack (KS), George Mattix (WA), Patti Mattix (WA), Jennifer Mattox (MO), Jonathan McAlpine (ON), John McCrea (NZ), David Meadows (GA), Joshua Meals (TN), Charles Mehalic (NY), Debra Mehalic (NY), Rachel Mehalic (NY).

Rebekah Mehalic (NY), Sandra Mehalic (NY), T.C. Mehalic (NY), Phillip Michaelson (MN), Ryan Middleton (CA), Stephen Midkiff (WA), Amy Miller (MN), Betina Miranda (GA), Peter Moberg (OR), Jonathan Moeller (MO), Ben Monshor (MI), Elizabeth Moore (AL), Harry Moore (AL), Lauren Moore (AL), Robert Moore (AL).

Joy Morgan (AL), Michael Mosley (MO), Burt Mueller (TX), Clem Mueller (TX), Tiffany Mueller (TX), Ann Phillis Murphy (AR), Doty Murphy (AR), Phillis Murphy (AR), Zach Murphy (AR), Barry Newsom (AL), Julia Newsom (AL), Lori Newsom (AL), Nancy Newsom (AL), Kathleen Nicolosi (TX), Jerome Nicolosi (TX), Regina Nicolosi (TX).

Vanessa Nicolosi (TX), Veronique Nicolosi (TX), Jeremy Nunez (MI), Vladamir Osherov (IL), Sunia Panapa (NZ), Jonna Patterson (GA), Helvitin Paul (WA), Natalia Payne (IA), Glory Perkins (GA), James Perkins (GA), Lea Perkins (GA), Timothy Peters (TX), Beverly Pike (FL), Joshua Ramsey (CA), Randal Rankin (AL), Paul Ratcliff (NC).

William Ratcliff (NC), Robert Reed (OH), Andrew Riendeau (PQ), Simon Riendeau (PQ), Greg Roe (TN), Charles Rogers (AR), Charles Rogers, Jr. (AR), Deborah Rogers (AR, Deborah Joy Rogers (AR), Jonathan Rogers (AR), Stephen Rogers (AR), Joam Roof (NY), Charles Ross (IN), Charity Ross (IN), Jedidiah Ross (IN), Mary Ross (IN).

Stephen Ross (IN), Rebekah Ross (IN), Keith Rumley (MI), Laura Rumley (MI), Peter Rumley (MI), Robert Runella (CA), William Rushing (TX), Jeremy Schiefelbien (MN), Sharon Schneider (KS), David Scott (GA), Bob Sherwood (CA), John Shrader (TX), David Shubin (OR), George Shubin (OR), Doug Simmons (GA), Andrew Smith (OR).

Benjamin Smith (PA), David Smith (AL), Lohn Smith (AL), Rebeca Smith (OR), Brian Sonderaard (CA), Doug Sondergaard (CA), Laura Spencer (NS), Phillip Strange (VA), Caleb Stanton (AR), Denise Stanton (AR), Luke Stanton (AR), Michael Stanton (AR), Spencer Stanton (AR), Zachery Stanton (AR), Kyra Stevenson (TX).

Charles Stewart (WV), Benjamin Stixrud (WA), Angela Storm (IA), Ruth Sutherland (MI), Nathaniel Swanson (NB), Jeremy Tanner (MI), Joshua Tanner (MI), Amanda Taylor (MS), Jeremy Thielen (MI), Alison Turner (GA), Timothy Tuttle (OR), April Unruh (TN), Rochelle Wagler (KS), Ken White (IL), Matthew Waite (IL), Dane Walker (VA), William Warren (FL).

John Watkins (MN), Paul Watkins (MN), Jonathan Wedel (PQ), Heather Wenstrom (FL), Brian Weston (CA), Andrea Whitfield (KY), Deborah Whitfield (KY), Jeromey Whitfield (KY), Joshua Whitfield (KY), Robert Whitfield (KY), Brian Wicker (AZ), Nathan Williams (KS), David Wilson (AL), James Winkler (NY), Aaron Wood (TX), Rebekah Zeimann (NJ), Andrea Zeller (IN), Angela Zimmerman (NC), Christine Zimmerman (NC), Josh Zimmerman (NC).

173D AIRBORNE BRIGADE HOLDS REUNION

HON. GIL GUTKNECHT

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. GUTKNECHT. Mr. Speaker, it is with great pleasure that I rise to commend the 173d U.S. Airborne Brigade. This important military group will be hosting its 30th anniversary reunion in Rochester, MN later this week. It is my understanding that approximately 1,500 of these brave veterans will be in attendance.

The 173d Airborne Brigade fought in southeast Asia from May 5, 1965, to September 26, 1970, and consisted of the following groups:

1st Battalion, 503d Infantry.

2d Battalion, 503d Infantry.

3d Battalion, 503 Infantry.

3d Battalion, 503d Infantry (from Oct. 26, 1967, to Sept. 26, 1970).

4th Battalion, 503d Infantry.

173d Support Battalion.

Company C, 75th Infantry (Feb. 1, 1969, to Sept. 26, 1970).

Special Troops Battalion, 173d Airborne Brigade.

Troop E, 17th Cavalry.

173d Engineer Company.

46th Public Information Detachment (from Mar. 23, 1967, to Sept. 26, 1970).

51st Chemical Detachment (from Feb. 15, 1968, to Sept. 26, 1970).

24th Military History Detachment.

172d Military Intelligence Detachment (from Feb. 15, 1968, to Sept. 26, 1970).

534th Signal Company (from Dec. 20, 1968, to Sept. 26, 1970).

45th Postal Unit.

Company N, 75th Infantry (from Feb. 1, 1969, to Sept. 26, 1970).

39th Infantry Platoon.

75th Infantry Detachment (from Feb. 1, 1969, to Sept. 26, 1970).

Headquarters and Headquarters Company, 173d Airborne Brigade.

1st Battalion, 50th Infantry (from Apr. 5, 1968 to Oct. 6, 1969).

54th Infantry Detachment (from Feb. 22, 1968, to Apr. 11, 1969).

Company D, 16th Armor (from May 4, 1965, to Sept. 24, 1970).

Tuy Hoa Provisional Tank Company (from May 5, 1969, to Oct. 21, 1969).

The 173d Airborne Brigade was a combat-experienced unit, composed of courageous soldiers who always displayed an enthusiastic anti-Communist spirit. During its 5 years of fighting in the Republic of Vietnam, the 173d Airborne Brigade was instrumental in the fight against communism, yet at the same time participated in the humanitarian restoration of the country.

In recognition of their service, the 173rd Airborne Brigade and its attached and assigned units were awarded the U.S. Meritorious Unit Commendation and the Vietnamese Cross of Gallantry with Palm for their outstanding service. These unit citations were awarded to the 173rd Airborne Brigade by authority of U.S. Department of the Army General Order (D.A.G.O.) 51 of 1971.

Unfortunately, one of the foreign attachments to the 173rd Airborne Brigade, the First Battalion, The Royal Australian Regiment (1 RAR Group), was inadvertently left off the D.A.G.O. 51 of 1971.

The 1 RAR (Group) consisted of the following groups:

First Battalion, The Royal Australian Regiment.

161 Field Battery, Royal New Zealand Artillery.

105 Field Battery, Royal Australian Artillery.

3 Field Troop, Royal Australian Engineers.

4/19th Prince of Wales Light Horse (1 APC Troop).

1st Australian Logistic Support Company.

161 Recce Flight (Independant).

709 (Ind) Sig Troop, Royal Australian Signals.

After many years and multiple attempts to correct this oversight, the 1 RAR (Group) finally received the recognition they so rightly deserved by receiving the U.S. Meritorious Unit Commendation.

I must say, however, their fight is not over. While receiving the unit citation, the 1 RAR (Group) was not included on the D.A.G.O. 51 of 1971. Therefore, I intend to work with the U.S. Department of Defense [DOD] and the Embassy of Australia in Washington, DC to amend the D.A.G.O. 51 of 1971 to include the 1 RAR (Group).

EIGHTY-ONE PERCENT OVERNIGHT ON-TIME DELIVERY MAIL SERVICE IN THE DISTRICT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Ms. NORTON. Mr. Speaker, I rise today to take note of the significant improvement in the performance of the Postal Service in the District of Columbia. In just over 1 year, under prodding from the Congress, the Postal Service has taken a new direction with a pay back for postal customers in the District of Columbia. The most recent performance figures show that local, on-time delivery performance is now at 81 percent—up from 69 percent this time last year.

This is a clear demonstration that the Postal Service can do the job if we keep on its case.

Last year, when we became aware of problems effecting mail service in the metropolitan region, I indicated that our last place finish would not be tolerated. In addition to residents' mail, the most important mail in the country and the world passes through the Washington, DC Post Office. The Postal Service apparently heard us—at a town meeting I convened in the District and through our many hearings that brought out the details of delivery problems here in the District.

Since I began monitoring local mail service closely over the past year, I am encouraged that performance has been steadily rising throughout this period. The Postal Service's investment in providing the type of service required in the world's most important city is finally paying off. New technologies, new employees, and a renewed commitment to customer service are making the difference, just as they are showing us what Government can do when it places its customers first. Not only has service in the District of Columbia improved, but nationally, on-time delivery has reached the highest level ever.

A few months ago, I walked a delivery route with a letter carrier here in the District of Columbia. I learned first hand of the pride many postal employees take in serving their customers. There is a fragile bond between the customer and the service provider. I am pleased that the Postal Service recognizes the very real need to maintain and strengthen this bond.

I will continue to monitor the progress of the Postal Service and make monthly reports to District constituents in my column "Notes from Congress" in community papers. As shown by the good news of the most recent figures, monitoring and pressure from House Members has been among the most important factors influencing the improvements in service. Now is no time to let up the pressure. D.C. needs to do more than improve markedly, as we have. We must shoot for the top—and we will.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. KLECZKA. Mr. Speaker, during the weeks for which the House was in session between May 16, 1995 and June 16, 1995, I was granted an official leave of absence for medical reasons.

As an elected Representative of Wisconsin's Fourth Congressional District, I have a responsibility to my constituents to inform them of the votes during that leave and to apprise them of how I would have voted.

The following is how I would have voted on rollcall votes Nos. 330–388:

Rollcall No.	Bill No.	Position
330	H.R. 1590	Nay.
331	Procedural	Nay.
332	H.R. 961 (Boehlert Amdt.)	Yea.
333	H.R. 961 (Gilchrest Amdt.)	Yea.
334	H.R. 961 (Frelinghuysen Amdt.)	Yea.
335	H.R. 961 (Wyden Amdt.)	Yea.
336	H.R. 961 (Bonior Amdt.)	Yea.
337	H.R. 961	Nay.
338	Procedural	Yea.
339	H. Res. 149 Previous Question	Nay.
340	H. Res. 149 Rule	Nay.
341	Procedural	Yea.
342	H.C.R. 67 (Gephardt Amdt.)	Yea.
343	H.C.R. 67 (Neumann Amdt.)	Nay.
344	H.C.R. 67 (Payne <NJ> Amdt.)	Nay.
345	H.C.R. 67 (Kasich Amdt.)	Nay.
346	H.R. 1158	Nay.
347	H. Res. 155	Yea.
348	H.R. 1561 (Brownback Amdt.)	Yea.
349	H.R. 1561 (Morella Amdt.)	Yea.
350	H.R. 1561 (Smith <NJ> Amdt.)	Yea.
351	H.R. 1561 (McKinney Amdt.)	Yea.
352	H.R. 1561 (Wynn Amdt.)	Nay.
353	H.R. 1561 (Smith <NJ> Amdt.)	Yea.
354	H.R. 1561 (Hastings <FL> Amdt.)	Yea.
355	H.R. 483	Yea.
356	H.R. 535	Yea.
357	H. Res. 156	Yea.
358	Procedural ("Present")	Would have voted.
359	H.R. 1561 (Hyde Amdt.)	Nay.
360	H.R. 1561 (Ackerman Amdt.)	Yea.
361	H. Con. Res. 67	Yea.
362	H.R. 1561 (Hoyer Amdt.)	Yea.
363	H.R. 1561 (Gilman Amdt.)	Nay.
364	H.R. 1561	Yea.
365	H.R. 1561 (Hamilton Amdt.)	Yea.
366	H.R. 1561	Nay.
367	H. Res. 164	Nay.
368	H. Res. 164	Nay.
369	H.R. 1530 (Dornan Amdt.)	Nay.
370	H.R. 1530 (Kasich Amdt.)	Yea.
371	H.R. 1530 (Collins <IL> Amdt.)	Yea.
372	H.R. 1530 (Clinger Amdt.)	Yea.
373	H.R. 1530 (Spratt Amdt.)	Yea.
374	H.R. 1530 (DeFazio Amdt.)	Yea.
375	H.R. 1530 (Shays Amdt.)	Yea.
376	H.R. 1530 (Pombo Amdt.)	Yea.
377	H.R. 1530 (Berman Amdt.)	Yea.
378	H.R. 1530 (Kolbe Amdt.)	Nay.
379	H.R. 1530 (Molinari Amdt.)	Yea.
380	Procedural	Yea.
381	H.R. 1530 (Markey Amdt.)	Yea.
382	H.R. 1530 (DeLauro Amdt.)	Yea.
383	H.R. 1530 (Spence Amdt.)	Yea.
384	H.R. 1530 (Dellums Amdt.)	Yea.
385	H.R. 1530	Nay.
386	H. Res. 167	Yea.
387	H. Res. 167	Nay.
388	H.R. 1817 (Herger Amdt.)	Nay.

The outcome would have been no different on any of these votes if I had been present.

Regarding my absence from the House Ways and Means Committee, on which I serve, one vote occurred during that time. On that vote, which occurred on whether to report H.R. 1812, I would have voted "no".

DR. ROBERT FOWLER HONORED FOR MILITARY SERVICE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. WAMP. Mr. Speaker, I am proud to honor—and proud to number among my friends—Dr. W. Robert Fowler, a distinguished citizen of the 3d District of Tennessee. Dr. Fowler was recently promoted to major general in the Tennessee Army National Guard just before he retired—exactly 50 years after he first joined World War II.

He served as well during the Korean war and even returned to duty for Operation Desert Storm during the Persian Gulf war in 1990–91, when he was the oldest combat soldier serving. That span of service well illustrates the achievements and devotion to duty, the community, and the Nation that has marked Dr. Fowler throughout his life.

Dr. Fowler began his career of service in 1945 when he hitchhiked to Fort Bragg, NC, to join the 82d Airborne Division. He served in the infantry, and after the war attended the University of North Carolina and Duke University Medical School. In the Korean conflict, he served as a first lieutenant in the U.S. Army Medical Corps.

Following that conflict, Dr. Fowler spent 26 years practicing general surgery and serving the Chattanooga area community. He retired as a surgeon in 1984, but in 1987 became active in the Army again when he joined the Tennessee Army National Guard as a battalion surgeon. During that service, Dr. Fowler conceived of the idea of making Guard units available to treat indigent patients. After the Iraqi invasion of Kuwait in 1990, Dr. Fowler was called to active duty and served on the front lines as a combat surgeon.

By no means the least of Dr. Fowlers's accomplishments is the fact that he married a lady who is well-known and well liked by all of us on the Hill—former Congresswoman Marilyn Lloyd, who worked tirelessly for 20 years to serve the 3d District that I now represent. Our Tennessee Gov. Don Sundquist is to be commended for promoting Dr. Fowler to major general. I am sure everyone here joins me in congratulating Dr. Fowler and in wishing him and his wife—our former colleague—the very best in the years ahead.

100 YEARS OF SERVICE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Ms. SLAUGHTER. Mr. Speaker, I wish to pause to recognize and commend the Rochester law firm of Harter, Secrest, and Emery on the occasion of completing its' first 100 years of service to its business and personal clients across the Nation.

Harter, Secrest, and Emery has a long history of community service and is one of the leading law practices in the Northeast. It was founded by James Havens and Nathaniel Foote in 1893. Foote was one of the original founders and first president of the Rochester Bar Association, which eventually evolved into the Monroe County Bar Association, and he was appointed to the New York State Supreme Court by Governor Higgins. He later was elevated to the Appellate Division.

Partner James Breck Perkins joined the firm in 1898 and began a long history of civic involvement. Perkins was an author, musician, and historian, and served five terms in the U.S. Congress, first elected in 1900.

Founding partner, James Havens was a noted libel defense lawyer and active in the Democratic Party. He served out the final congressional term of his partner, James Perkins, who died while in office. Havens then declined an opportunity to run for Governor of New York State; instead he took the post of general counsel and vice president for Eastman Kodak Co.

William Strang, like his partner, James Havens, was a community activist. He joined the firm in 1907 and methodically built his practice. He was elected president of the Bar in 1928, president of the Chamber of Commerce in 1945, and Grand Master of the New York State Masons.

Partner C. Vincent Wiser served as one of the area's premier real estate attorneys. With

retail magnate, J.C. McCurdy, he crafted and developed Midtown Plaza, in Rochester, NY. This was the first urban mall in the country. He also served as a city planning commissioner from 1949–1964.

Hyman Freeman perpetuated the firm's history of community selflessness. He distinguished himself in politics as well. Freeman served on city council from 1955–1967, and was elected vice-mayor in 1966. Freeman also served as president of the Monroe County Bar Association and was a prominent leader of the Jewish Welfare Fund.

Partner Richard Secrest excelled in business law, building the firm's corporate department. He set precedent with his aggressive and innovative representation of corporations. Secrest received the Navy and Marine Corps Medal and the Purple Heart for outstanding service during World War II.

Donald Harter joined the firm in 1940 and immediately established himself as a leader in local, State, and national bar associations. His community legacy includes laying the foundation for Strong Museum, presently located in Rochester, NY.

R. Clinton Emery further expanded the firm's corporate involvement. He spread the company's corporate representative influence throughout upstate New York and set in place many internal business practices that are still being used today.

The centennial of the law firm of Harter, Secrest and Emery is an appropriate time to reflect upon the prominent role that the firm has played in the history of Rochester. With its' rich tradition of innovation and civic involvement this firm will be an integral part of the Greater Rochester area in the years to come. Therefore, I rise today to congratulate Harter, Secrest, and Emery and wish them well as they embark on the next century.

PRAISE FOR RALEIGH COUNTY VOCATIONAL CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. RAHALL. Mr. Speaker, I rise today to bring to your attention the outstanding work of a fine group of students and teachers from the Raleigh County Vocational Technical Center in West Virginia's Third Congressional District. More than 100 young people from classes as diverse as electronics technology to marketing education to computer-aided graphing have come together in a project that has involved virtually the entire school. The culminating project has been the "Electrosprint": a state-of-the-art electric car which has been the subject of a great deal of attention.

The students have been recognized by the environmental program "A Pledge and A Promise" by Anheuser-Busch Theme Park from among 600 entries nationwide and are recipients of the $12,500 first place award. The car was awarded first place in the efficiency event at the EV Grand Prix. It has the distinction of being the most efficient car ever tested by Argonne National Laboratories in the United States, where one official noted, "[t]he car is as efficient as anything built by professional automakers . . ." It also won the West Virginia Vocational Association Award of Merit for Innovative Program and was named the American Vocational Association Innovative Program for Region I. They have been featured on national television for their enterprising and innovative ideas.

The Electrosprint project has had remarkable results. Sparking the interest of students and increasing enrollment at the vocational school; exciting people of all ages about science, math, and the environment; and boosting self-esteem and reinforcing a positive image of education in southern West Virginia are only a few of the beneficial effects of this venture.

Serious about environmental concerns and efficiency, and learning firsthand about how to work as a team, these students deserve to be commended as a model not only for other students, but for all of us. Their work on electrically powered transportation should inspire others in the field and everyone who is concerned with protecting our environment. They are not satisfied with only a passive role in their own education; instead, they are learning through experience how to harness technology in a way that will have a visible impact on the world around them. These are essential skills and qualities as we enter the 21st century.

The students' next project will be to draw from their previous work, transplanting the technology they have already developed to electric powered delivery vehicles for use in inner cities. Future plans also include testing vehicles on hilly terrain, expanding the use of alternative fuels such as solar, wind, and natural gas, and further developing safety equipment for electric cars with the possibility of patenting. We should encourage such initiative and hard work.

I am extremely proud of the students at Raleigh County Vocational Technical Center and encourage them in their future challenges. I also want to thank and congratulate their teachers, parents, and community for supporting the superb efforts of the next generation.

MIDDLETOWN POST VFW 2179 AND LADIES AUXILIARY: 50 YEARS OF COMMUNITY AND VETERANS SERVICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. PALLONE. Mr. Speaker, on Saturday, June 24, 1995, the Middletown, NJ, Veterans of Foreign Wars Post No. 2179 and ladies auxiliary will be celebrating its 50th anniversary at the Post Home with the slogan "Golden Pride Since '45." The event will include a rededication of the post's street sign, known as Veterans Lane, to commemorate both the 50th anniversary of the founding of the post as well as the 50th anniversary of the end of World War II. There will be a memorial service, speeches by officials and veterans, and then hours of music and dancing.

Mr. Speaker, it is a great honor for me to pay tribute to the fine men and women whose pride and patriotism have made Post 2179 and the ladies auxiliary such a great part of our community. In 1945, as America emerged victorious from World War II and our Nation entered into a new era, a group of returning veterans and their wives formed the Middletown Post. In those days, the post met over a store in Belford section of Middletown Township. Social events were held in the basement of St. Mary's Roman Catholic Church. Later the post met in a former hospital building purchased from nearby Fort Monmouth. Now, the members meet in a modern, $1.5 million facility.

Through the years, Post 2179 has distinguished itself for its charitable works, its help and support of the Menlo Park and Lyons Hospital VA facilities, its championing of veterans rights and benefits, its advocacy on behalf of POW's and MIA's, and its participation in Memorial Day and Veterans Day activities and at VFW conventions each year. The post has received many distinguished visitors, including President Bush in 1992.

Mr. Speaker, it is a tremendous honor for me to pay tribute to Post 2179 on the occasion of their 50th anniversary.

INTRODUCTION OF LEGISLATION TO PROTECT COASTAL RESOURCES FROM OIL AND GAS DEVELOPMENT IN FEDERAL WATERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. MILLER of California. Mr. Speaker, I am pleased to join Senator BARBARA BOXER as we introduce legislation today to protect our coastlines from the harmful impacts associated with oil and gas leasing on the Outer Continental Shelf.

In the past, we have successfully barred Federal OCS leasing in sensitive areas by attaching moratoria to annual appropriations bills. Today, the Interior Subcommittee of the Appropriations Committee voted to lift that moratorium. It is very unlikely, I am afraid, that the final appropriations bill will include an OCS moratorium provision.

As a result, hundreds of miles of Federal waters—and adjacent State waters—will be exposed to the dangers associated with offshore oil development.

Our bill will bar Federal leasing and production when a coastal State, by law or order, establishes a moratorium on part or all of its coastal lands and waters.

California recently enacted in a bipartisan effort, a law making all State waters off limits to new oil exploration. Our legislation would extend that protection into Federal waters.

Federal officials should not override the decisions of coastal States that want to protect their offshore sanctuaries from the hazards of oil development. Those in the Congress who constantly cite the need for Congress to follow the wishes of State governments should have no problem endorsing the approach taken in our legislation.

TRIBUTE TO ELLA ADENE KEMP BAMPFIELD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. TOWNS. Mr. Speaker, I would like to acknowledge the accomplishments of a very special woman, Ella Adene Kemp Bampfield. Ms. Bampfield was born June 29, 1905, in Waynesville, NC. She is the fourth of nine children born to Elijah Melton and Lelia Love Kemp.

Ms. Bampfield is a graduate of Fayetteville State Normal College, in North Carolina, and Howard University and Cortez Peters University, in Washington, DC. After teaching in the North Carolina school system for 7 years, she relocated to Washington DC, and began a career with the Treasury Department's Bureau of Engraving and Printing, where she retired in 1969 after 28 years and 11 months of dedicated service.

A member of the John Wesley AME Zion Church since 1934, Ms. Bampfield is affiliated with the Education and June Calendar Clubs. She has traveled extensively and is the mother of one son and grandmother of two. Celebrating her 90th birthday, Ella represents a longstanding tradition of dedicated service to her family, community, and her church. It is my pleasure to recognize the contributions of a remarkable woman, Ms. Ella Adene Kemp Bampfield.

GIVE THE GIFT OF LIFE—SUPPORT THE ORGAN DONATION INSERT CARD ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. DURBIN. Mr. Speaker, today I am introducing legislation along with Representative DAVE CAMP to encourage organ donation through a highly cost-effective campaign of public education. I am pleased to note that Senator BYRON DORGAN is introducing similar legislation in the Senate.

The most common tragedy in organ transplantation is not the patient who received a transplant and dies, but the patient who has to wait too long and dies before a suitable organ can be found.

The demand for organs greatly exceeds the supply. More than 40,000 people are now waiting for an organ transplant, including more than 1,400 children and more than 25,000 people who must have a kidney dialysis while they wait for a kidney to become available. More than 3,000 people on the waiting list will die this year before receiving a transplant. Meanwhile, another person is added to the list every 18 minutes.

Our legislation, known as the Organ Donation Insert Card Act, would direct the Secretary of the Treasury to enclose, with each income tax refund check mailed next Spring, an insert card that encourages organ donation.

The insert would include a detachable organ donor card. It would also include a message urging recipients to sign the card, tell their families about their willingness to be an organ donor if the occasion arises, and encourage family members to request or authorize organ donation if the occasion arises.

The text of the card would be developed by the Secretary of the Treasury after consultation with the Secretary of Health and Human Services and organizations promoting organ donation.

This proposal poses no logistical problems. Every year, the Treasury Department already puts an insert card in refund check mailings. In recent years, the insert cards have offered special coins for sale, such as last year's offer of World Cup commemorative coins. Shifting from an appeal about coins to an appeal about organ donation for 1 year could save a number of lives for many years to come.

This is also a highly cost-effective proposal. According to the Treasury Department, around 70 million households would receive this appeal at a cost of $210,000. There is no other way to reach so many households at such a modest cost.

Our approach also emphasizes the most important and often overlooked step in encouraging organ donation, which is talking to one's family beforehand.

Most people don't realize that a signed organ donor card does not ensure a donation. In order for an organ donation to take place, the next-of-kin must authorize it. If your family has not heard you express the desire to be an organ donor, they may be reluctant to authorize it. That is why talking to your family is critical.

Unfortunately, most Americans have never signed an organ donor card, and many of those who have signed a card have never discussed the matter with their family members. As a result, family members hesitate to authorize organ donation and opportunities to save lives are lost.

According to a Gallup poll cosponsored by the Partnership for Organ Donation, more than 90 percent of the public would authorize organ donation if their loved one had expressed that wish before death, but less than half would consent to donation if the discussion had not occurred. Unfortunately, according to the survey, less than half of the public have told their families of their wishes regarding donation.

Our bill is specifically designed to address this problem. Since organ donation begins with people who decide they want to be an organ donor if they should die unexpectedly, our bill encourages people to sign an organ donor card. But since an actual organ donation often hinges on whether loved ones are aware of that desire, our bill also encourages people to tell their family members about their desire to be an organ donor and urge their family to authorize a donation if the occasion arises.

By emphasizing the importance of family discussion, this legislation could expand the pool of potential donors, increase the likelihood that families will authorize donation for their loved ones, and reduce the number of people who die while waiting for transplants.

This legislation has the support of the United Network for Organ Sharing [UNOS], the American Nurses Association, and the National Kidney Foundation. Similar legislation in the 103d Congress had the support of nearly 20 organizations involved in the organ transplantation field, and we expect similar support this year.

This measure is desperately needed. When I first introduced the legislation in 1990, just over 20,000 people were on the waiting list and around 2,000 of those people died before receiving a transplant. Today, the waiting list has doubled in size, and more than 3,000 waiting list deaths are anticipated this year. Only a broad public education campaign can make a dent in these figures.

I urge my colleagues to join me as a cosponsor of this bill and encourage all Americans to "give the gift of life" by authorizing organ donations when the opportunity arises.

THE RURAL AMERICA HEALTH CARE IMPROVEMENT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. WILLIAMS. Mr. Speaker, I am introducing legislation that is critically important to the health of rural America. Rural Americans face unique barriers to obtaining health care—barriers ranging from great distances to reach hospitals and medical clinics to harsh weather conditions, too often low wages and poverty, and, perhaps most importantly, a simple lack of doctors, nurses, and other medical professionals as well as modern health care facilities.

Sixty-five million Americans—fully one-quarter of our Nation's population—live in rural areas, yet most of these folks lack access to even the most basic health care services. In 1992, 146 counties did not have a single physician and 34.8 percent of rural Americans lived in areas with fewer than 1 primary-care physician for every 3,500 residents. This severe inability to obtain basic health care has resulted in the poorer general health of rural folks. Rural America has a higher infant mortality rate and a 40 percent higher rate of death from accidents.

Out my way in Montana, too many of our rural hospitals and clinics are understaffed and financially troubled and too many rural families live daily with the anxiety that assistance for an unusual illness or serious injury will be miles and hours away.

Forty-one of Montana's 56 counties suffer from a serious shortage of physicians; and 9 counties do not have a single physician. In 22 counties there is no obstetrical care, putting women with a complicated delivery at severe risk. Half of Montana's hospitals, most of them small and rural, have endured significant financial losses for most of this past decade.

Mr. Speaker, the decision to live in a rural area should not be a decision to accept inferior health care. Rural Americans deserve the same quality and access to health care that is available to folks living in our suburbs and major cities.

The legislation I am introducing today, the "Rural America Health Care Improvement Act," offers an aggressive and comprehensive approach toward alleviating the problems our

rural communities face to obtaining care. It provides rural and frontier areas with the means to develop the capacity to provide quality medical care to their residents. It encourages physicians to practice in medically underserved rural areas.

My bill provides 20 percent bonus payments to physicians who choose to serve in health professional shortage areas and offer primary care services to their rural patients. Furthermore, it encourages health care providers to practice in rural underserved areas by guaranteeing physicians, nurse practitioners, nurse-midwives and physician assistants a tax credit.

It also dramatically expands the National Health Service Corps a program which offers financial assistance to students and loan repayment to graduates in exchange for their commitment to serve in a health professional shortage area and requires the National Health Service Corporation to place more physician assistants, nurse practitioners, and nurse-midwives in our rural communities.

Nurses and physician assistants play a vital role in our rural health care delivery systems. Many of our rural communities rely on health professionals other than physicians as the only provider of care in the community. In 1990, 34 percent of all physician assistants practiced in communities with less than 50,000 residents and 25 percent of all midwives practiced in those same areas. My bill recognizes that PA's, NP's, and nurse-midwives are more apt to practice in rural areas than physicians and therefore provides funds to train nonphysician providers.

My bill in particular provides rural and frontier areas with the assistance they need to develop their own community-based health plans to offer residents with health insurance. This program facilitates community involvement and encourages health care delivery structures that are adapted by local folks directly for local needs.

Furthermore, my bill recognizes that rural hospitals across the country are experiencing financial shortfalls. My bill includes a grant program for hospitals and outpatient facilities in medically underserved rural communities to provide primary-care services. It also provides for the development of emergency medical hospitals and nurse-managed health centers.

Mister Speaker, I have developed this legislation after countless meetings and much discussion with rural community leaders and hospital directors, with physicians and other health practitioners who live and work in rural areas, and especially with the families and workers and small business operators in our small towns and rural communities. This bill incorporates their solutions to the health care crisis they live and cope with daily. They are practical, specific, nonbureaucratic, no-nonsense, thoughtful solutions and I hope to see this Congress consider and approve them.

TRIBUTE TO RABBI YISOCHER DOV ROKEACH, THE BELZER REBBE, UPON HIS VISIT TO NEW YORK

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. NADLER. Mr. Speaker, I rise today to honor Rabbi Yisocher Dov Rokeach, known as the Belzer Rebbe, who will be visiting next week from Jerusalem. The Belzer Rebbe is the leader of a prominent Chassidic community whose core is based in my district in Boro Park and in Israel where Rabbi Rokeach resides. He stands out as an individual who has maintained the vibrancy and cohesion of a community, with followers who number in the thousands and reside around the world.

The Belzer Chassidic community was founded in Galicia, toward the end of the 18th century. It was well known for the wisdom of its literature and the religious dedication of its leaders. During the Second World War, Nazi terror devastated the Belzer European community and the surviving Belzer Chassidim left Europe to try to revitalize their movement in Israel. Under the direction of the fourth Belzer Rebbe, they began a program of community building, developing schools for child and adult education, and creating supportive economic institutions for the multitudes who had been impoverished by an oppressive war.

In 1966, Rabbi Rokeach took over these efforts. He has since realized the post-war vision of Belzer revitalization and has infused new life into the Belzer community. The community presently sponsors numerous self-help organizations including one of the world's largest patients advocate organizations of its kind, a center for free medical counseling, and a clinic providing affordable medical treatment. In addition, the Belzer community prides itself upon the recent growth of its numerous yeshivot—academies for talmudic scholarship.

Hillel the Elder stated, "If I am not for myself then who will be for me? But if I am only for myself, then what am I?" The Belzer Chassidim reflect this message. Under the leadership of the Belzer Rebbe, this community has truly succeeded in forging the ethnic of self-help together with an awareness of social responsibility. The modern-day Belzer Rebbe has created a vibrant, exciting community that would make each of his predecessors proud.

GERMANTOWN HIGH SCHOOL TEAM WINS TENNESSEE STATE CHAMPIONSHIP

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. BRYANT of Tennessee. Mr. Speaker, I rise today to advise this body that my own 7th District of Tennessee is the home of the best high school baseball team in the United States.

Germantown High School achieved perfection this year, compiling a record of 38–0, winning not only the Tennessee State Championship, but also national honors, being selected as the No. 1 team in America following their most successful season.

Coaches Phil Clark, Robert Armbruster, and John Perkins knew they had the makings of an outstanding team when, at the beginning of the year, their team won the Upper Deck baseball tournament in California. This tournament featured some of the very best high school teams from across the country.

As all of you can imagine, Germantown's team was a talented group of individuals. But they were a team in the true sense of the word. Not relying on a sole super star player, each member worked toward the common goal of winning, contributing a part to each victory. When one was not having a good day, others carried the team forward. Every day, some combination of pitching, hitting, running, defense, and strategy prevailed. Not once a let-down. This was an amazing accomplishment for a group of 15- 18-year-old young men. Their committed effort dispels any current thought that our American youth lack focus or work ethic. If any of you doubt me, you should come to Germantown, TN and see for yourselves.

The players include some who have signed college scholarships, as well as several underclassmen who will return next year. Jay Hood has been drafted by the Minnesota Twins and also, has signed with Georgia Tech. Chris Lotterhos will go to Ole Miss, where his father played football a few years ago. Other members of this team are Ricky Brillard, Daniel Brown, Andy Brunetz, Michael Cobb, Phillip Cobb, Matt Hale, Tom Hilderbrand, Darrin Hope, Brian Kincheloe, Jeff Flein, Blaine Lester, Chad Moore, Brandon Morrison, Brent Reid, Cory Sumner, Jeremy Wade, Chris Winsett, Johnathan Winterrowd, Paul Wood, and Chris Hackett. Many of the boys have played baseball together for years previous. All now share a unique bond, an experience that none will soon forget, and that no one can take from them.

Any acknowledgment such as this would not be complete without pointing out the efforts, out front and behind the scenes, of the Germantown High School administration, coaches, loyal fans and especially, the wonderful parents and families who provided immeasurable support.

Again, congratulations to Germantown High School. You certainly have set the standard in high school baseball for years to come.

TRIBUTE FOR GEN. JOHN M. LOH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SKELTON. Mr. Speaker, today I want to recognize Gen. John Michael Loh who is retiring after 35 years of faithful and distinguished military service to our Nation.

As one of our Air Force's most senior leaders, General Loh directly contributed to the revolutionary changes in the application of aerospace power that have resulted in dramatic improvements in our Nation's ability to

achieve our security goals. General Loh's dedicated service and exceptional leadership helped ensure the U.S. Air Force excelled in the technologically demanding latter half of the cold war, in the crucible of Operations Desert Shield and Desert Storm, and in the economic turbulence and changing geopolitical landscape of the 1990's.

General Loh's drive, vision, and extraordinary leadership skills set him apart from his peers and brought him varied, demanding assignments in which he always excelled. He was graduated eighth in the second class produced by the U.S. Air Force Academy. As a young pilot, he flew over 200 combat missions in the F–4 as a member of the 389th and 366th Tactical Fighter Squadrons at Da Nang Air Base, Republic of South Vietnam. On returning, he served as an engineer and test pilot, helping to usher in many of the technological innovations in today's fighter aircraft. He accumulated more than 5,000 hours as a command pilot in the F–4, F–104, A–7, F–16, and dozens of other aircraft. He capped his career by becoming one of the first to fly the Nation's most sophisticated combat aircraft—the B–2 bomber.

The general's contributions to the acquisition community began very early in his career. As a junior officer, he worked on the prototype of a highly capable yet low-cost fighter. It became the F–16. He won the Air Force Association's Daedalian Fellowship for his work and applied it to a graduate engineering program at the Massachusetts Institute of Technology. Upon completion of the degree, he continued his work in fighter aircraft acquisition. His technical expertise and leadership resulted in the F–16 exceeding its program goals and going on to become one of the Nation's most successful fighter programs. Today, the F–16 comprises 53 percent of the Air Force's fighter and ground attack force, and it is the most successful foreign military sales program. General Loh also helped lay the groundwork for the F–22 fighter, B–2 bomber, and, as a former commander of the Air Force's agency for aircraft acquisition, he influenced every substantive program within the service.

Shortly after he became the Air Force's Vice Chief of Staff, Iraq invaded Kuwait. General Loh served as the acting Chief of Staff for the majority of Operation Desert Storm and played a key role in preparing the plan for the air campaign. His ability to work quietly behind the scenes to guide the implementation of innovative policies and lightning-quick acquisition and deployment of weapons played a significant part in the success of the Nation's war effort.

As the Soviet Union began to collapse, Air Force leadership decided to radically restructure the entire service. As the first commander of Air Combat Command, General Loh became the linchpin of this effort. He restructured the Air Force's combat forces, using the remnants of the inactivated Strategic Air Command, Tactical Air Command, and Military Airlift Command to build a more dynamic, fleet-footed, conventionally-oriented combat force. Within this new entity of more than 30 wings, 3,400 aircraft, and 250,000 active duty, Guard, Reserve, and civil service people, he engendered a new leadership style. He replaced the authoritarian style of ACC's predecessors with a people-oriented style based on trust, teamwork, and a mutual quest for continuous improvement. His success in bringing this leadership style into use resulted in the implementation of better practices and processes in every facet of the command's operations, leading to an outstanding response to contingencies in Southwest Asia, the former Yugoslavia, and Haiti to name just a few. His leadership style also saved the Air Force millions of dollars and raised morale across the command despite the turbulence of the dramatic defense draw down. This success led to high praise from Vice President GORE during the National Performance Review and an invitation for General Loh to join him at the Reinventing Government Summit in Philadelphia in June of 1993.

As fiscal pressure and geopolitical necessities drove American forces to become increasingly expeditionary, General Loh became the leading advocate for the immediacy and flexibility of air power. Throughout his career, he has worked closely with local governments to foster technology transfer to private, nondefense businesses. The governors of Ohio and Virginia each chose him to co-chair their State's technology transfer and defense reutilization commissions. He has also been one of the Nation's most effective advocates for maintaining the unique portions of the Nation's industrial base that have allowed us to field weapons with stealth and other sophisticated, force-multiplying characteristics.

General Loh's ability to master diverse challenges and draw on his own experience to interweave the efforts of combat forces and the industries that support them has given the nation the world's preeminent combat air force. His vision of what this fighting force can and should be has made it a national model for the people-centered, intellectually nimble work horse of the future. None of these things would have been accomplished without General Loh's conviction, courage, and leadership. He set a new standard for air power and gave our Nation the world's most effective combat air force.

General John Michael Loh, on behalf of the Congress of the United States and the Americans we represent, I offer our sincere thanks for your dedicated and selfless service to our Nation.

AMENDMENT TO EXCLUDE LENGTH OF SERVICE AWARD PROGRAMS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. HOUGHTON. Mr. Speaker, I am joined today by several of my colleagues, including Mr. MCNULTY, Mr. ACKERMAN, Mr. BUNNING, Mr. VOLKMER, and Mr. SHAW, in introducing legislation to exclude Length of Service Award Programs [LOSAP's] for volunteers performing firefighting or prevention services, emergency medical services or ambulance services from section 457 of the Internal Revenue Code. Likewise, the legislation would exempt the LOSAP's from FICA and Medicare taxation. This corrective legislation would support the important role that volunteer firefighters and rescue personnel play in small towns and rural areas across the United States.

There are approximately 150,000 volunteer firefighters in about 37 States, who receive nominal awards, about $250 per year on average, under LOSAP's from their governmental or tax-exempt fire districts. Volunteers earn awards under a LOSAP while they are performing volunteer services, on the basis of their years of service. However, the awards are not actually paid to volunteers in cash until after they have retired as volunteers. There are similar award programs for volunteers performing other emergency medical services, such as rescue personnel and ambulance drivers.

These nonqualified plans are covered by section 457. Participants under a section 457 plan normally report for tax purposes any compensation deferred and any income attributable to the amounts when it is actually received, similar to so-called qualified pension plans. However, one of the requirements for delayed taxation under section 457 is to limit such deferred amounts to a percentage of compensation paid. Of course, with most volunteer fire and rescue personnel, there is no regular pay, or only nominal amounts to cover expenses. Section 457 is in the Code to prevent governmental and tax-exempt entities from setting aside excessive amounts of tax-deferred income for the highly compensated employees, while at the same time being able to avoid the nondiscrimination rules that are applicable to qualified plans. Volunteers are far from being highly compensated, so our proposal does not undermine this policy.

However, the result of the current limitations may be to tax the volunteer with zero or minimal pay, on the amounts set aside as LOSAP's for retirement, at the time the amounts vest with the volunteer; that is, there are no restrictions on the receipt other than the passage of time. This could result even though it may be years before the volunteer will actually receive any funds.

The proposal would provide that the LOSAP's are excluded from the provisions of section 457. The result would be deferral of taxation until the LOSAP awards are paid. It would also exempt the amounts awarded under the LOSAP's from FICA and Medicare payroll taxes. The latter provision is similar to other areas of the tax law, such as exempting Peace Corp allowances paid to volunteers, as well as other plans established by the Government for deferral of compensation.

The proposal would promote volunteerism in the United States. There are strong public policy reasons for promoting volunteerism, and programs such as LOSAP's are important in doing this. In many areas of the country it is not economically or geographically feasible to provide these fire protection and emergency medical services through paid career personnel.

We urge our colleagues to support this sensible and important legislation.

DEFENSE WORKERS HEALTH BENEFITS LEGISLATION

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SKAGGS. Mr. Speaker, I am today introducing legislation to provide health insurance benefits to former employees at defense nuclear facilities such as the Rocky Flats site in Colorado.

This bill, the Defense Nuclear Workers' Health Insurance Act of 1995, is essentially identical to a bill I introduced in the last Congress, and is based on provisions of a defense nuclear workers' bill of rights that I introduced in 1991. Other provisions of that larger bill were enacted as part of the 1993 defense authorization bill.

The bill I am introducing today would establish a health insurance program to help with the costs of serious illnesses resulting from workplace exposure to radiation or toxic materials. This would be funded through the Department of Energy and would cover treatment costs exceeding $25,000 for the covered illnesses or injuries.

Mr. Speaker, nuclear weapons plant workers were on America's frontlines in the cold war. They helped our national defense mission, working with dangerous materials often under conditions that would not be acceptable by today's standards. Now, as the work force at these sites is reduced, we need to act to assure prospective future employers that company health insurance rates will not be adversely affected if they hire these former defense workers. We also need to act to give these workers assurance that they'll have health insurance coverage for work-related illnesses.

This is the right thing to do, Mr. Speaker. America has already rightly recognized a special obligation to veterans and to those exposed to dangerous levels of radiation during the cold war—uranium miners, people who were downwind from nuclear tests, and atomic veterans. Nuclear weapons workers deserve similar consideration, and this bill would provide that.

MILITARY CONSTRUCTION APPROPRIATIONS ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. PACKARD. Mr. Speaker, this bill addresses two current and critical concerns raised by the Department of Defense: The lack of quality family dwellings and a shortage of troop barrack space.

Two-thirds of the 350,000 family housing units in the Department of Defense inventory are over 30 years old and require extensive maintenance. Troop housing is in an even more dire situation. About one-half of all military barracks were built 30 or more years ago. The Department of Defense considers more than a quarter of this housing substandard and in need of constant upkeep to deal with problems such as asbestos, corroded pipes, inadequate ventilation, faulty heating and cooling systems, and peeling lead-based paint. Mr. Speaker, our service men and women deserve more. Chairwoman VUCANOVICH'S bill addresses this issue.

This bill also provides adequate support facilities for our service members and their families. These facilities are vital to ensure adequate working environments, productivity, and readiness, particularly with the growing number of deployments. They are essential to a strong national defense.

These men and women voluntarily put their lives on the line to serve their country. They deserve nothing less than the best we can offer them and I strongly urge support for this bill.

CHECHNYA VIOLENCE SPREADS TO RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1995

Mr. SMITH of New Jersey. Mr. Speaker, in the New Testament, the book of Galatians, we read that "whatsoever a man soweth, that shall he also reap." How true that is today, and how true it is not only of individuals, but also of societies and governments.

In response to the secession attempt by the region of Chechnya, the Russian Government has used massive and indiscriminate force to regain control of the region. At one point, at least half of the population of Grozny, the capital of Chechnya, a city of about 400,000, had been killed or driven from their homes. Entire families have been wiped out. Neighborhoods and livelihoods have been annihilated. Thousands of refugees have been displaced throughout Chechnya, and into neighboring Ingushetia and Dagestan.

According to a spokesperson from the respected international relief organization, Doctors Without Borders, Russian military assaults against villages south and southeast of Grozny were accompanied by massive abuses against the civilian population. During the attacks against these villages, the number of women and children killed or seriously wounded was over 50 percent of the total casualties. The shelling of the town of Samashki, for instance, has been compared to the bombing of Guernica during the Spanish Civil War.

And now the killing has come to Russia. According to press reports, about 100 people died when Chechen guerrillas stormed the southern Russian city of Budennovsk last Wednesday and took about 2,000 hostages at a local hospital. Dozens more were killed or wounded Saturday when Russian troops tried to free the hostages by storming the hospital.

Ironically, this action takes place when the head of the Mission of the Organization on Security and Cooperation in Europe in Grozny reports that Russia is trying to reduce civilian casualties in Chechnya and has tightened up discipline in Russian military ranks to avoid the brutality that took place earlier. Moreover, I note also that an official representative of Chechen political leader General Dudaev, speaking in The Hague, has condemned the Chechen raid on Budennovsk and the taking of hostages.

Thankfully, the fury in Budennovsk has been settled without further bloodshed. But, Mr. Speaker, the legacy of violence and hatred cannot be easily extinguished. I am informed that the leader of the Chechen guerrilla force that attacked Budennovsk lost most of his family to the Russian onslaught in Chechnya. How many other desperate and vengeful persons has the Chechen War begotten?

In a recent message concerning the Budennovsk tragedy, Dr. Elena Bonner writes:

> The policy of physical destruction of the Chechen people together with attempts to deprive them of any dignity has in a natural way led to the tragedy in Budennovsk. Under [these] circumstances, any solution by means of force will only result in new victims and will become a stimulus for further spreading of the bloodshed over greater territory of Russia.

I am certain that all my colleagues in the Congress join me in urging all concerned to end the cycle of violence in Chechnya and Russia. And once again, as Chairman of the Commission on Security and Cooperation in Europe, I urge the Russian government and the Chechen opposition to work with the Organization on Security and Cooperation in Europe toward a permanent cease-fire and a just settlement of the conflict.