# SENATE—*Tuesday, July 11, 1995*

*(Legislative day of Monday, July 10, 1995)*

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

## PRAYER

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

Sovereign God, we all have two things in common as we begin this day. We all have great concerns, but we also have You, a great Lord, who will help us with those concerns. Often, we worry about loved ones and friends. In our work, unfinished projects and unresolved perplexities weigh us down. Problems in our Nation and world distress us. Uncertainty about the future, and our inability to solve everything, remind us of our human limitations. We need release from the tension of trying to manage our burdens on our own strength.

Help us to hear and accept the psalmist's prescription for peace. "Cast your burden on the Lord and He shall sustain you".—Psalm 55:22.

In this quiet moment of liberating prayer, we deliberately commit each one of our burdens, large or small, into Your gracious care. Help us not to snatch them back. Give us an extra measure of Your wisdom, insight, and discernment as we tackle the challenges of this day. Make this a productive day in which we live with confidence that You will guide our thinking, unravel our difficulties, and empower our decisions. We are ready for the day. We intend to live it with freedom and joy, in Your powerful name. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado, the acting majority leader, is recognized.

## SCHEDULE

Mr. CAMPBELL. Mr. President, this morning, the leader time has been reserved, and there will be a period for morning business until the hour of 9:45 a.m., with Senators permitted to speak up to 10 minutes each. At 9:45 a.m., the Senate will resume consideration of S. 343, the regulatory reform bill. Rollcall votes can be expected throughout today's session of the Senate. Also, the Senate will be in recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly policy luncheons to meet.

## MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, there now will be a period for the transaction of morning business, not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

## ANIMAS LA PLATA

Mr. CAMPBELL. Mr. President, I rise today to comment on an article which appeared in the June 29, 1995, issue of the Washington Post, regarding the Animas La Plata water storage project in my home State of Colorado. There were a great many omissions in that article which, unfortunately, created a false impression that the Animas La Plata project was unneeded, which I consider to be very unfair and certainly untrue.

It is especially appropriate that I respond to that article and the false impression it created, since the House of Representatives is taking up the Interior appropriations bill this week. I trust that my colleagues in the House will be advised of my comments today.

In fairness to the Washington Post, I will presume that its editors were simply unaware of several key considerations which mandate the Federal Government's full support of this crucial project. Otherwise, it would appear that the Post is knowingly joining in a deliberate misinformation campaign on the part of high-dollar environmental groups seeking to describe the Animas La Plata as one of the last great dam projects to be built in the American West.

There is no dam on the Animas River. There is no dam on the La Plata River and there is none planned.

There is, however, a small, off-river dam proposed on a small arroyo which is necessary to create a water storage reservoir. The entire project entails a pumping plant, nothing more, on the bank of the Animas River at Durango, CO.

Under the project plan, water could be pumped out of the river and into the Ridges Basin Reservoir. Pumping would cease if the water level reaches a certain minimum flow necessary to protect fish. Most water would be pumped during flood stages.

The fact is that the Ute Indian Tribes own the senior water rights to the Animas, La Plata, and Florida River systems—as well as four other rivers—by virtue of various treaties with the U.S. Government. These treaty rights have been upheld by the Supreme Court of the United States when disputes have arisen in other States. Those disputes took the form of expensive and protracted litigation in the Federal courts.

The tribes and the water districts chose negotiation over litigation. Rather than engage in expensive and divisive legal battles, the tribes and the citizens of Colorado and New Mexico chose to pursue a negotiated settlement. The Ute Nations agreed to share their water with all people.

The people came together in partnership and cooperation with the Federal Government to reach a mutually beneficial solution: the Animas La Plata project. Their settlement agreement was executed on December 10, 1986. The Settlement Act was ratified by Congress and signed into law on November 3, 1988.

The Settlement Act is Federal law: the law of the land. It also provided a cost-sharing agreement.

The water districts and the States of Colorado and New Mexico have "put their money where their mouth is" and have already lived up to the terms of these agreements:

First, the State of Colorado has:

Committed $30 million to the settlement of the tribes' water rights claims;

Has expended $6 million to construct a domestic pipeline from the Cortez municipal water treatment plant to the Ute Mountain Ute Indian Reservation at Towaoc; and

Has contributed $5 million to the tribal development funds.

Second, the U.S. Congress has appropriated and turned over to the Ute Mountain Ute and Southern Ute Indian Tribes $49.5 million as part of their tribal development funds, and

Third, water user organizations have signed repayment contracts with the Bureau of Reclamation.

The construction of the Animas La Plata project is the only missing piece to the successful implementation of the settlement agreement and the Settlement Act. It is time that the U.S. Government kept its commitment to the people.

Historically, this country has chosen to ignore its obligations to our Indian people. Members of the Ute Tribe had been living in a state of poverty that can only be described as obscene. Their only source of drinking water was from ditches dug in the ground. I find it most distressing that the same groups and special interests who are now

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

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scrambling to block this project also, in other contexts, hold themselves out as the only real defenders of minority rights in this country. Hogwash.

This project would provide adequate water reserves to not only the Ute Nation, but to people in southwestern Colorado, northern New Mexico, and other downstream users who rely on this water system for a variety of crucial needs which range from endangered species protection to safe drinking water in towns and cities—perhaps even filling swimming pools for some of our critics.

Opponents of the Animas La Plata project have alleged that the Bureau of Reclamation [BUREC], has not adequately analyzed alternative projects. That is not true.

BUREC has performed a thorough analysis of all reasonable alternatives. No new circumstances exist which require reevaluation of the prior alternatives studies.

Exhaustive studies, involving extensive public participation have demonstrated that there is no realistic alternative to the Animas La Plata project.

This public alternatives process involved an advisory team consisting of representatives of all of the entities potentially interested in receiving water from the project and environmental groups such as the Sierra Club and the San Juan Ecological Society.

The advisory team met 11 times in a 2½-year period. In addition, 10 other public meetings were held with specific groups during that same period.

The advisory team evaluated alternatives by comparing critical items for each alternative; alternatives were eliminated until the best overall plan was identified.

Critical items included: impact on wildlife habitat, fisheries, any potential visual degradation, conservation impacts, construction costs, operation costs, water conservation, river flows for rafting and fishery protection, power usage, recreation, impact on national historic monuments, and others.

Over 60 reservoir sites were identified by the team, approximately 20 in the La Plata River drainage and the remainder in the Animas River drainage. The best potential site in the La Plata River drainage is the Southern Ute Reservoir site included in the 1979 Definite Plan Report [DPR]. The Ridges Basin Reservoir site was determined to be the best site in the Animas River drainage from an engineering and environmental perspective.

In both La Plata County, CO, and San Juan County, NM, public elections were held on Reclamation's decision to move forward with the A/LP project.

All of the so-called current objections were raised and discussed in public forums during the course of the election campaigns in those communities, including the following issues: no analysis of alternatives, adverse impact on rafting, no water for the Indians, reduced flows in the Animas River, ability of farmers to pay for water, effect on wetlands, and the impact on trout and elk habitat.

At the end of the process, the general public voted overwhelmingly, on December 8, 1987, in La Plata County, CO, and on April 17, 1990, in San Juan County, NM, to endorse Reclamation's construction of the A/LP project.

In a last ditch effort, two environmental organizations, the Sierra Club and the Environmental Defense Fund, again raised "environmental concerns." Additional meetings were held to address those unstated concerns and the groups simply decided not to show up. When asked why, they just responded that they would "get back to us."

They never did.

Since then, they have chosen to simply funnel money into opposition campaigns. These groups have no real suggestions to make. They simply believe themselves to be somehow more pure, environmentally, than anyone else.

The only alternative these groups suggest is to "buy off" the Indians. Of course, the proposed "buy off" would be funded by hundreds of millions of taxpayer dollars but the groups do not care about that.

The Animas La Plata project is a good deal for the taxpayers.

The Southern Ute Indians and the Ute Mountain Ute Indian Tribes have rejected the buyout proposals. Just like everyone else in our country, they simply want decent and reliable water supplies—using their own water—for their people.

In exchange, all the people of the area will benefit. Opponents are apparently willing to spend even more tax dollars to "buy off" the Indians than it would cost to complete the project.

So, as the Washington Post suggested, there are, indeed, "politics" behind the Animas La Plata controversy.

I would suggest, however, the political "games" are not being played by project supporters, but rather by a few elite and select high dollar special interest groups—"beltway environmentalists"—and their ensconced cronies in the Department of the Interior and the EPA.

It is time to end the trail of broken treaties and fulfill our commitments. Great nations, like great people, keep their words of honor.

I implore my colleagues in the House to help us keep our word to the people of Colorado and New Mexico.

I thank the Chair, and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

## NORMALIZATION OF RELATIONS WITH VIETNAM

Mr. MURKOWSKI. Mr. President, it is my intention to speak on two subjects this morning. One is a very timely subject relative to an announcement that we anticipate will be made today by the President with regard to relations between the United States and Vietnam.

I want to commend our President. By moving to establish full diplomatic relations with the Government of Vietnam, the two-decade-long campaign to obtain the fullest possible accounting of our MIA's in Southeast Asia really now enters a new and more positive phase.

I support the President's decision because I continue to believe, and the evidence supports, that increased access to Vietnam leads to increased progress on the accounting issue. Resolving the fate of our MIA's has been and will remain the highest priority of our Government. This Nation owes that to the men and the families of the men who made the ultimate sacrifice for their country and for freedom.

In pursuit of that goal, I have personally traveled to Vietnam on three occasions. I held over 40 hours of hearings on that subject as chairman of the Veterans' Committee back in 1986. I think the comparison between the situation in 1986 and today is truly a dramatic one. In 1986, I was appalled to learn that we had no first-hand information about the fate of POW/MIA's because we had no access to the Vietnamese Government, to its military archives or to its prisons. We could not travel to crash sites. We had no opportunity to interview Vietnamese individuals or officials.

All of this has now changed. American Joint Task Force-Full Accounting (JTF-FA) personnel located in Hanoi now have access to Vietnam's Government, to its military archives, and to its prisons. They now travel freely to crash sites and interview Vietnamese citizens and individuals. The extent of United States access is illustrated by an excavation last month that involved overturning a Vietnamese gravesite.

As a result of these developments, the overall number of MIA's in Vietnam has been reduced to 1,621 through a painstaking identification process. Most of the missing involve men lost over water or in other circumstances where survival was doubtful and where recovery of remains is difficult or unlikely. Significantly, the number of discrepancy cases—the cases of those servicemen where the available information indicated that either the individual survived or could have survived—has been reduced from 196 to 55. The remaining 55 cases have been investigated at least once, and some several times.

Much, if not most, of this progress has come since 1991 when President

Bush established an office in Hanoi devoted to resolving the fate of our MIA's. Opening this office ended almost two decades of isolation, a policy which failed to achieve America's goals.

It is an understatement to say that our efforts to resolve the fates of our MIA's from the Vietnam war have constituted the most extensive such accounting in the history of human warfare.

There are over 8,000 remaining MIA's from the Korean war. A large number of those are believed to have perished in North Korea, and we have had little cooperation from the Government of North Korea on that issue. There are over 78,000 remaining MIA's from World War II. These are wars where we were victorious and controlled the battlefield. So I find it ironic that we have already moved to set up liaison offices in North Korea when that Government has not agreed to the joint operation teams that have been used successfully in Vietnam. Nor has North Korea granted access to archives, gravesites, or former POW camps. Vietnam, on the other hand, has worked steadily over the last 4 years to meet the vigorous goal posts laid down by successive United States administrations.

In 1993, opponents of ending our isolationist policy argued that lifting the trade embargo would mean an end to Vietnamese cooperation. This is distinctly not the case. As the Pentagon assessment from the Presidential delegation's recent trip to Vietnam notes, the records offered are "the most detailed and informative reports" provided so far by the Government of Vietnam on missing Americans.

During the post-embargo period, the Vietnamese Government cooperated on other issues as well, including resolving millions of dollars of diplomatic property and private claims of Americans who lost property at the end of the war.

While we have made progress, Americans should not be satisfied by any means. But there are limits to the results we can obtain by continuing a policy which, even though modified, remains rooted in the past and is still dominated by the principle of isolation. I think we have reached that limit, Mr. President. It is time to try a policy of full engagement.

Recognizing Vietnam does not mean forgetting our MIA's, by any means. Recognizing Vietnam does not mean that we agree with the policies of the Government of Vietnam. But recognizing Vietnam does help us promote basic American values, such as freedom, democracy, human rights, and the marketplace. When Americans go abroad or export their products, we export an idea, a philosophy, and a government. We export the very ideals that Americans went to fight for in Vietnam.

We justify most-favored-nation status for China for many reasons, one of which is that it allows us a means to interact and to communicate with the Chinese in an attempt to bring about change in China. The same application is appropriate for Vietnam.

Moreover, diplomatic relations give us greater latitude to use the carrot and stick approach. Diplomatic, economic, and cultural relations should flourish, but we retain leverage because Vietnam still seeks most-favored-nation status and other trading privileges which the United States controls.

Establishing diplomatic relations should also advance other important U.S. goals. A prosperous, stable, and friendly Vietnam integrated into the international community will serve as an important impediment to Chinese expansionism. Normalization should offer new opportunities for the United States to promote respect for human rights in Vietnam. Finally, competitive United States businesses which have entered the Vietnamese market after the lifting of the trade embargo will have greater success with the full faith and confidence of the United States Government behind them.

Mr. President, let me conclude by saying that I hope this step will continue this country's healing process. I think the time has come to treat Vietnam as a country and not as a war.

## PRINCIPLES FOR RISK ASSESSMENT

Mr. MURKOWSKI. Mr. President, I want to talk briefly about the matter that is currently before this body, regulatory reform.

Very briefly, we have been reviewing some of the principles associated with regulatory reform. I would like to talk a little bit about risk assessment this morning and some guidelines for which the applicability of risk assessment should be used, and why it can be very, very helpful as we address the responsibility of determining which policies make sense and which policies are redundant and costly and inefficient.

If we establish principles for risk assessment, some of the bases for evaluation should include the following:

First, the use of sound science and analysis as the basis for conclusions about risk.

Second, to use the appropriate level of detail for any analysis.

Third, to use postulates, or assumptions, only when actual data is not available.

Fourth, to not express risk as a single, high-end estimate that uses the worst-case scenario.

I think we have all heard horror stories about various cases where applications are promoted and promulgated, and over an extended period of time, when much expenditure has taken place in evaluating the prospects for a particular approval, we find that the agency has evaluated under a worst-case basis. If we, in our daily lives, were to make our decisions based on a worst-case scenario, we probably would not get out of bed in the morning. As a consequence, to reach that kind of an evaluation is clearly misleading, in many cases, to the applicant that never would have proceeded with a request for approval from the various agencies if the applicant had assumed that the agency would come down to the worst-case basis.

Oftentimes the agency will follow a particular line to reach a worst-case basis, and after expending a great deal of money and time, they look at another alternative, but only at the conclusion of reaching a worst-case scenario. So there are other opportunities that should be pursued with regard to that.

Further, some of the other principles for risk assessment would require comparing the risk to others that people encounter every day to place it in a perspective. I could speak at some length on that, but I think that is obvious to all of us.

Further, to describe the new or substitute risks that will be created if the risk in question is regulated.

Use independent and external peer review to evaluate risk results.

Finally, to provide appropriate opportunities for public participation.

So what we are talking about here is improved risk assessment, which helps the homeowners, farmer, small business, taxpayers, consumers—all Americans. To conclude, risk reduction equals benefit.

I thank the Chair and yield the floor.

## COMPREHENSIVE REGULATORY REFORM ACT

Mr. THURMOND. Mr. President, I rise today in support of S. 343, the Comprehensive Regulatory Reform Act of 1995. Regulatory reform is a critical issue which the Congress should act on promptly in order to significantly benefit our Nation.

When unnecessary regulations are avoided or eliminated, American production will be more competitive and provide more jobs for American workers. With true regulatory reform, American consumers will have more choices at lower prices.

We all are concerned that the health and safety of Americans not be compromised. By using more common sense, however, our Nation can achieve the same level of health and safety at far lower costs. Avoiding unnecessary regulations frees up our economic resources to be used for more important purposes. Every billion dollars saved by avoiding wasteful regulations is a billion dollars that the private sector can invest in new enterprises and new jobs.

This will generate additional revenues to bolster our national defense, education, crime reduction, and other priorities.

The principle of applying cost-benefit analysis and risk assessment to Government regulations is hard to seriously dispute. It is based on the simple concept that the Government should not impose rules and regulations unless the benefits justify all the costs. The legislation which we are now considering has been through numerous drafts and compromises in order to achieve this purpose.

The bill articulates standards by which the costs and benefits of regulations are to be compared, and provides for judicial review of actions by the Government. The bill applies not only to new regulations as they are formulated, but also to existing rules. The legislation applies to relatively large regulations, which impose substantial costs. Importantly, risk assessments are standardized and must rely on the best available science.

Mr. President, it is my belief that the principles in S. 343 are vital for this Nation. Great effort has been put forth to bring the bill to this point, and everyone involved in moving this bill forward deserves our thanks.

For all of these reasons, I urge my colleagues to support this regulatory reform legislation.

In closing, Mr. President, I wish to commend the able Senator from Texas [Mrs. HUTCHISON] for the great job she has done on this important matter, which will be of such benefit to our Nation.

I yield the floor.

## FEDERAL OVERREGULATION

Mrs. HUTCHISON. Thank you, Mr. President. I want to commend the senior Senator from South Carolina and also the dean of the Senate for the statement that he made.

Senator THURMOND has been in this Senate a long time. He has seen the evolution of the regulations that have come as a result of the laws that are passed by Congress.

I think the Senator from South Carolina is saying that the regulators have gone far beyond congressional intent. He believes, as I do, that we must bring back the regulators, tell them what our congressional intent is, and try to bring some balance into the system.

I thank the senior Senator from South Carolina for his leadership in this area and appreciate very much that, with his long experience, he would weigh in on behalf of this bill. In fact, it is a very important bill.

One issue about which all Members have heard from our constituents over and over again is the need for fundamental reform of the tortured and increasingly tangled web of Federal overregulation.

Congress passes laws. We delegate their implementation to regulators. If the regulators do not do what is envisioned by Congress, it is our responsibility to step in.

In recent months, I have spoken on the floor of the Senate offering examples of Federal Government overregulation and unintended consequences of regulatory excess that puts Americans out of work. It usurps our constitutional rights. It saps our productivity. It saps our economic competitiveness.

Americans have a right to expect their Government to work for them, not against them. Instead, Americans have to fight their Government in order to drive their cars, graze cattle on their ranches, or operate their small businesses in a reasonable, commonsense manner.

I hear this every time I go home, or when I go to other States. The people of this country are tired of the harassment of their Government, and I think that was the message they sent in November 1994.

The legislation before the Senate today provides lawmakers with a tool for ensuring that Federal agencies are carrying out Congress' regulatory intent properly and within the confines of Congress and no farther. Agencies have gotten into the habit of issuing regulations which go far beyond the intended purpose of the authorizing legislation. This bill is simply an extension of the system of checks and balances which has served our country so well for more than two centuries.

Senator THURMOND has not been here for all two centuries, but we all know that it has gotten out of whack since Senator THURMOND has been in this Senate, and most certainly in the last 10 years, or 5 years, we have seen the balance go in the wrong direction. It is time to put the balance back in our Government and the ability of our Government to regulate our people.

In November, the voters sent a message: We are tired of the arrogance of Washington, DC. Nothing demonstrates that arrogance more than the volumes of one-size-fits-all regulations which pour out of this city and impact on the daily life of the American people.

The regulators in Washington, it seems, believe that everyone can fit into one cookie-cutter mold. They do not take into account the different situations in each business, in each State, in each city, and the things that might be affecting safety or whatever the regulation is covering in that city.

I believe the voters went to the polls because they felt harassed by their Government, the Government that issues regulations without any thought of the impact on the small businesses of this country.

You just do not feel the pinch of being a small business person unless you have been there, unless you have lived with the regulations and the mandates and the taxes that our small business people live with every day.

Our small business people, Mr. President, are the economic engine of this country. Government is not the economic engine of America. Small business is. They create 80 percent of the new jobs in this country. Sometimes they feel like their Government is trying to keep them from growing and prospering and creating new jobs.

If they do not grow and prosper and create new jobs, how are we going to absorb the new people coming into our economic system, the young people graduating from college, the immigrants who are coming into our country? How are we going to absorb them if we continue to force our small businesses to put money into regulatory compliance and redtape and filling out forms, instead of into the business to buy new machines that create new jobs. That is the issue we are talking about today.

When I meet with small business people, men and women across our country, complaints about excessive Federal regulations are always at the top of their list. In fact, a few weeks ago the White House hosted a conference on small business and, according to those with whom I spoke who went to the conference, no one issue and no one agency energized the participants more than the need for comprehensive regulatory reform.

They talk about taxes, yes. But, mostly, those small business people say, "If you will get the regulations off our backs so we can compete, that's when we will be able to throw the shackles off and grow and prosper and create the new jobs for our country."

So, Mr. President, I am proud to be a cosponsor of the Comprehensive Regulatory Reform Act of 1995. This bill is necessary to get the regulatory process under control. The Republican majority of this Congress recognizes that the problems that business owners face are hurting our country and we are committed to doing something about it. We are committed to regulatory reform legislation that will establish a flexible decisionmaking framework for Federal agents, so they know what the parameters are. We need to make our congressional intent very clear.

Some of the regulators might have gotten out of control unwittingly. Maybe we were not clear enough. Congress has passed broad, general sorts of guidelines in the past. Maybe it is time we pass laws that are specific, so the regulators have no doubts. I think that is our responsibility, and this bill will take a step in that direction.

We need to increase public participation in the regulatory decisionmaking process. That is what this bill will do. It will bring in peer groups to talk about the effects of the regulations so the regulators will know if there is a scientific basis for this regulation, if

we really need it, how does it affect the workplace, the marketplace, worker safety, worker harassment—that is what this bill will speak to.

It will require political and judicial accountability. If you do not have judicial accountability, there will not be any teeth in this law. So we will have the ability to have judicial review, to see if the regulation meets the test of the law that is passed.

This bill will require the regulators to ask and answer the questions, "Is the regulation worth the cost?" And, "Does this approach maximize the benefits to society as a whole?" That is what the basic concept of this bill is.

We have heard a lot about food safety. That is something the press has really talked about in the last couple of days. They have shown meatpacking plants and talked about the E. coli virus and the things that might happen if we have regulatory reform that will require the things we are talking about.

The fact is, food safety is exempt from this bill. It is not spoken to. It is exempt because no one wants to worry about the safety of our food. So it is very important, as we look at the press that is going to be coming out of this bill, that we realize there are some very important exceptions because we want to make sure we do not do something that is going to hurt the health or welfare of the people of this country.

No, the Regulatory Reform Act of 1995 is trying to put balance and common sense back into the system. We have survived in this country for 2 centuries with a balanced approach. It is only in the last 5 or 10 years that we have gone so far in the direction of excesses that we must now say to our business people, "We are going to try to put some common sense into this equation. We are going to put people ahead of blind salamanders." That is the purpose of this act.

The key principle embodied in this bill is cost-benefit analysis. Is it worth it? The premise is simple. Before an agency promulgates a regulation, it systematically measures the benefits of the regulation and compares those benefits to the costs. This analysis allows a full and complete understanding of the regulatory burden imposed on consumers by the Federal Government. Is the price increase, necessitated by the regulation, to people who are in the grocery store, worth the benefit to be gained? And, further, will the benefit actually be gained? That is a question that is not asked. Will the regulation actually achieve the purpose that it is supposed to achieve? That is a very important, basic concept, and that is what a cost-benefit analysis does.

I want to talk more about cost-benefit analysis because there have been some studies done that show that we can spend $900 million to possibly save one life when we could take the same $900 million and assure that we would save hundreds of lives in other ways. So it becomes a matter of how we spend our resources. How will it benefit the most people? And that is what bringing common sense into the system will do.

Risk assessment is an important complement to cost-benefit analysis. The problem with the current regulatory process is that it often focuses on minor risks while ignoring far greater threats to public health and safety. There are many risks to public health and, without effective risk assessment, funds available to address these risks will be needlessly squandered on questionable programs that do little to really promote public health and safety and environmental protection.

In my home State of Texas we had the incredible experience of having a new mandate put on the citizens of Dallas and Houston and El Paso and Beaumont—cities that were in nonattainment areas for air quality, cities that are trying desperately to do something about it. El Paso has tried in every way to clean its air. But, because there is smoke coming across the border from Juarez, they are not able to do anything. And it is not their fault.

Nevertheless, they were put under a mandate to have a vehicles emissions test by a certain specific machine that would possibly, we are told, have cleaned the air maybe 0.5 percent—maybe, rather than with other types of machines that are much cheaper, that would not have required the hassle to every consumer in those cities, and which would have done much the same but at much less cost. And it was not even proven that was the only machine that would be able to detect these emissions. Yet we had the requirement that we had to go to certain centers with just that machine, and the cost was in the hundreds of millions of dollars to the consumers of Texas. We were faced with doing that because of dealing with the EPA and not being able to have the flexibility to do what we could in a cost-beneficial manner.

We are all trying to clean up the air. Of course, we are. But how much is going to be the cost to possibly get a 0.5-percent benefit to the air quality? And we are not even sure that it was necessary just to have that one machine. We find that there are also infrared rays that will pick up at an entry ramp the emissions that do not meet the test. We have an experiment that is in the works right now that would give us the ability to buy some time and in a much more cost-efficient way with much less hassle for the consumers of the cities all across America that are in the noncontainment areas. We could have something just as effective for them at a much less cost. That is what risk assessment and cost-benefit analysis will do for our country and for the regulators.

Judicial review. Without judicial review, there is no way to ensure that the Federal agencies will use the risk assessment and the cost-benefit analysis to write the regulations. I mean, that is what we have to have. We have to have the leverage that is out there so that we will be able to go to the judges and say, "Did we meet the standard that is required under the law?" And Congress is being specific about congressional intent.

Good science, open science. It is important that we have the scientific basis for these regulations because we do not know for sure in many instances that there really is good, sound science in the sunshine in the regulations that are put forth.

This we assured in the bill with peer review. In most cases today, the scientific and technical assessment on which regulations are based are not subjected to independent external peer review. As a result, the scientific and technical underpinnings of agency actions that may have enormous consequences often are not adequately tested. Regulation reform is necessary to assure that there will be an independent external peer review. We can get many of the scientists that understand these issues to be on a peer review panel to make sure that we have the ability to say absolutely for certain this regulation will accomplish what it is intended to accomplish. So regulation reform will reduce the burden of unnecessary Federal regulation.

Requiring cost-benefit analysis, risk assessment, judicial review, and the threat of congressional action will go a long way toward ensuring common sense in the promulgation of Federal regulations.

There will be the ability in this bill for Congress to have 60 days to review any regulation and turn it back. That is a very important point. It is very important that Congress will be able to come in and say to regulators that they have gone beyond what we intended. That is the ultimate responsibility of Congress, and it is one that we must take.

So, Mr. President, we are beginning now to set the framework in this debate. There has been a lot of hot air in the last week about what might happen if we do not have this ability to come in and put checks on the system. A lot has been said about what will happen if we put some checks and balances in the system.

Mr. President, I think this is a great step for the small business people of this country, and I am proud that the sponsors of the bill have done such a terrific job on a bipartisan basis to help the small business people of our country compete.

Mr. President, I will stop here because I know that at 9:45 they are going to propose another amendment. But I just want to thank the managers

of the bill, the sponsors of the bill, and the leadership for taking this very important step to free our businesses to compete in the international marketplace and for our small businesses to be able to grow and prosper and create the jobs that are going to keep this economy vital for the new people and to keep the young people graduating from high school and college employed. That is the goal, Mr. President.

I thank the Chair. I yield the floor.

## HONORING THE HUMANITARIAN EFFORTS OF PAUL H. HENSON

Mr. ASHCROFT. Mr. President, today I am proud to honor a man who has distinguished himself in business, as a civic leader, a caring neighbor, and a friend to those in need. Mr. Paul H. Henson will soon be awarded the International Humanitarian Award by the CARE Foundation at its 50th Anniversary International Humanitarian Award dinner. Mr. Henson was nominated for the award for his sustained support of humanitarian causes, for his community foresight, and for his business ingenuity. It is with much pleasure that I add my voice to the scores of others praising Mr. Henson for his efforts to aid the world's poor and help them achieve social and economic well-being.

Mr. Henson began his successful career in the telecommunications industry as a groundman for the Lincoln Telephone Co., in his native State of Nebraska. After attaining the position of chief engineer, Mr. Henson moved to United Telecom—now Sprint—in Kansas City. In 1964, at the age of 38, he became president of United and began to implement an aggressive leadership and expansion strategy to transform the predominantly rural telephone company into an international communications force. Henson presided over the construction of the first—and still the only—nationwide 100 percent digital, fiber-optic network and made it the centerpiece of the company's long-distance strategy. After his leadership of Sprint for 25 years, the company now claims over 6 million local telephone customers, 97 percent of which are digitally switched.

Mr. Henson currently serves as chairman of the board and chairman of the executive committee of Kansas City Southern Industries, Inc. He has also formed Kansas City Equity Partners, L.C., a venture capital fund dedicated to providing seed capital and management assistance for entrepreneurial activities.

Paul H. Henson's distinguished business career and his reinvestment in the community through support of the humanitarian initiatives championed by the CARE Foundation have rightly earned him the distinction of being awarded the Foundation's International Humanitarian Award.

## IN MEMORY OF WHITE EAGLE

Mr. PRESSLER. Mr. President, last Friday, the operatic tenor White Eagle passed away at age 43. My wife, Harriet and I join with countless others from around the world in expressing our condolences to his friends and family. Our Nation has lost an exemplary individual who had an extraordinary voice.

White Eagle was a Lakota. His Lakota name was Wanbli ska. He first sang in public in his father's church. He was only 5 years old. It was the voice of the great Mario Lanza that inspired the young White Eagle to become an opera singer. In 1985, he graduated from the Merola Opera Program at the San Francisco Opera. He went on to perform with the Pennsylvania Opera Theater, the Florentine Opera, the Western Opera Theater, the Cleveland Opera, and the Skylight Comic Opera.

Many of my friends and colleagues here in Washington should remember well White Eagle's rich tenor voice. In 1989, White Eagle performed the finale at the Inaugural Gala for President George Bush. Two years later, the President and I had the opportunity to hear and appreciate his extraordinary talent at the Golden Anniversary of the Mount Rushmore National Memorial. And in 1993, he debuted in Carnegie Hall, and was inducted into the South Dakota Hall of Fame as Artist of the Year.

I am pleased that a scholarship fund has been established in his name. It is a fitting remembrance of his spirit, his leadership, and his legacy as a role model for native American youth.

It is said that a man's talents are a mere extension of his soul. That is certainly true of White Eagle. The strength, the beauty, and the richness of his voice were a reflection of his character, and the values of the Lakota Sioux—the values of bravery, integrity, wisdom, determination, and generosity. His voice moved us all.

Mr. President, White Eagle exemplified those values yet again when, in 1990, he was diagnosed with AIDS. After he made his illness public, he became a tireless advocate for AIDS awareness. His role as advocate was equal to his role as artist, because through his voice, through his message, he brought people together. His last years are a reminder to each of us of the capacity in ourselves to reach out to family and friends in times of human struggle and suffering.

White Eagle left us in the manner he lived among us—with dignity and bravery. He has left us richer for his courage and perseverance. For all the extraordinary gifts he possessed and shared with us, we are grateful. We will miss him.

## ONE HUNDRED AND TWENTY-FIVE YEARS OF COPYRIGHT IN THE LIBRARY OF CONGRESS

Mr. HATCH. Mr. President, I rise today to recognize the 125th anniversary of the act of 1870 which established our first central national copyright registration and deposit system by bringing it into the Library of Congress. Last Saturday marked the anniversary of the act being signed into law and today Librarian of Congress James Billington and Register of Copyrights Marybeth Peters are hosting a program to honor the employees of the Copyright Office for the work they do both for our national copyright system and the Library.

Article 1 of the Constitution grants Congress the power to "promote Science * * *", or knowledge, by granting authors, for a limited time, exclusive rights in their writings. The intent of the Framers was to increase the knowledge of the people by encouraging authors to create works. The first copyright law, enacted in 1790, reflected that purpose in its title: "An act for the Encouragement of Learning * * * ". The 1790 act also established a system of copyright registration where a person wishing to register a work did so in the nearest Federal court and sent a copy of the work to the Secretary of State in the Nation's Capital.

The registration statute changed somewhat after 1790, but it was not until 1870 that Congress passed legislation which established the Library of Congress as the first central agency which would both perform the copyright registration function and serve as the custodian of copyright deposits in the United States.

The 1870 act allowed for a national system of copyright registration with improved efficiency for the Federal Government, for authors and artists, and for publishers. Works submitted for copyright registration were sent to one location and could be carefully recorded and cataloged. For the first time, a copy could be used as both a record of registration and as a resource available to future generations of Americans.

In addition to strengthening our copyright registration system, the 1870 act also ensured that the Library of Congress would be the recipient of the tremendous amount of material submitted for copyright registration. The 1870 act put the Library on a path to becoming the greatest repository of knowledge in the world. To this day, the Library relies on the works it receives through copyright.

The Copyright Office, a part of the Library, provides Congress with nonpartisan analysis of copyright law and implements all aspects of this law. It also serves as a valuable resource to the domestic and international copyright communities. The Office registers almost 600,000 works a year.

Copyright has been a critical element of American creative and economic life since the beginning of our Nation. Today, our core copyright industries have become an increasingly important part of our national economy and a major area of our international trade relationships. We in the Congress must continually ensure that the basic principles of copyright remain applicable to a scientific and creative world in which technology changes very rapidly.

I would like to join the Librarian and the Register in saluting the work of the Copyright Office and its staff on this day and in paying tribute to the important services they provide in keeping our copyright system strong and adaptive to change.

## REGULATORY REFORM

Mr. PRESSLER. Mr. President, during consideration of S. 343, the Regulatory Reform Act, I intend to offer an amendment to waive administrative and civil penalties for local governments when Federal water pollution control compliance plans are in effect.

I believe this amendment is a simple issue of fairness to local governments and I urge my colleagues to join me in supporting this amendment. I ask unanimous consent that my amendment be printed in the RECORD, along with my "Dear Colleague" letter.

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

AMENDMENT NO. —

At the appropriate place, insert the following:

**SEC. . WAIVER OF PENALTIES WHEN FEDERAL WATER POLLUTION CONTROL ACT COMPLIANCE PLANS ARE IN EFFECT.**

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

"(h) WAIVER OF PENALTIES WHEN COMPLIANCE PLANS ARE IN EFFECT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of this Act, no civil or administrative penalty may be imposed under this Act against a unit of local government for a violation of a provision of this Act (including a violation of a condition of a permit issued under this Act)—

"(A) if the unit of local government has entered into an agreement with the Administrator, the Secretary of the Army (in the case of a violation of section 404), or the State to carry out a compliance plan with respect to a prior violation of the provision by the unit of local government; and

"(B) during the period—

"(i) beginning on the date on which the unit of local government and the Administrator, the Secretary of the Army (in the case of a violation of section 404), or the State enter into the agreement; and

"(ii) ending on the date on which the unit of local government is required to be in compliance with the provision under the plan.

"(2) REQUIREMENT OF GOOD FAITH.—Paragraph (1) shall not apply during any period in which the Administrator, the Secretary of the Army (in the case of a violation of section 404), or the State determines that the unit of local government is not carrying out the compliance plan in good faith.

"(3) OTHER ENFORCEMENT.—A waiver of penalties provided under paragraph (1) shall not apply with respect to a violation of any provision of this Act other than the provision that is the subject of the agreement described in paragraph (1)(A).".

WASHINGTON, DC,
*June 27, 1995.*

DEAR COLLEAGUE: When the Senate begins consideration of S. 343, the Regulatory Reform Bill, I intend to offer an amendment to lift the unfair burden of excessive civil penalties from the backs of local governments that are working in good faith with the Clean Water Act.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a Municipal Compliance Plan for approval by the Administrator of the Environmental Protection Agency (EPA), or the Secretary of the Army in cases of Section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law actually punishes local governments while they are trying to comply with the law.

Under my amendment, local governments would stop accumulating civil and administrative penalties once a Municipal Compliance Plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my amendment would act as an incentive to encourage governments to move quickly to achieve compliance with the Clean Water Act.

This amendment is a simple issue of fairness. Local governments must operate with a limited pool of resources. Localities should not have to devote their tax revenue to penalties, while having to comply with the law. Rather, by discontinuing burdensome penalties, local governments can better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

I hope you will join me in supporting this commonsense amendment for our towns and cities. If you have any questions or wish to cosponsor this amendment, please feel free to have a member of your staff contact Quinn Mast of my staff at 4-5842.

Sincerely,

LARRY PRESSLER,
*United States Senator.*

## WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us have "another go," as the British put it, with our little pop quiz. Remember—one question, one answer.

The question: How many million dollars in a trillion dollars? (While you are arriving at an answer, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.)

To be exact, as of the close of business yesterday, Monday, July 10, the exact Federal debt—down to the penny—stood at $4,924,014,991,181.29. This means that, on a per capita basis, every man, woman, and child in America now owes $18,691.65.

Mr. President, back to the pop quiz: How many million in a trillion? There are a million million in a trillion.

## THE 50TH SITTING BULL STAMPEDE

Mr. PRESSLER. Mr. President, last week marked the 50th Annual Sitting Bull Stampede in Mobridge, SD. People from across the State and Nation joined together in celebrating a longstanding tradition which first began in 1946. The stampede has a long and colorful history, and it serves to remind people of South Dakota's proud heritage.

It is appropriate that the Sitting Bull Stampede is named after the famed Sioux leader. The multicultural diversity of the event recognizes the contributions of both native Americans and non-native Americans to South Dakota in the last century. As my colleagues know, Sitting Bull was a famous leader and medicine man of the Lakota people. This native American hero was born in the Mobridge area and lived there for much of his life. His remains are buried on a nearby bluff overlooking the Missouri River.

The Sitting Bull Stampede began as a small rodeo organized by a group of cowboys. As the rodeo became more successful, the stampede began to take on a cultural focus. Last week's celebration was one of the biggest thus far, complete with parades, rodeos, a carnival, and many other festivities. More than 400 contestants competed in this year's rodeo. Miss Rodeo America, Jennifer Douglas, was on hand to assist in the crowning of this year's stampede queen, Anne Lopez of Keldron.

Mr. President, I am very proud of the accomplishments of the people of the Mobridge area in planning such a tremendous event. The Sitting Bull Stampede brings two cultures of our State together. It reminds us not to forget our past as we progress into the future. I extend my best wishes to the citizens of Mobridge and all who participated in this year's events.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 343, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 343) to reform the regulatory process and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. 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. HEFLIN. 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. HATCH. Mr. President, will the Senator yield?

Mr. HEFLIN. Yes.

Mr. HATCH. I ask unanimous consent that no amendment be filed until Senator DOLE has an opportunity to get here from the wings.

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

Mr. HEFLIN. Mr. President, I am pleased to support and cosponsor S. 343, the Comprehensive Regulatory Reform Act of 1995. The time has come for meaningful regulatory reform and for the Congress to exercise its legitimate legislative function to set statutory standards to guide Federal agencies with regard to their rulemaking authority.

Since my term as chief justice of the Alabama Supreme Court when I and others set out to reform Alabama's antiquated judicial system, I learned that true reform never comes easy. Entrenched bureaucracy and vested interest groups will fight you every inch of the way, as I know they are now doing.

President Clinton acknowledged the need for regulatory reform in a speech on March 16 of this year when he called for common sense in approaching regulatory reform. He said, and I agree, that "government can be as innovative as the best of our private sector businesses. It can discard volume after volume of rules and, instead, set clear goals and challenge people to come up wit their own ways to meet them."

The substitute bill that has emerged is the product of several hearings before the Judiciary Committee, the Energy Committee, and the Governmental Affairs Committee. Extensive discussions have occurred over the last several weeks in an attempt to fashion a consensus bill which can pass the Senate and will be signed by the President. I believe our efforts will prove successful because the bill under consideration is not extreme reform.

It does not contain a supermandate, as the House bill does, which would overturn Federal laws to protect our environment, protect worker safety, or guarantee product safety.

The last time the Senate attempted to legislate in this area was 15 years ago when working in a bipartisan manner we passed 94–0 a bill known as S. 1080. Regretfully, certain interest groups prevailed upon the House of Representatives to kill our reform efforts.

I was a cosponsor of S. 1080 which was drafted to address deficiencies in the Federal regulatory system and to improve the rulemaking process of public notice and comment. The Judiciary Committee report at that time found that the "dramatic costs of regulation suggest that we may be expending our limited resources on uncertain regulatory remedies for various costs at a significant human cost by depriving other vital interests of these resources."

The 1982 report found that annual compliance costs of Federal regulation, that is, costs which are borne by those who must comply with regulations, were running "at more than $100 billion a year." The 1995 report from the Judiciary Committee concludes that these costs are now approximately $542 billion. Congress must act to address this problem.

RULEMAKING

I note that the first part of the substitute incorporates many procedural improvements to section 553 of the Administrative Procedure Act which defines the rulemaking process. This section substantially incorporates and updates the provisions of S. 1080.

This section requires public notice of proposed rulemaking in the Federal Register and expands the amount of information which must be given by an agency to the public so that it can adequately comment on the proposal. An exemption is established from this requirement where such a proposed rule would be "contrary to an important public interest or has an insignificant impact."

There are other provisions which are too numerous to mention, but this section is strongly supported by many legal scholars and the American Bar Association.

ANALYSIS OF AGENCY RULES

The second section of the substitute deals with the analysis of agency rules defining expansively the terms "costs" and "benefits" to include, not just quantitative considerations, but also qualitative considerations of what a cost-benefit analysis should contain. This section also contains a definition of a "major rule" which is set at $50 million, a figure that is arguably too low especially since every President since Gerald Ford has defined, by Executive order, a major rule to be $100 million, as does S. 291, the regulatory bill that reported out of the Governmental Affairs Committee.

An earlier draft of this legislation provided that a major rule could also be less that $50 million if it were likely to result in disproportionate costs to a class of persons or businesses within the regulated sector. This provision would have given relief to many small businesses who are all too often threatened with being put out of business due to the costs of implementing a rule. I support an amendment offered by Senator NUNN which will assure that our Nation's small businesses will derive the benefits intended by our reform efforts in this bill. The Nunn amendment would require that a proposed rule which has been determined to be subject to the Regulatory Flexibility Act be considered a major rule for the purposes of cost benefit analysis and periodic review. Agencies frequently propose rules whose annual economic impact would not rise to the $50 million threshold set by this bill, but those rules can and do place significant burdens on small businesses. The Nunn amendment will assure that cost benefit analysis benefit small businesses.

I might add that the substitute exempts from the definition of "rule" those rules which related to future rates, wages, prices, monetary policy, protection of deposit insurance funds, farm credit insurance funds, or rate proceedings of the Federal Energy Regulatory Commission.

Once an agency has determined that a rule is a major rule, the agency must conduct a cost-benefit analysis to demonstrate that, based on the rulemaking record as a whole, the benefits justify the costs and that the rule imposes the least cost of any of the reasonable alternatives that the agency has the discretion to adopt. Quite simply put, this means that if a Chevrolet will get you to your goal, pick it and not the Cadillac model.

AGENCY REVIEW AND PETITION

The next section of this substitute requires each agency to publish a list of existing rules, general statements of policy, or guidances that have the force and effect of rules, that the agency deems to be appropriate for review, and each agency must publish a schedule for systematic agency review of those rules. The agency schedule shall propose deadlines for review of each rule and the deadlines will occur not later than 11 years from the initial schedule established by the agency. This timeframe, to me, is a reasonable one and should allay concerns that agencies will be swamped with too much work as a result of this legislation.

This bill also provides a petition process to allow any interested person subject to a major rule to petition an agency to conduct a cost-benefit analysis on an existing rule if it is a major rule and that its benefits do not justify its costs, nor does the rule impose the least costs of the reasonable alternatives. A petitioner has a high standard to meet and will have to spend a great deal of money to conduct its own cost-benefit analysis to show there is a likelihood that the rule's benefits do not justify its costs.

I also supported an amendment offered by Senator ABRAHAM which will be included in this section to ensure that agencies periodically review the need for rules which have a substantial impact on small businesses. As section 623 is now written rules will not be subject to review unless an agency chooses to place them on the review schedule or unless an interested party successfully petitions to have the rule placed on the schedule. Thus rules which have a substantial impact on small businesses might be left off of the review schedule. The Abraham amendment would require agencies to include on their review schedules any rule designated for review by the Chief Counsel for Advocacy of the Small Business Administration. This amendment creates, in effect, a small business counterpart to the petition process available to larger industries and makes section 623 stronger and fairer for all the regulated community.

I, therefore, support the provisions of section 623 relating to agency review and the petitioning process. I believe that a reasonable effort and compromise has been achieved which will not overly burden our regulatory agencies and at the same time will ensure that current rules are revised, if necessary, and terminated if they become outdated or useless.

DECISIONAL CRITERIA

Let me turn briefly to the decisional criteria section of this legislation. In my judgment, it does not go as far as the House bill on the issue of supermandate. The House bill's provisions require that a rule's benefits must justify costs and that the rule achieves greater net benefits or the rule must be rescinded outright. The House bill thus supersedes, supermandates, and trumps all other previous statutory criteria. The provisions of this substitute "supplement any other decisional criteria otherwise provided by law." Despite what the critics may say, the Senate bill is not a supermandate, nor is it a wholesale massacre of our Nation's environmental, health, or safety laws and regulations.

Under this legislation, Federal agencies are directed to conduct cost-benefit analyses on all major rules they propose to issue. As a general rule, no final major rule shall be promulgated unless the agency head finds: First, that the benefits justify the costs; second, that the rule employs flexible alternatives, and third, that the rule adopts the "least cost alternative of the reasonable alternatives that achieve the objectives of the statute."

If the underlying statute does not allow the agency to consider whether a rule's benefits justify its cost, the agency can still issue the rule—unlike the House bill where the rule is precluded from going forward—as long as the rule employs flexible alternatives, and adopts the "least cost alternative that achieves the objectives of the statute."

What is unreasonable about Congress requiring agencies to follow these standards when a rule's benefits do not justify its costs? This is what regulatory reform is all about—trying to give the unelected Federal bureaucrats some guidance in their rulemaking authority.

JUDICIAL REVIEW

Next, the judicial review provisions of the substitute adequately address concerns that I have raised, and judicial review is granted to review final agency actions. Any cost-benefit analysis or risk assessment shall constitute part of the whole rulemaking record and not be subject to separate, independent consideration. The provisions in the substitute provide for effective judicial review of cost-benefit analyses and risk assessments "to determine whether the analysis or assessment conformed to the requirements" of the bill.

The judicial review provision does not allow judicial nitpicking to overturn a final rule if an agency fails to follow a procedure required by this law. However, if the substance of a cost-benefit analysis or risk assessment is flawed, a court can and should review such a flawed conclusion as a part of the final agency rulemaking.

MISCELLANEOUS

There are other provisions which I will not attempt to address at length at this time. There is an extensive provision relating to risk assessment, a section known as regulatory flexibility analysis which passed the Senate last year, which I supported, to give relief to small businesses and a provision supported by Senator GRASSLEY known as congressional review which will give Congress the right to veto agency rules before they take effect. Perhaps this should be limited to veto major rules or we may risk being inundated with paperwork. With congressional staffs shrinking, it may be wise to limit this provision, or this provision may prove meaningless.

The substitute bill before the Senate is a major step in the right direction toward meaningful regulatory reform. Congressional action to give agencies some greater guidance is warranted and long overdue. I applaud the administration for its recent actions to improve the situation, but it is not enough for my constituents who must live with the reality of regulatory overkill on some occasions. I am quite certain that the entrenched Federal bureaucracy will never approve of true reform. They want unlimited authority to make rules as they see fit.

However, I believe the Congress has a responsibility to set some reasonable standards for the bureaucrats to follow. This historic regulatory reform bill is the most comprehensive effort since the Administrative Procedure Act was adopted in 1946.

I began my public career reforming one system, and as I approach the end of my career, I am pleased to join the reform that is now needed for the Federal executive branch of the Government.

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

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

The legislative 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.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair advises the pending business is S. 343.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1487

(Purpose: To address food safety concerns)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1492 to amendment No. 1487.

On page 25, delete lines 7–15, and insert the following in lieu thereof:

"(f) HEALTH, SAFETY, OR FOOD SAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) A major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat or a food safety threat (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources; and".

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1493 TO AMENDMENT NO. 1492

(Purpose: To address food safety concerns)

Mr. DOLE. Mr. President, I send a second-degree amendment to the pending 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 Kansas [Mr. DOLE] proposes an amendment numbered 1493 to amendment No. 1492.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"(f) HEALTH, SAFETY, OR FOOD SAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) Effective on the day after the date of enactment, a major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources; and".

Mr. DOLE. Mr. President, the only change is that it becomes effective 1 day after the date of enactment in the second-degree amendment.

As I stated yesterday, opponents of regulatory reform have avoided the merits and, instead, have engaged in scare tactics.

One of the most recent, perhaps most offensive, of the scare tactics has been the suggestion that regulatory reform means tainted meat, specifically, further outbreaks of E. coli food poisoning. This is an insult to the American people.

It is also false. Opponents know that this claim is false, and the media knows it. Yesterday, I included in my statement and accompanying fact sheet in the RECORD two specific provisions already in the bill to make it obvious that this bill would not hold up meat inspection rules.

One provision allows the implementation of a regulation without first complying with other requirements of the bill where there is "an emergency or health or safety threat."

That seems pretty clear to me. That is in the bill. It does not get any clearer than that. It is a sign of either sloppy journalism or extreme cynicism, and this amendment ought to be named the Ralph Nader-Margaret Carlson-Bob Herbert amendment. I have listened to these commentators—who probably never read the bill—and they talk about the terrible things that can happen and that we are all going to eat tainted meat. Margaret Carlson said 5,000 people are going to die, and then she corrected it to 500 before the program ended. It seems that the media do not worry about the facts if they have a good story. I hope to send a message to the media—at least those three—and those on the left who need to read the bill, to read what really happens. The media have chosen to buy into these distortions in the face of language that makes clear that we have responsibly taken health and safety concerns into account.

I do not believe for a moment that opponents are unaware of this health and safety exemption. But in an effort to ensure that we begin focusing on issues legitimately in this debate, I am offering an amendment to make crystal clear that S. 343, the regulatory reform bill before us, has no effect on efforts to address food safety. Period. End. That is it.

No one here, Democrat or Republican, wants to interfere with food safety. I hope we can lay that to rest by having a big vote on this amendment. The words "health and safety," already part of the bill, obviously include concerns about food safety. But this amendment adds the words "food safety, included an imminent threat from E. coli bacteria."

Mr. President, it concerns me that such distortions are being made. E. coli bacteria and the illnesses that occur as a result of that bacteria are serious problems for the people of this country. Every Member of Congress, regardless of party, is concerned. It is not a partisan issue and should not be a partisan issue. But opponents—I do not mean the opponents in the legislative body. I think the opponents have come from outside the bureaucracy and in the media. All these people who want to protect their little preserves are the ones who are peddling the false information and trying to scare people. Obviously, you can scare people if you distort the facts.

Now that I have offered the amendment, opponents will no doubt come up with more imaginary scenarios. But I am putting them on notice that we chose the broadest possible phrase. In the event that somebody missed it, it is, "emergency and health safety threats." We chose it in the first place for a very good reason. We want to make certain that every possible response to health and safety threats is exempted from delay where that is appropriate. Adding a laundry list, as opponents would have us do, undermines the very public policy goal opponents pretend they seek. This is so because it raises the possibility that someone could read this provision to exclude anything not specifically included. I do not think that is what ought to happen.

That is not our intent. We want the broadest possible language so that we can take care of all of the situations where health or safety threats exist.

Mr. President, I certainly urge the adoption of this amendment. It seems to me, as I have said earlier, based on the misinformation, flatout distortions, and flatout false statements that I have read in the media, heard in commentary, heard on television, I offer this amendment. It should not be necessary to offer this amendment, but, as I have suggested, it is being offered to make certain that nobody misunderstands—nobody on this floor, on either side of the aisle. There is nobody that I know of who does not support food safety.

Mr. President, I want to make an inquiry of the managers momentarily. In an effort to get a vote on this amendment and make certain this is the first amendment we will have a vote on, procedurally, I also would need to amend the bill itself. I am amending the substitute. But if I can have some assurance that we can have a vote without any further amendments to the bill on this issue, then I will not proceed to sort of fill up the tree. I make that inquiry of the Senator from Ohio.

Mr. GLENN. Mr. President, I am glad the majority leader has addressed the E. coli situation. I would like to check with some of the people who were interested in this on our side before we proceed with this. It might even be possible to accept it, I do not know. I would like to check on it further before I agree to anything at this point.

Mr. DOLE. It may be just a matter of—well, I will go ahead and fill up the tree and amend the bill in two degrees.

AMENDMENT NO. 1494

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1494.

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

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

The amendment is as follows:

Strike the word "analysis" in the bill and insert the following:

"analysis.

"( ) HEALTH, SAFETY, OR FOOD SAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) A major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources."

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1495 TO AMENDMENT NO. 1494

Mr. DOLE. 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 Kansas [Mr. DOLE] proposes an amendment numbered 1495 to amendment No. 1494.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

"analysis.

"( ) HEALTH, SAFETY, OR FOOD SAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT

ANALYSIS.—(1) Effective on the day after the date of enactment, a major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a food safety threat (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources."

Mr. DOLE. Mr. President, I think this is a clear-cut issue. My view is that the amendment is not necessary. But this is an effort to have the opponents who are really concerned about this bill focus on the issues rather than trying to frighten the American people, saying that somehow anybody who is for this bill is out here trying to peddle dirty meat. That was a charge made over the weekend and in the past few days.

I think probably it is in the interest of everybody who supports regulatory reform that the amendments be offered. I am the one being criticized by the media. "Senator DOLE's bill is promoting dirty meat." And some say maybe I am doing it for the meatpackers. Well, I do not know any meatpackers. I do not have any connection there. In any event, this is just to calm down the hysteria of some in the media. But they will get hysterical about something else. They are good on their feet. As soon as this matter is resolved, they will have some other hysterical notion or a figment of somebody's imagination, and some statement will be made, or there will be a ludicrous charge that they will pick up on. There are, unfortunately, some people in the bureaucracy who believe that the Government should do everything in America. They do not want any regulatory reform.

They are not one of the American families who are paying an average of $6,000 a year for regulatory reform. They are not a farmer or rancher or small businessman or small businesswoman who is trying to make a living for their family and all they get are more and more and more regulations from the Federal Government.

I happen to believe that regardless of anybody's party affiliation, if you are a businessman, a businesswoman, a farmer, rancher, whatever, you have to believe there are too many regulations and you have to believe there is some way to protect health and safety as we should, also, to make certain that there is some way we can review and make certain that some of these regulations never are implemented, because they have no benefit, a great deal of cost, and all they do is put a burden on somebody in America.

Democrat, Republican, somebody out there will pay. That is why we find this coalition of the left and the media and those in the bureaucracy and others who are fearful they might lose a job, I guess, or they might make life easier for the average Americans, who are vitally opposed to any regulatory reform.

I mentioned to the President this morning, we had a meeting at the White House, and I apologize to the managers for being late, this was a bill that I thought had potential to have broad bipartisan support. I met privately with the President after a regular meeting. I told him the number of changes we have already made, and we are prepared to look at other changes that are legitimate, and we are still having ongoing—as I understand—the Senator from Utah has an ongoing discussion with Members on the other side.

I will not repeat what the President said. I do not want to repeat discussions of the President, but I want him to understand, talking about bipartisanship, and lowering the rhetoric, this is an opportunity, right here, this bill.

There is no reason this bill does not pass this body by a vote of 75 to 20 or 80 to 20—good, strong, regulatory reform bill. I would hope that we can continue in the spirit we have started.

I want to commend the Senator from Louisiana, the Senator from Utah, Senator HATCH, and the Senator from Delaware, Senator ROTH, and others, including the Presiding Officer, who have been working on this on a daily basis.

My view is if we were to work in a bipartisan way we can complete action on the bill this week. I am happy to yield the floor to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I want to thank the majority leader for his comments.

Mr. President, this amendment, in my view, is totally unnecessary, but if it helps to clarify and reassure, then I will support it. The provision that it amends was one of those provisions put in at our behest, and agreed to by the majority leader, in order to take care of this very situation.

Whether it is cryptosporidium, E. coli bacteria, or Ebola virus—whatever—the bill already covers that kind of health emergency. The bill says that you do not have to comply with either cost benefit or with risk assessment if they find that there is an emergency or health or safety threat that is likely to result in significant harm to the public or to natural resources.

Mr. President, it is clear the bill already covers that, and this was one of those 100-odd amendments that were accepted by the majority leader at our behest.

I believe it has been a very good bipartisan effort. It is not a complete and perfect bill yet. We still have some amendments which we hope will be accepted. There is an ongoing dialog about that.

Mr. President, I am still very hopeful this bill can be passed overwhelmingly on both sides of the aisle. I hope we can proceed not with drawing lines in the dirt and lines in the sand and tossing bombs at one another, but, rather, try to make this bill a more perfect bill, a better bill.

Believe me, Mr. President, risk assessment and cost-benefit analysis is needed by the taxpayers who are overburdened in this country today, and just to try to defeat this bill by phony issues is not the way to go. We should try to improve it with real amendments.

I believe that the distinguished Senator from Utah, the floor manager of this bill, and I believe the majority leader, will show cooperation, because they have so far.

I will vote for this amendment. It is totally unnecessary. The bill already covers this kind of emergency.

Mr. HATCH. Mr. President, I know the distinguished Senator from Ohio wants to comment. I will just take a few minutes.

I want to thank the distinguished Senator from Louisiana for his cogent remarks. He is right. This matter was taken care of in our negotiations. We have language in this bill that completely resolves this problem without this amendment.

In the interest of trying to pacify and resolve some of the hysteria and fear that seems to pervade this body from time to time, and certainly the outside groups—I have to say, evidently, the media, or some aspects of the media. I actually have watched the media over the last number of years, and I think they have been for the most part responsible, but on this issue they have not been responsible since this bill has been laid down, or at least those who have been primary purveyors of what they think this bill stands for.

We have over 100 amendments we have agreed to with the White House and others on this bill, trying to accommodate and resolve these problems.

I might add, we have worked very closely with the distinguished Senator from Louisiana and others in doing so. I want to compliment the majority leader for his willingness to try and make this bill as perfect as we possibly can.

One of the amendments we agreed to was described by our distinguished Senator from Louisiana, that he fought for in our negotiations, that really solved this problem. I think it is unfortunate we have to resolve it again and again and again because of hysteria and the use of fear tactics on the part of the left, really, in this country.

I have to say, certain Members of the media, in my opinion, have acted irresponsibly. I hope that the media will read this bill, those who are responsible will read it, and start talking about this bill in the manner that it deserves.

It is amazing to me the lengths supporters of big government status quo

will go to in opposing the Dole-Johnston regulatory reform bill. The newest media myth spread at the end of last week is that the bill's cost-benefits requirement will somehow block the U.S. Department of Agriculture's meat safety rules for 2 or 3 years. That is pure bunk. It is apparent opponents of the bill are preying on the fear of the public and on individuals who have suffered from E. coli bacteria.

What these advocates of fear do not reveal, enforcement of food safety rules is predominantly done not through rules but through adjudicatory enforcement and inspection orders against meat processors and handlers, which are explicitly exempt from S. 343's requirements.

What they did not reveal is that S. 343, in any event, contains a provision that exempts health, safety, or emergency rules from cost-benefit analysis when there is a threat to the public.

They also do not reveal S. 343 mandates the promulgation of rules that are both cost efficient and that are likely to significantly reduce health, safety, and environmental risks.

They did not reveal that the USDA had already conducted a cost-benefit analysis and concluded that the benefits of the rule far outweighed its cost.

Finally, I want to mention the most outrageous statement attacking the bill in this media campaign of fear was made last Thursday on C-SPAN. To generate fear of S. 343's cost-benefit requirement, a spokesperson for the lobbying group Public Citizen, contended that cost-benefit analysis was something the Nazis conducted to compute the worth of prisoners in concentration camps.

That is highly offensive. Such claims are pure bunk. They are nonsense. It demonstrates how really desperate the desperate can be.

These people want overregulatory activity because that is where the power has been. They control the whole U.S. population from this little beltway called Washington, DC. When we come to this floor and bring reasonable rules that will change the status quo and cause people to be able to live within certain norms and restraints and save the taxpayers' moneys and cause our society to work better, then these defenders of the status quo, these leftists, start making these outrageous comments.

The Dole amendment makes crystal clear that S. 343 does not impede the all-important protection of public health and food safety.

In that regard, let me just take a couple more minutes, because I think this is a perfectly appropriate place for me to give my daily Top 10 List of Silly Regulations. Let me start with No. 10, a regulation holding up the residential building project for a wetland, .0006 acres in size—about the size of a Ping Pong table.

No. 9. Creating an Endangered Species Act recovery plan for a breed of snail that will only flourish in an ice age or during the ice ages.

No. 8. A regulation making the playing of a musical instrument near a campfire in a national forest a Federal class B misdemeanor. I mean, my goodness.

No. 7. Fining a company for not having a comprehensive hazardous communications program for its employees. Its employees were two part-time workers. That is our Federal Government in action.

No. 6. Requiring $6 hospital masks instead of $1.50 masks, without any evidence that the more expensive mask is needed.

No. 5. Requiring such stringent water testing, that local governments actually had to consider handing out bottled water in order to save money.

That is our Federal Government in action, at work.

No. 4. Denying a permit to build a pond to raise crawfish because the habitat provides food and shelter to "a wide variety of * * * fish * * * including the red swamp crawfish."

No. 3. Barring a couple from building their dream house because the goldencheeked warbler had been found in the canyons adjacent to their land. Just think about that. This is happening in America.

No. 2. Requiring so much paperwork for a company over 50 employees—8 pounds, by the way, 8 pounds of paperwork—that they purposely do not hire any more people.

The silliest of all as far as I am concerned, for today's list:

No. 1. A company was fined $34,000 by the EPA for failing to fill out form "R" in spite of the fact that they do not release any toxic material.

These are the type of things we are trying to correct. These are the type of things this bill will correct. These are the type of things that have Americans all over this country upset, and rightly so.

This is why we have worked so hard, the distinguished Senator from Louisiana and our majority leader and others, to come up with a bill that really makes sense, that will make a difference, that will help us all to get rid of some of these silly, ridiculous, costly and really harmful regulations and interpretations of regulations as well, and to give the people some power to make the bureaucrats have to think before they issue regulations and interpretations of those regulations as well.

At that point, I yield the floor.

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

Mr. GLENN. Mr. President, I am sorry the majority leader, who proposed the amendment, has left the floor. I hope he may be listening, because there is more reason to be concerned about this than he indicates.

We hear repeatedly, "This is not needed, it is not needed, it is not needed." Everybody says that. Yet we are still leaving it up to the agencies to make the decisions. Maybe that is OK. But let me tell you why we were planning to address E. coli this morning anyway before the majority leader came back and put in the amendment. There is a track record here, going back into committee, of Republicans not voting to take E. coli out of consideration here. We had a regulatory moratorium bill proposed a few months back that came before the Governmental Affairs Committee. It would have stopped everything in its tracks. It was a regulatory moratorium for everything from the last election on—any rule, any regulation that was in consideration. Even some of those that had been finalized already and were in effect were cut off.

We had a list of rules in committee that we thought should be exempted, that should not be subject to that regulatory moratorium. There was no exemption for health and safety in committee on that. And what happened? I put in an amendment in committee that would exempt rules to protect against E. coli. We had parents who lost children come before the committee and testify as to the horrible death that their children suffered with E. coli. Their children died. And I put in an amendment in committee to exempt E. coli from that moratorium. We had a record rollcall vote and I lost, because the Republicans opposed it. I lost on that, 7 to 7, one Republican being absent. I lost that vote to exempt E. coli, with seven Republicans on the other side of the aisle voting to keep E. coli in, in that regulatory moratorium.

Mr. JOHNSTON. Will the Senator yield?

Mr. GLENN. No, I will not yield at this point.

The PRESIDING OFFICER. The Senator has not yielded.

Mr. GLENN. I will not yield.

We hear it is not needed. We hear that such rules are exempted in this bill—but it still leaves it up to the agency. What if we have somebody in the agency who does not want to do this? I am not going to make too much out of that because, we have to trust the people in the agencies. But to say that we should have no concern, that nobody on this floor, nobody in the whole U.S. Senate is against health and safety rules when we had a vote in committee that prevented rules addressing E. coli and cryptosporidium, which was another vote, from being exempted from that moratorium is just not right. There is very, very good reason why we are concerned about this.

We did not have a single Democratic vote that was against exempting these important rules, but we did have votes on the Republican side that prevented

that exemption being made in committee. That is the reason we are concerned about this. This is not something we are making up. It is not something fictitious. It showed the intent on the other side, at least in that case, under the regulatory moratorium, of not being willing to give one inch on this issue. Not even when we have about 250 deaths a year, and over 20,000 people made ill by E. coli bacteria every year.

Further, under this bill, there are still problems even if the agency declares an emergency. An emergency exemption is provided, and I agree and I know the Senator from Louisiana is going to say that the agency has the discretion to exempt these rules, and they can. But the bill now says that within 180 days of putting the rule out, the agency has to go back and do the cost-benefit analysis and risk assessment. Even with that kind of an exemption by the agency, I do not know whether they can do a cost-benefit analysis or whole risk assessment in 180 days. That is very difficult. Sometimes these things take years—2, 3, or 4 years or more. If they cannot complete the work required what happens then? And even then, these rules would still be subject to the petition process. The agencies might have to review the rule again, which is subject in turn to judicial review, or judicial challenge, anywhere along the line. So there are still weaknesses and there are areas where we are still concerned about this.

But I come back to why we are concerned about this. We are not digging up things. We are not desperate. We are not wild-eyed leftists over here. We are trying to protect the people of this country from E. coli in this particular case. I think the majority leader has addressed some of the problem with this. Maybe it is sufficient. I do not know. We will have to talk it over a little bit to see what we want to do on this.

But there is very, very good reason why I personally had concern about this. It is heartwrenching to sit in the committee and hear mothers and fathers come before the committee talking about how they lost their children to E. coli.

We see statistics. We know that there are estimates that about 4 percent of the meat is tainted. So you had better cook it well. I will tell you that. Four percent—that means that 1 out of every 25 times you buy a hamburger, it could be tainted. We want to protect the people of this country against that kind of meat contamination, if we can. Of course, we do. We brought this up in committee. We could not get that exemption through in the committee. It was not exempted from the moratorium. That is the reason we are concerned about this.

So this is not something fictitious. This is something that we have already voted on in committee. The Republicans voted solidly on the other side to not exempt E. coli from that regulatory moratorium that was proposed at that time. The regulatory moratorium still has not been completed, because we have not gone to conference with the House yet.

I still have some concern about the processes under this bill, S. 343, that would require that within 180 days a cost-benefit and risk assessment would have to be done for rules that have been issued under this exemption. I do not know whether that can be done. But if it is not done, what would happen then? It would still be subject to petitions to review the rule all over again, even though everybody can say E. coli is a danger to the health and safety of the people of this country. Yet, in committee Republicans voted against exempting that; voted to not give the protection that the people of this country deserve.

So I am glad that the majority leader has done what he has done this morning. We will have to discuss whether we think this goes far enough. But there is very good reason why we are concerned about this. Our concerns are not fictitious, not something we are making up, and it is not something where politics is involved. It is the health and safety of the people of this country. It is not because of politics, as the majority leader indicated a little while ago, that we are talking about E. coli. And an exemption is needed. The vote in committee showed that we needed legislation in this regard. So we will see whether we think it is adequate or not.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

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

Mr. JOHNSTON. Mr. President, the problem with this bill is that the opponents are not willing to take yes for an answer. I do not know what happened in committee. I do not know whether the Republicans were opposed or were not opposed to some particular provision on E. coli bacteria. But I am telling you.

Mr. ROTH. Will the distinguished Senator yield a moment on that point?

Mr. JOHNSTON. Yes, for a question.

Mr. ROTH. I wanted to make a statement on what happened in the committee.

Mr. JOHNSTON. If the Senator will let me make a few comments, I will yield the floor.

Mr. ROTH. All right.

Mr. JOHNSTON. The point is not what has happened in past history. We are dealing with what this bill says now here. I and my staff worked with the majority leader on this very provision to take care of not only E. coli, not only cryptosporidium, not only Ebola virus, but all public safety threats so that we exempted from any cost-benefit analysis or any risk assessment if it is impractical due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.

Mr. President, what could be more clear than that? If it is a threat to public health or safety or likely to result in any significant harm to the public or natural resources, you do not have to do a cost-benefit analysis. You do not have to do a risk assessment. That was not in the original Dole bill. They accepted this amendment. Now they do not want to take yes for an answer.

Mr. President, we need to get this bill to be really considered for what it says. I just received a statement of administration policy on this Comprehensive Regulatory Reform Act which I must tell you, Mr. President, I find offensive. I think it is disingenuous. I sat in the room with Sally Katzen who is head of the OIRA. She came up with some very good suggestions among which was a method—I call it the Katzen fix—whereby we could combine all of the scheduling of rules to be considered, of look backs of the petition process to have it all considered at the same time with that schedule controlled by the Administrator. We accepted this suggestion completely—Senator DOLE and his staff, and Senator HATCH and others. And now I find that this is unacceptable and agencies are overwhelmed with petitions and the lapsing of effective regulations. It is just disingenuous because they accepted the very proposals which were made.

Let us get serious about this bill, Mr. President. Look. This bill is not about E. coli bacteria or about cryptosporidium. Those are scare tactics. That has been taken care of in this bill. There may be a lot of things to oppose on real grounds. But I think we ought to get real about it. We ought to be ingenuous about our opposition, those who propose various provisions. And if there is a real problem with cryptosporidium or E. coli, why do not you offer the amendment? Let us see if we can work it out rather than come in on the floor with white-hot debate and mothers with children who die from various things. We are just as concerned about that, those of us who want regulatory reform, as anybody in this Chamber. And we have taken care of it. To suggest that it is not taken care of is just not ingenuous, Mr. President.

We need regulatory reform. We need bipartisan regulatory reform. If there are serious amendments, let us consider them on their merits and not on the basis of something that is not in this bill.

Several Senators addressed the Chair.

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

Mr. ROTH. Mr. President, what the distinguished Senator from Louisiana has just said is exactly on point. What we are seeking to do is to make this a cleaner environment for all people. What has happened too often by scare tactics is that we find actions being taken that are unnecessary and unwarranted. The Senator is absolutely right. There is language already in the proposed legislation that will take care of these emergencies where there is a threat to health and safety. And there is no way. It is totally impossible to eliminate where all of those threats are going to arise in the future. That is the reason for the general language that, where there is an emergency or a problem of health and safety, an exemption, an exception, is made to the requirements of the legislation. But the basic purpose of the legislation is to ensure that we do a better job of regulating, of eliminating the risks and problems faced by this Nation. It is already costing every American family something like $6,000 a year. We need to ensure that those dollars are well spent, that we get the biggest bang for the buck.

Just let me point out that what exists in this legislation also existed in the moratorium. The moratorium provided that the President had the right to exempt health and safety regulations from the moratorium. That would include various diseases, E. coli or whatever else might be of emergency nature. The important point was that when the Republicans voted the way they did they were relying on the general language. I do not care how many amendments we add. I support the amendment of the distinguished majority leader. But legally, it is not necessary.

Would not the Senator from Louisiana agree with that?

Mr. JOHNSTON. Mr. President, I will say in response that really the majority leader's amendment adds nothing to what is already in the bill except it says including E. coli. Health including E. coli. A health threat already included E. coli. It already includes cryptosporidium. It also includes the Ebola virus. It already includes everything that is encompassed in the world health.

So it is totally unnecessary. But if it reassures somebody that now we are taking care of E. coli, so much the better.

Mr. ROTH. I could not agree more. I personally intend to support the amendment of the distinguished majority leader. But the important point is that in this legislation we want to deal with not only the threats we face today but we face in the future. That is the reason for the general legislation. Who knows what horrible disease may develop sometime in the future. That is the purpose of the language in this legislation.

So I just want to say I agree with what the distinguished Senator from Louisiana said. It was exactly the same situation when we were dealing with regarding the moratorium. We had general language to cover health and safety. We gave the President the authority to exempt it. There was no need for it. That is the reason many of the Senators voted as they did.

Several Senators addressed the Chair.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I appreciate the fact that the majority leader has offered this amendment this morning, not just because it clarifies that the language of the bill was not intended to hold up this rule on bacteria in meat, which the Centers for Disease Control tells us is a serious health problem, but because the amendment reminds us why we have regulation. The amendment reminds us that regulation does not simply emanate out of a vacuum in which some bureaucrat falls to impose irrational rules. Regulation comes from laws that we adopt in Congress, that are signed by the President, that recognize some public problem that we as the elected representatives of the people have concluded the people themselves cannot protect themselves from; they cannot handle that problem on their own.

There are a lot of problems like that in our increasingly complicated, sophisticated, globalized world. It is not like the old days where you basically grew what you ate. We are eating a lot of stuff that comes from halfway around the world. We are breathing air that contains pollutants that come from thousands of miles away. We are affected, when we go out on a sunny day in the summer, by rays that are coming through the hole in the ozone layer that has been created by chemicals that are being sent up there from all around the globe, and so on and so forth.

So we have created a series of protections as part of what I would consider the police power of the State, which is why people form governments in the first place, which is to protect them, to create security for them from harms from which they cannot protect themselves. The inspection of meat, to protect people—and people have died from bacteria in meat—is part of that apparatus.

So it is after Congress recognizes a problem, creates a law, and the President signs it, that then, because the law cannot cover every contingency, the administrators come along and they adopt regulations to carry out the rule, to apply it to specific cases. And this, frankly, is where we have gotten into some of the problems that have generated the bill before us and the substitute that many of us on the Governmental Affairs Committee supported, S. 291, now adopted almost completely in the Glenn-Chafee bill.

You would have a hard time, Mr. President—at least I have not found in this Chamber of 100 Senators representing every State in this Union—one Member who will say that he or she is not for regulatory reform. We all have been home and talked to our constituents, small business people, large business people, individuals who can cite for us an example where there is just too much regulation, but even more regulation without common sense.

My friend and colleague from Utah, Senator HATCH, has been providing what I might call the daytime version of David Letterman's nighttime list of the 10 best. We have Senator HATCH in the morning, and we have heard these stories and they are real, and it is why we are all for regulatory reform. But the reason why some of us are concerned about the content of the bill before us and why we seriously want to go through this process and see hopefully if we cannot work together in the end to get to a position where all of us, or at least most of us, can support the bill is our fear that inadvertently in responding to some of the excesses and foolishness of regulation and bureaucracy, we may impede the accomplishment, the purpose of the underlying public health and safety laws that I believe the public wants.

Mr. JOHNSTON. Will the Senator yield at that point.

Mr. LIEBERMAN. I would be happy to yield to my friend from Louisiana.

Mr. JOHNSTON. The Senator, my friend from Connecticut, is one of the best lawyers in this body, and I consider him to be one of the best lawyers in the country. It is for that reason that I ask him, on page 25 of the bill, it contains language that says:

> A major rule may be adopted and may become effective without prior compliance with this subchapter if the agency, for good cause, finds that conducting a cost-benefit analysis is impractical due to an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources.

We have the same language over on page 49 that has to do with the risk assessment. So it covers both cost-benefit analysis and risk assessment, and the operative language is you do not have to comply with the chapter if there is a health or safety threat.

Now, would the Senator not agree with me that the phrase "health or safety threat" would encompass any of these problems such as E. coli, cryptosporidium, Ebola, flu, the common cold? It covers everything relating to a health or safety threat. Would not the Senator, my friend, agree with that?

Mr. LIEBERMAN. Mr. President, to respond through the Chair to the Senator from Louisiana, first, I thank him for his kind words and, second, it seems to me on the face of it the intention is

certainly to cover those health and safety threats. The question is whether it is effectively done or comprehensively done, and I would like to work with the Senator.

Let me just say that the other day we received the paper flying all over about the Food and Drug Administration comments of the overall bill, and they say as part of their comments:

The exemption for likely health or safety threats will not permit the agency to take expeditious action to avert harm. First, the finding of good cause would be imposed in addition to the statutory violation finding that the agency currently is required to make before taking any action, unless the intent is to override the statutory finding. This requirement is burdensome and inappropriate. Second—

And this is something that I have been concerned about—

neither "significant harm" nor "likely" is defined. As a result, it is unclear how many situations would fall under this standard. Is the threat of one spontaneous abortion—

The example they use—

or one death a significant harm? Under what circumstances would the threat be deemed likely? Would the adulterated product need to be in domestic commerce before the threat was likely?

The requirement that the harm render the completion of a detailed risk-benefit analysis impractical adds a further level of complexity to what should be a straightforward, expedited determination.

I am not embracing all of these questions as my own, but I think they are reasonable, and I would like to work with the Senator to make sure that we do put to rest any of the concerns that are raised in here about public health and safety, although I must say that I have an underlying concern about some of the other sections as they affect the regulatory process even in cases where they are not health and safety.

But let me finally, bottom line, respond. I understand that the intention here is to cover all of the concerns, the specific cases, of the bacteria and the rest, and I would like to review the language in the majority leader's amendment and work with the Senator from Louisiana to make sure that we do just that.

It seems to me, as I said a few moments ago, I think we all share two common goals. The Senator from Ohio has outlined these as his test for whether he will support a regulatory reform bill. And to paraphrase and state them simply, we are all for regulatory reform. We agree there are excesses. There is foolishness. But in achieving regulatory reform let us make sure that inadvertently we do not block the accomplishment of the purpose of the legislation that is underneath the regulations.

Mr. JOHNSTON. Mr. President, if the Senator will further yield, I appreciate his candor. Let me say that this amendment was put in at my behest to deal with the problem. It was our best judgment as to how to deal with what really was, we thought, a problem with the original language. This was printed up, as you know, and then we went into negotiations on our side of the aisle. I personally spent something like 24 hours in direct face-to-face negotiations with our caucus and our Members and our staff. I did not, up until today, hear any criticism of this language.

If there is a way better to make it absolutely clear that you can deal with these imminent threats without any delay, without having to do anything like cost-benefit or risk assessment, if that is not absolutely clear—and I believe it is as clear as the noonday Sun on a cloudless day, I think it just shines through—but if it is not, then I, for one, will certainly help clear it up. I will solicit the help of my good friend and good legal advisor from Connecticut in helping to sharpen that language.

Mr. LIEBERMAN. I thank my colleague from Louisiana. Obviously, I have respect for him, his judgment, his word, and his good faith. I accept the challenge to work with him to clarify the intention of the bill overall with regard to emergency health and safety problems.

I know that the Senator from Ohio has a statement he wishes to make. I am going to spend a few minutes more and then I will yield the floor.

I do want to say in overall terms, to put in a different context these two goals that we have, that there is no question that part of what motivates the bill before us is the broadly held feeling in America that Government has become too big and too intrusive. But reflecting only what I hear from my constituents in Connecticut, which is that, I also hear from them that there are certain things that they very much want Government to continue to do for them because they know they cannot do it alone and it cannot be privatized.

I remember somebody once said—it is not my thought—the law exists in society in relationship to the natural goodness and perfection of the species; in other words, in Heaven, if you will, there is no law because everyone does the right thing; in Hell, it is all law because no one does the right thing; and we on Earth are somewhere in between. The law expresses our aspirations, our values, our desire for a just society.

Do we overdo it sometimes? Sure, we do. I have to tell you, when I am home in Connecticut, I do not find anybody saying to me there is too much environmental protection. I do not find anybody saying to me there is too much consumer protection, there is too much food safety protection, too much protection of toys. Yes, I find some business people saying to me that some of the ways in which these goals you put into legislation are being enforced by some of the inspectors, the bureaucrats are ridiculous. The average business person I talk to says, "Look, I'm not just a business person, I'm a citizen, I'm a father, I'm a husband, I'm a grandfather. I have as much interest in clean air and clean water and safe drinking water and safe food and safe toys as anybody else."

I am saying as we go forward, let us remember both sides.

I have two more general points. No. 1 is, I am a member of the Environment and Public Works Committee. I have spent a lot of time on that committee. Let me say briefly that I find there is an extraordinary broad base of support in my State, and I believe throughout this country, for environmental protection. In fact, environmental protection is, as the writer Gregg Easterbrook pointed out in articles and a book recently, probably the single greatest success story of American Government in the postwar period. It is an interesting thing to talk about. Again, it is not to say everything has been done to protect the environment rationally and sensibly. Twenty-five years ago, the Connecticut River was described by somebody as the prettiest sewer in America. Today, the river is fishable and swimmable. That has happened all around America with rivers, lakes, and streams.

The same is true of the air, that was heading rapidly in the direction of not just smog that is hard to see through, but really affecting people's health. I am hesitant, after the discussion we had today about numbers here, but there are fairly credible scientists and doctors who say still in our country tens of thousands of people die prematurely—which is to say what it says, they would have lived somewhat longer were it not for forms of air pollution. This is particularly true of vulnerable populations.

There is an epidemic of asthma in our country. It has gone up 40 percent in the last 10 years, particularly among children. I have a child who has asthma. More and more of these kids are vulnerable to pollutants in the air. We have done a pretty good job of cutting the number of those pollutants, but still we have a greater amount of work to be done. I am saying, as we try to make the regulatory process more rational, more reasonable, let us not pull away from the underlying goals.

Finally, one of the things that has happened in the environmental area is a general acceptance of the environmental ethic, as I said a moment ago, and, I think, a growing partnership between the business community and individuals and the environmental community. I am fearful that if cooler heads do not prevail in this particular debate, and debates are going on about other laws, that that partnership is going to be broken. It will have a bad effect overall. It is going to lead, first, to the kind of conflict that does not

produce results, does not clean up the environment, but, second, I am afraid from the point of view of business, one of whose understandable goals is to seek consistency of regulation, of law, there is going to be inconsistency, we are going to swing from extreme to extreme, and that is not good.

Finally, if we do not get together and be reasonable with one another and adopt a good regulatory reform bill, it is going to face a Presidential veto. Then nothing is going to be accomplished. We would have spent a lot of time, filled the air with a lot of rhetoric, but ultimately, we are going to be left with a regulatory system that all of us find inadequate.

So I hope as we go forward that we will keep those thoughts in mind. I believe that the bill before us still, because of the petition process in it, which is an invitation to delay, because of some of the standards that are set, inadvertently puts at risk some of the accomplishments of the last two or three decades.

I personally prefer S. 291. I prefer it in part because I worked on it in the Governmental Affairs Committee under the leadership of the Senator from Delaware and the Senator from Ohio. It came out of our committee 15 to 0, a bipartisan vote. It is tough regulatory reform. It requires a determination of whether the benefits justify the costs. It requires regular review by the agencies of the regulations. It goes on to create sunshine in the process and to put some common sense into the regulatory process without jeopardizing the underlying laws.

So I prefer it to the alternative we have before us, but I hope we can bridge the ground and, most of all, get something done to change the status quo without jeopardizing the purposes that have engendered the status quo.

I thank the Chair. I thank my colleagues for their patience, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Ohio.

PRIVILEGE OF THE FLOOR

Mr. GLENN. Mr. President, I ask unanimous consent that Jeneva Craig, of my staff, be granted the privilege of the floor during consideration of this legislation.

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

Mr. GLENN. Mr. President, we got off to a rather fast start yesterday and we did not get to give our opening statements on the general view of the legislation before us. I would like to do that at this time.

This is a most important matter that comes before us with this legislation. It may well prove to be, as far as impact on the American public, the most important legislation we pass this year. I am under no illusions it will get the most attention, but it may be the most important.

Before I launch into my statement, I ask unanimous consent to have three editorials from the Washington Post, the New York Times, and the Cleveland Plain Dealer, which discuss the issue of regulatory reform, printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, regulatory reform is one of the most important issues before us. Make no mistake, I want regulatory reform. I think we need regulatory reform. Large businesses want regulatory relief, so do small businesses, so do individuals. And their general discontent with regulatory burdens is, in many ways, justified. I believe that. That is why I want regulatory reform to be the right balance.

Why do we have to have a lot of regulations? Are bureaucrats just deciding to write as many regulations as they can think of over in the agencies? No, that is not the answer. The process is that Congress passes laws and agencies carry out the intent of these laws through regulations, through the details that are necessary to make the laws applicable.

Unfortunately, Congress passes a lot of ill-thought-out laws in insufficient detail in the first instance, and then we complain bitterly when the regulation writers in the agencies overstep into unintended areas. In other words, if we want to look at some of the culprits in overregulation, let us look at ourselves, let us look in the mirror.

I repeat that sentence. Congress passes a lot of ill-thought-out laws in insufficient detail in the first instance, and then we complain bitterly when the regulation writers in the agencies overstep into unintended areas.

I believe Congress needs to write laws more clearly and give agencies more guidance. That way, agencies will not have to guess what our intent was when they write the regulations that implement the laws.

In other words, Congress should do the work and weigh our actions more carefully, including the costs and benefits of a law. We should be doing all of that right here before passing legislation that will be implemented through regulation.

As we debate how to reform the regulatory process, we need to ask ourselves two essential questions. First, does the bill before us provide for reasonable, logical, and appropriate changes to regulatory procedures that eliminate unnecessary burdens on businesses and on individuals?

Second, at the same time, does the bill maintain our ability to protect the environment, health, and safety of all of our people? In other words, does the legislation strike an appropriate balance? That is the question.

Those are the two tests this legislation must meet. I believe that if it can meet those two tests, there will be broad support for this effort. Any bill that relieves regulatory burdens but threatens the protections for the American people in health, safety and the environment should be opposed.

Regulatory reform is very complicated. The idea sounds great, but the devil is in the details. Cost-benefit analysis, risk assessment, judicial review, the specific elements of regulatory reform, are complex—very complex. The parts do not make easy sound bites. But without making sense of the words, there can be no real reform, let alone a workable Government.

I am very concerned that in order to keep up with the schedule established by the other body, the Senate is being rushed to consider a complex and lengthy proposal whose consequences are not yet fully understood. Regulatory reform should be arrived at through a process of deliberation and bipartisan consultation. That is the process we used in the Governmental Affairs Committee. From our landmark regulatory reform study clear back in 1977, through legislation and more than a decade of oversight of OMB and OIRA paperwork and regulatory review, and now to the consideration of legislative proposals in this Congress, the Governmental Affairs Committee has approached this issue in an open and bipartisan manner. That was our mode of operation during my years as chairman. And this year, under the leadership of the new chairman, Senator ROTH, our committee held four hearings and developed a unanimous bipartisan regulatory reform bill, and S. 291 was the number as it came out of committee. Our committee report also reflects this bipartisan spirit and deliberative process.

Now, I make these points because the proposal, S. 343, that has been brought to the floor has been developed in a similar open and deliberative manner. The bill is based on the Judiciary Committee's reported bill that reflected a divisive committee, a proceeding that was cut short.

Until recently, negotiations on this bill went on behind closed doors. During the past several weeks, there have been many attempts to work together to improve this bill. A number of Members have worked diligently to explain our differences and what we think needs to be changed. Before these discussions were completed, S. 343—this bill—was brought to the floor. It is a bill that we believe continues to have a great number of problems. The result, from what I can see, is a bill tailored to special interests. It is a lawyer's dream. It does not meet the dual goals of protecting health and safety and, at the same time, having a more effective and more efficient Government.

Yes, we want agencies to have more thoughtful and less burdensome rules.

But we also want agencies to be effective. The American public does not want the Federal Government to be more inefficient or to have more public protections delayed or bogged down in redtape and delay and courtroom argument. That is why Senator CHAFEE, myself, and several others offered an alternative bill just before the recess. It is S. 1001, and it is based on that same Governmental Affairs Committee bill, S. 291, that was reported out with full bipartisan support. The vote was 15 to 0. There were eight Republicans and seven Democratic votes out of committee.

S. 1001 provides for tough, but fair, reform. It will require agencies to do cost-benefit analysis and risk assessments, but it will not tie up all their resources unnecessarily. It does not provide for special interest fixes. It does not create a lawyer's dream. It provides for reasonable, fair, and tough reform. It reflects the work of the Governmental Affairs Committee on S. 291 and only changes this bill in three ways.

First, the definition of a major rule is one that has an economic impact of $100 million. There are no narrative definitions, such as "significant impact on wages."

Second, the automatic sunset of rules that are not reviewed has been changed. If agencies do not review rules within the allotted timeframe, they must commence a notice of proposed rulemaking to repeal the rule. In other words, the rule could not just sit there and automatically become unenforceable. With this approach, there is opportunity for public comment, and rules will not sunset without adequate opportunity for review.

Third, we limited the risk assessment requirements to particular programs and agencies. We also made some technical changes in line with the National Academy of Sciences' approach to risk assessment. Those are the three changes to S. 291 that we incorporated when it became S. 1001.

Let us remember what is at stake here. Regulation is important because rules are needed to implement most laws. There is no way around it. Public health and safety, environmental protection, equal opportunity in education and in employment, stability in agriculture and other sectors of our economy, each area has shown that it needs the help of legislation and regulation that follows to make it workable.

I would like to talk for a few minutes about a different, but related, regulatory matter. I mentioned it earlier this morning. That was regulatory moratorium. We debated that at the end of March. I want to talk about here, because I believed many of the provisions of S. 343 could have a similar effect in undermining health and safety protections for the American people, their families and their children.

If there was ever a proposal to make one stop and think about what is at stake, the moratorium would do it. It would have stopped all regulations dead in their tracks, starting back at last year's election through the end of this year, no matter what State the regulations were in, no matter whether they were good or bad regulations. Now, proponents of the moratorium, like proponents of S. 343, are ready to subject the people of this country to the slashing of regulations without due examination of what could happen, without considering what health and safety protections may be at stake.

We had hearings in committee, and I met with Nancy Donley of Illinois and Rainer Meuller of California, who both lost children to E. coli-tainted hamburgers. Both came to Washington intent on looking in the eyes of politicians who were more willing to tolerate endangering children than facing up to a responsibility and making a regulatory process that works. According to USDA's Food Safety and Inspection Service, 3,000 to 7,000 Americans die of tainted food each year, and 3 to 7 million Americans are sickened by food-borne illness. This is costing lives and health and millions of dollars.

Can anyone honestly say that we do not need protections and an effective regulatory process? Further, I heard from airline pilots who were angry that Congress might sacrifice air safety standards in order to appear strong not by being proponents of enhancing safety regulations, but by going too far the other way and delaying and even slashing safety rules, all in the name of regulatory reform. In other words, we would reform ourselves into greater danger for every airline passenger.

I heard from public health experts who are alarmed at the threats to the safety of drinking water from dangers like cryptosporidium, which killed 100 people in Milwaukee in 1993, and made 400,000 sick. So the moratorium would have halted drinking water safety rules until the end of the year.

But the point of bringing up the moratorium here is not to confuse the issue, it is to point out that the bill we take up today could well delay some of these items well beyond the end of the year. It could delay them significantly beyond that.

Of course, rules, regulations, and regulators are not always right. There can be different approaches to protecting the public from disease or injury. That is why reform is important. Regulations do not come free. Their costs are weighing down the American people. Businesses, private citizens, universities, and State and local governments all complain that too many regulations go too far, that they just are not worth it.

So our job is to find a balance that recognizes both the essential role of regulations in our society and the social and economic price paid by an overreliance on regulation. Finding this balance means evaluating the benefits as well as the burdens of rules and using the best scientific and economic analyses to do so.

What is the economic impact of regulation? How do we measure that impact? How do we weigh economic costs and benefits? What are the societal costs and benefits? Agencies need to do better in each of these areas, and I believe true regulatory reform can improve agency analysis and make the Federal rulemaking process work better. But accomplishing these reforms is easier said than done.

There is wide disagreement in both the economic and scientific communities about the methodologies and underlying assumptions used in performing these analyses. In our committee, we heard from witnesses on every side of these issues. In developing S. 1001, we tried to craft a workable framework for regulatory decisionmaking. The product of our committee work was a unanimously supported, tough regulatory reform bill. With only a few changes—the ones mentioned—Senator CHAFEE, myself, and others have proposed this bill, S. 1001, as an alternative approach to regulatory reform. It would improve agency decisions, lessen burdens on the American public, improve the implementation of our laws, and make Government more efficient and more effective. I intend to offer S. 1001 as a substitute to S. 343 at the appropriate time. The debate on the regulatory reform before us will, I believe, reveal many of the failings of S. 343, and the more practical advantages of the Glenn-Chafee bill.

Regulatory reform should focus on the following central issues, which are reflected in S. 1001. I will expand on these principles in more detail later in my statement:

First, agencies should be required to perform risk assessments and cost-benefit analysis for all major rules.

Second, cost-benefit analysis should inform agency decision making, but it should not override other statutory rulemaking criteria.

Third, risk assessment requirements should apply only to major risks assessments, and these requirements must not be overly prescriptive.

Fourth, agencies should review existing rules, but their review should not be dictated by special interests.

Fifth, Government accountability requires sunshine in the regulatory review process.

Sixth, judicial review should be available to ensure that final agency rules are based on adequate analysis. It should not be a lawyer's dream, with unending ways for special interests to bog down agencies in litigation.

Seventh, regulatory reform should not be the fix for every special interest.

These principles would establish for the first time a Government-wide comprehensive regulatory reform process.

This process will produce better, less burdensome, and probably fewer regulations. It will also provide the protections for the public interest that the American people demand of their Government.

I do not believe S. 343 follows these principles; instead it does special favors for a special few—and in so doing creates a process that will delay important decisions, waste taxpayer dollars, enrich lawyers and lobbyists, undermine protections for health, safety, and the environment, and further erode public confidence in Government.

I mentioned the seven principles. Let me talk about each of the seven principles I raised in a little more detail.

Principle 1. Agencies should perform risk assessments and cost-benefit analysis for all major rules. Most of us would agree that before an agency puts out a major rule, it should do a cost-benefit analysis, and if it makes sense, a risk assessment.

Let us start with one of the most fundamental questions in this debate: What should be considered a major rule? In the Glenn-Chafee bill and the bill we reported out of the Governmental Affairs Committee on a bi-partisan, 15-to-0 vote, we decided that a major rule should be one that has an impact of $100 million. A $100 million threshold has been the standard under Presidential Executive orders for regulatory review since President Reagan in the early 1980's. If anything, given inflation, that threshold should go up, not down, if you think about it.

S. 343 has a threshold of $50 million; the House bill casts an even wider net of $25 million. These are just simply too low. Remember—this bill will cover all Federal agencies—not just the Environmental Protection Agency or the Food and Drug Administration. All Federal agencies—Treasury, Commerce, Agriculture, and so on—would have to do extensive analysis for every single rule that had a $50 million impact. Or, if the House wins on this, a $25 million impact.

What are we trying to accomplish here? If it is to make the agencies use these important tools for important, economically significant rules, I believe we should keep the threshold high. If we demand that rigorous cost-benefit analysis and risk assessment be required for just about every rule, we will guarantee that we will use up valuable agency resources with very little to gain.

One group that testified before the Governmental Affairs Committee estimated that the House bill would add 2 years to the rulemaking process and cost agencies a minimum of $700,000 per rule. I had some figures yesterday that computed how expensive that could be and it gets up into the hundreds of millions of dollars. Let us remember that we are cutting the Federal work force and consolidating agency functions. This bill should not create needless work that has little benefit. What is the cost-benefit analysis for using $50 million or $25 million? I believe it is going to cost the agencies a bundle of money and resources and the benefits are few. Talk about poor cost-benefit ratios. Let us stick to truly major rules and set that threshold at $100 million.

I say let us first see how this works at the $100 million level. If we see that it works well, I would be in favor of reducing the threshold at a later date to capture more rules, whether down to $50 million or $25 million. But I want to make sure that what we pass now works, is fair, and brings relief for the biggest problems. I do not want to flood the system with so many rules that nothing works, and we find ourselves back here in 3 or 4 years reforming the regulatory process once again.

I feel this even more strongly after yesterday's acceptance of an amendment to include significant rules under the Regulatory Flexibility Act in the definition of major rule. This will add well over 500 rules to those having to go through cost-benefit analysis under S. 343. This is just too much.

Principle 2. Cost-benefit analysis should not override existing statutes. Another question that we must decide is how cost-benefit analysis should be used. I believe, and many of my colleagues believe, that in no way should cost-benefit analysis override existing statutes. This is the so-called supermandate issue. We all agree that it is a good idea to make agencies figure out what the costs and benefits of a rule are before issuing it, and to see whether the benefits justify the costs.

But let us keep in mind that this tool is far from a hard and fast analytical science. There are lots of assumptions that go into figuring out the costs of a rule and the benefits of a rule, and many benefits and costs are unquantifiable. That is certainly no argument for not doing it. I believe it can be a very useful tool in the decisionmaking process, but it does show that caution is in order.

Agencies often have to get cost data from the industry it is intending to regulate. And some industries have been known to overstate how much it will cost to comply with a regulation. The benefit side also has lots of difficulties. How much value do we place on a human life? Does it matter if that human is an old man or a young girl? What is the value of preserving a plant species? What is the value of avoiding an injury to a worker? Clearly, agencies should not be forced to quantify everything. On this point, Senator DOLE, Senator JOHNSTON, Senator CHAFEE, and I—and in fact, probably all of us—agree. We should encourage agencies to estimate costs and benefits—both quantifiable and nonquantifiable—and make totally clear what assumptions they use to do the analysis. This can help inform their decisionmaking.

But this is where we differ: Should the result of a cost-benefit analysis trump all other criteria for deciding whether or not an agency should go forward with a rule? The way S. 343 is written right now, that is what would happen, and I do not think that makes sense.

First, in passing legislation, we, in Congress, have said to agencies, "Go issue a regulation, based on what we've said in the statute"—whether it be "an adequate margin of safety" or whatever. The agency should not have the power to say, "Well, we can't justify the costs given the benefits of this rule, and therefore, we are not going to issue this rule." This would basically be handing our congressional responsibility over to the agencies, based on a less-than-perfect tool of cost-benefit analysis.

I heartily believe that agencies should tell us if they really do not think a rule's benefits justify its costs. But then the rule should come back to us in Congress to figure out what to do. This will also help to inform us in Congress about a law that should be changed. For these reasons, I strongly support—and my colleague Senator LEVIN has been a strong leader on this issue—a congressional review or the right to veto rules through an expedited review process. This makes a lot more sense than having a supermandate," which would make cost-benefit analysis override an existing statute. Remember that the congressional review of rules passed the Senate 100 to 0. It makes sense to do business this way.

Let me give an example of how hard it is to figure out costs. Everyone acknowledges that it can be very difficult to quantify benefits, but most assume that cost numbers are easier to estimate accurately. But let us consider the example from the Occupational Safety and Health Administration [OSHA] of the cotton dust standard. Several hundred thousand textile industry workers developed brown lung—a crippling and sometimes deadly respiratory disease—from exposure to cotton dust before OSHA issued protective regulations in 1978. That year, there were an estimated 40,000 cases, amounting to 20 percent of the industry work force. By 1985, the rate had dropped to 1 percent.

The initial estimates in 1974 for industry to comply with a stricter standard was nearly $2 billion. By 1978, OSHA estimated the same costs to industry to be just under $1 billion. So the estimate fell by 50 percent by the time the standard was issued. When the actual costs of compliance were reported in 1982, they were four times lower than the $1 billion estimate. It is likely that if OSHA had to use a cost-benefit analysis to figure out whether

to put out this standard in 1978, not having the knowledge that they did in 1982, they would not have done it, even though it is clear to me that the great success of this rule certainly justifies its costs.

Let us be clear on this point: Cost-benefit analysis should not override existing statutory rulemaking criteria. Proponents of S. 343 say that this bill does not have a supermandate. It has been repeated over and over that this bill does not have the supermandate. Many of us disagree. Language to clarify this was offered during negotiations on this bill, but it was rejected. We still do not have clarifying language on this point. If there was no supermandate lurking here, why was the clarifying language rejected? So the more I hear that this is not a problem, but that the language cannot be clarified, the more I have to wonder.

Another problem that many of my colleagues have discussed at length with the supporters of this bill is the issue of least cost. Right now, this bill requires two major determinations before a rule can be issued: One, that the benefits justify the costs; and, two, that the rule adopts the least-cost alternative. Let us think hard about these words "least cost." Do we always want the agencies to do the cheapest alternative? What if an alternative that costs just $2 extra saves 200 more lives? Do we say pick the cheapest, and do not look at benefits of the alternatives before you?

That is what this bill does. We should give the agencies some leeway to use common sense. They should be able to choose the most cost-effective approach, looking not just at costs but also at the benefits. Here, we would be requiring them to pick the cheapest alternative, which may not always be the most cost effective.

In talking about this economic analysis, let me say a quick word about trying to reduce the costs of regulation on industry. In our efforts to reform the regulatory process, we should encourage agencies to take a hard look at market-based incentives to achieve regulatory goals. Many have shown that we can achieve our environmental goals, for example, at a lower cost than we do now by using market-based mechanisms. These alternatives allow industries more flexibility in how they meet a standard. For example, rather than telling every factory, new or old, that they must purchase the same equipment to fix a problem, we would give them flexibility, reducing their compliance costs while reducing the same amount of pollution overall.

I agree with the part of S. 343, Senator DOLE's bill, in which we are requiring agencies to consider market-based mechanisms. We have a similar provision in the Glenn-Chafee bill, S. 1001.

Principle 3. Risk assessment requirements must not be overly proscriptive and should apply only to major risk assessments. Risk assessment requirements are an important part of regulatory reform because many of the rules we want to address in this legislation relate to health, safety, or the environment.

Risk assessment can help us better understand what the risks are to the public or the environment, which in turn lets us figure out how best to lower those risks.

Scientists, agencies, and others have testified that it is essential that we do not make these requirements too prescriptive. Risk assessment is an evolving science. The last thing Congress should be doing under regulatory reform is freezing this science by laying out in excruciating detail how an agency must do a risk assessment.

I believe that both S. 1001, as well as this bill, do try to strike a good balance. I must commend Senator JOHNSTON for his leadership in the area of risk assessment. He has done a lot of work on that. S. 1001 outlines smart risk assessment principles that are in line with recommendations of the National Academy of Sciences.

There are still a few problems in S. 343, however, when it comes to the specific risk assessment requirements. For example, what is exempted from these requirements and what is not? This bill states that an agency does not have to do a risk assessment for a rule "that authorizes the introduction into commerce * * * of a product."

I ask my colleagues, what if an agency determines that a product is unsafe and should be removed from commerce? Under this bill, the agency would have to do a full-blown risk assessment, complete with extensive peer review, before it could take a product off the market. If you want to put something on the market, no sweat. If you want to take something off the market, it is not so easy. And it will take time, a lot of time.

I do not think this makes sense. Public health and safety can be harmed by dangerous products on the market. All we have to do is remember back to the thalidomide situation, for example, of a few years ago, when talking about taking products off the market. We do not want to make it more difficult.

Another problem is that the peer review requirements are exempted from the Federal Advisory Committee Act. Let me state first that peer review of major risk assessments I think is absolutely essential. Scientific experts should evaluate the information put together by the agencies, and a good peer review process will ensure high-quality assessments. But how is the peer review going to be run? The way S. 343 is written now, no peer review would have to comply with FACA. FACA was set up to ensure sunshine, accountability, public input, public access—in fact, fairness to all parties involved in such Advisory Committee processes.

FACA was put in to guarantee a balance of views on peer reviews, and yet FACA would not apply to the requirements for peer review under this act.

The Federal Government currently uses many peer review groups, most in the fields of health, science, and technology. These are all subject to FACA.

The proponents of S. 343, who now want to exempt these panels from FACA, were strong advocates of having FACA apply to the health care review panels just last August, less than a year ago. For example, the majority leader stated, quite properly in my view, that "There is no reason why these boards should be granted the power to meet in secrecy. Indeed, there is every reason why they must meet in public."

Senator GRASSLEY, on the same subject, stated, "I ask my colleagues to adopt the amendment to make FACA apply, because we ought to be doing everything in the sunshine. If we do, the mold will not grow there."

I agree completely with both of those statements. I do not see why the peer review panels under S. 343 should be any different.

Another issue about peer reviews: Do we really need to require peer review panels for every risk assessment for every environmental cleanup project? S. 343 applies risk assessment and cost-benefit requirements to all Superfund and Department of Energy cleanups that cost more than $10 million.

Aside from the fact that I do not believe we should deal with Superfund in a regulatory reform bill, I am very concerned about the resources that agencies would have to use to comply with this bill. There are hundreds of DOE sites and close to 1,000 Superfund sites that would be affected by these requirements. I do not think it makes sense to require such extensive peer review requirements for each one of these risk assessments. How will the agencies ever be able to find so many panels, for instance, that are truly balanced? How much will this cost the Government? What would we gain from it? Where is the cost-benefit analysis of this approach? I think we should delete the peer review requirement for environmental cleanups.

Finally, the position of those supporting the Glenn-Chafee bill is that the procedural requirements of these assessments should be, of course, open to peer review, but they should not be reviewed by the court. The courts are not the appropriate place to determine whether particular assumptions or toxicological data in a risk assessment are appropriate. The way the judicial review section is written, this is indeed a major concern. I will address that issue just a bit later.

Principle 4. Agencies should review existing rules, but that review should

not be dictated by special interests. Regulatory reform is not just about improving new rules and developing new techniques for addressing new problems. Regulatory reform must also address the great body of existing rules that currently govern so many activities in business, in State and local governments, and which affect so many of us as individuals.

For regulatory reform to be effective, it must look back and review existing regulations to eliminate outdated, duplicative, or unnecessary rules, and to reform and streamline others. This review is required most simply because over time, many decisions become outdated. Review is also needed because of the rising cumulative burden of existing rules on businesses and individuals. For this reason, agencies should take a hard look at major rules that they believe deserve review. Of course, this process should be open for public comment so that those who are interested in particular rules can make their concerns known to the agencies. But this review should not be dictated by special interests.

While I think a retrospective look at rules is essential, I do not believe in a process that would allow anyone subject to a rule to petition an agency to review a rule, which then requires stringent action by the agency to respond to that petition. That could just gridlock agencies and put special interests and the courts, not the agencies, the executive branch, or the Congress, in charge of the review.

The latest draft of S. 343 uses a petition process to put rules on a schedule for review. If the agency grants the petition, it has to review the rule in 3 years. That is a very short timeframe for such matters. If it fails to review the rule in that time, the rule automatically sunsets, it becomes unenforceable. This process, it seems to me, puts the petitioner in the driver's seat, not the agencies or the Congress who passed the law in the first place.

Mr. JOHNSTON. Mr. President, will the Senator yield on that point?

Mr. GLENN. No, I want to complete my statement. Then I will yield the floor at that point.

It also creates a process that is more prone to killing regulations than creating a thoughtful review of regulations. In addition to the peer review petitions, S. 343 has many other petitions for any interested party to challenge an agency on any rule, not just the major rule. These are yet more examples of the lawyer's-dream approach taken under this bill. Under S. 343, someone could petition for issuance, amendment, or repeal of any rule; or, amendment or repeal of an interpretive rule or general statement of policy or guidance; and, interpretation of the meaning of a rule, interpretative rule, general statement of policy, or guidance.

And just to add to the confusion, S. 343 also has a separate section, section 629, for a petition for alternative compliance. Any person subject to a major rule could petition an agency to modify or waive the specific requirements of a major rule and to allow the person to demonstrate compliance through alternative means not permitted by the rule.

In addition, S. 343 adds another petition process in section 634 so that interested persons may petition an agency to conduct a scientific review of a risk assessment.

Each agency decision on every one of these petitions, except the petition for alternative compliance, is judicially reviewable. It could be challenged in the courts. What a dream for the lawyers. All of these petitions and reviews add up to one of the worst parts of this bill. I think it is a formula for true gridlock. Agencies will have to spend enormous resources responding to each and every petition, and then they can be dragged to court if they turn down a petition. This does not come close to being real regulatory reform. This is regulatory and judicial gridlock. This is a way to keep the agencies from doing their jobs and to keep lawyers happy and extremely prosperous. This bill would make all the rhetoric about tort reform a big joke except that in this case judicial gridlock means that the health and safety of the American people could be jeopardized.

Principle 5. Government accountability requires sunshine in the regulatory review process. Agencies must work to involve all interested parties in the regulatory process, from soliciting comments to disseminating drafts to ensuring broad participation in peer review. Accountability also requires public disclosure of regulatory review documents, including related communications from persons outside the Government. There can be no public confidence in Government when some can use back doors to decisionmakers. S. 1001 requires reasonable disclosure consistent with recommendations of the Administrative Conference of the United States.

Over the past 25 years, the most notable regulatory reform accomplishment has been development of centralized Executive oversight of agency rulemaking. This effort, while not truly reforming the regulatory process, has had a substantial impact on the Federal regulatory process. It led to the development of agency regulatory analysis capabilities and better coordination among agencies, though the record is quite uneven across agencies.

The development of centralized regulatory review has also led to more consistent policy direction and priority setting from the Office of the President, though the record here is uneven as well, due largely to partisan controversy about Presidential use of that power to affect agency decisions. Many times over the past 15 years many of us have been in the Chamber debating the use of OMB regulatory review.

Much of the controversy that has dogged centralized regulatory review since it was formalized in 1981 by President Reagan in Executive Order No. 12291 revolves around public confidence in the integrity of the regulatory process. The issue has come to be known as the regulatory sunshine issue. And while the Governmental Affairs Committee has in the past been divided about how much sunshine is needed and at what stages in the process, the committee has always agreed on the need for sunshine and public confidence in the regulatory process.

S. 343 has no sunshine provisions. It is not like the Glenn-Chafee bill, S. 1001. S. 343 has no sunshine provisions for regulatory review, and I believe that is a fundamental flaw that needs to be addressed.

Principle 6. Judicial review should be allowed for the final rulemaking, not for each step along the way. Regulatory reform should not become a lawyer's dream, with unending ways for special interests to bog down agencies in litigation. We firmly believe in a court's role in determining whether a rule is arbitrary and capricious. S. 1001 authorizes judicial review of the determinations of whether a rule is major and therefore subject to the requirements of the legislation. Also, it allows judicial review of the whole rulemaking record, which would include any cost-benefit and any risk assessment documents. We should not, however, provide unnecessary new avenues for technical or procedural challenges that can be used solely as impediments by affected parties to stop a rule. Courts should not, for example, be asked to review the sufficiency of an agency's preliminary cost-benefit analysis or the use of particular units of measurement for costs and benefits. While courts have a vital role, they should not become the arbiters of the adequacy of highly technical cost-benefit analyses or risk assessments independent of the rule itself.

I believe, the way the bill is currently drafted, that lawyers and the courts will get into the details of a risk assessment or cost-benefit analysis. I think that is a mistake. From what I understand, there has been a great deal of discussion about this issue, and I believe many of us want the same result. The question is how to get there from here. Leaving the language as ambiguous as it is now is not acceptable.

Principle 7. Regulatory reform should not be the fix for special interests in every program. Many parts of S. 343 are very different from the bill we reported out from the Governmental Affairs Committee on a bipartisan basis and the alternative bill we introduced before the recess. In the bill before us, S. 343, several provisions are

aimed at benefiting special interests or stalling particular programs. Frankly, they have no place in a regulatory reform bill that should attempt to set a fair process, fair and equal to all.

First, let me say that I sympathize with those who would like to fix particular problems. I know of examples where regulations go too far and where agencies go too far. As testimony before our committee showed, 80 percent of the rules are required by Congress. It is not just the regulatory process that needs fixing. We in Congress are also responsible for a lot of these problems. Let us focus on making the regulatory process better as a whole and not a fix for special interests.

Let me give some examples.

This bill tries to delay Superfund cleanups. It rewrites the Delaney clause, shuts down the EPA toxic release inventory, provides enforcement relief for companies, and so on.

Now, I agree that some of these are legitimate problems that deserve our attention, but this is not the place. The regulatory reform bill should address regulatory issues, not be a Christmas tree for lobbyists to hang solutions to whatever problems they may have. Let us look at some of these provisions a little more carefully.

First, delays and higher costs for environmental cleanups. Every Superfund and Department of Energy cleanup that costs more than $10 million would have to go through a risk assessment and cost-benefit analysis. This is not just for activities that will be starting up, not just for new projects. It covers cleanups that are already under way. EPA and DOE will have to stop any progress they are making to go back and do additional costly analyses. This is guaranteed to slow the pace of cleanup even further, something we have all been concerned about for a long time. EPA estimates that 600 to 1,000 Superfund cleanups spread across every State in the Union would be caught in this requirement. The Department of Energy estimates that about 300 cleanups would be affected. Does this make any sense? I would prefer to spend the taxpayers' money on cleanup rather than repetitious, redundant studies and more lawsuits.

To make matters even worse, these cleanups have to go through the hoops of the decisional criteria, yet another supermandate in this bill. For each $10 million cleanup, agencies would have to prove that the benefits of the activity justify the costs, the activity employs flexible alternatives, and the activity adopts the least cost alternative.

Now, I and many others here recognize the need for Superfund reform, and we worked hard on that last Congress. That is where this provision belongs, under Superfund reform, not regulatory reform. If we are going to fix the problem, let us fix it right. Adding new burdens and hurdles is certainly not the right approach.

Second, gutting of the toxics release inventory, the TRI. The TRI is intended to provide the public with information about chemicals being released into their local environment. This bill would fundamentally change the way the TRI works and would swamp the agency. In reforming the regulatory process, we are trying to encourage agencies to use flexible approaches to regulation and make the agencies more efficient. The TRI currently provides information to the public and encourages the voluntary reduction of toxic emissions through whatever means a company chooses to use. This program has not only provided maximum flexibility to companies, but it has also resulted in significant reductions in emissions. Since 1988, companies have reported a decrease in emissions of listed chemicals of more than 2 billion pounds a year. In this bill, we would change the standard for removing chemicals from the list. We would force EPA to perform thousands of site-specific risk assessments in a very short time. This sounds less like regulatory reform and more like make-work for the agency. If Congress wants to change the standard in TRI, we should do it in the context of Emergency Planning and Community Right-to-Know Act legislation. This provision has no place being in this bill.

Third, repeal of the Delaney clause. You will get no argument from me that it is time to change the Delaney clause. It should have been done a long time ago. But this regulatory reform bill does not fix it. I believe this is just one more case of a very important and substantive area that should be dealt with outside the context of regulatory reform.

In conclusion, I want regulatory reform, but S. 343 does not provide balanced regulatory reform. Its overall impact will be to swamp the agencies to the point of ineffectiveness, provide lots of jobs for lots of lawyers, and to make some companies very happy.

I would like to work hard with everyone here, all my colleagues, to make a good, fair and truly balanced regulatory reform bill.

So I hope we can address many of the issues I have raised today. I urge everyone to take a hard look at the regulatory reform approaches in the Dole-Johnston and the Glenn-Chafee bills and then ask yourselves: Are we relieving regulatory burden on industries and individuals? Are we protecting the environment and health and safety of the American people?

We must work together in a true bipartisan spirit to meet these two essential goals of regulatory reform. Together we can truly improve how our Government works.

Mr. President, I asked consent earlier for insertions into the RECORD. I will ask for one more. We have a letter that was addressed to both leaders, the majority and minority side, from the Department of Agriculture. I think it is worth including in the RECORD also. I ask unanimous consent that that letter be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, DC, July 11, 1995.*

Hon. ROBERT DOLE,
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR BOB: I am writing in regard to the effect that S. 343 would have on the efforts of the Department of Agriculture (USDA) to improve the meat and poultry inspection system and the safety of the nation's supply of food. The Food Safety and Inspection Service (FSIS) published a proposed rule to significantly reform the federal inspection system by requiring the adoption of science-based Hazard Analysis and Critical Control Point (HACCP) procedures. S. 343 would needlessly delay USDA's efforts to reform the meat and poultry inspection system.

Foodborne pathogens in meat and poultry products, such as E. coli, Salmonella and Listeria are believed to cost the nation billions of dollars from lost productivity, medical costs, and death. The virulent E. coli bacteria alone is estimated to cause 20,000 illnesses and 500 deaths annually. Young children and the elderly are particularly vulnerable to foodborne pathogens and therefore at greatest risk.

On February 3, 1995, USDA proposed reform of the federal meat and poultry inspection system to incorporate science into its inspection system. USDA's proposal would require the use of scientific testing and systematic measures to directly target and reduce harmful bacteria. The goal is simple: to improve food safety and to reduce the risk of foodborne illness from consumption of meat and poultry products.

Under the proposal, the Nation's 9,000 federally inspected slaughter and processing plants would be required to adopt science-based HACCP procedures. Targets would be set for reducing the incidence of contamination of raw meat and poultry with harmful bacteria. Meat and poultry plants would be required to test raw products for pathogens, and to take corrective action, if necessary, to meet food safety targets.

S. 343 would significantly delay this essential reform by requiring USDA to establish a peer review panel which satisfies the criteria in S. 343, submit a cost-benefit analysis and risk assessment (analyses) to the panel, and convene the panel to review the analyses. The panel would then be required to prepare and submit a report to FSIS detailing the scientific and technical merit of data and methods used for the risk assessment, including any minority views. FSIS would have to respond in writing to all significant comments made in the report. The report and the FSIS response would become part of the rulemaking record and would be subject to judicial review provisions of S. 343. These procedures would significantly delay the essential reform effort by a minimum of six months.

While peer review can be a useful tool to improve the rulemaking analyses, the potential benefits from a peer review of the HACCP reform proposal does not justify delaying reform of this system—a reform that is supported by all interests. Similar review has been already been occurring. The scientific foundation of the HACCP proposal, in

short, will have been the subject of extensive review and comment as part of the rulemaking process.

First, FSIS published the preliminary regulatory impact analysis (PRIA) in the Federal Register for comment with the proposed HACCP rule. The PRIA contained a preliminary cost-benefit analysis and risk assessment which explained the assumptions regarding the risks and costs of foodborne illness to the public, the costs of the proposed rule to the regulated community, and the range of benefits in terms of reduced foodborne illness that the proposed HACCP rule would achieve. Before publishing any final regulation, FSIS will revise and finalize this cost-benefit analysis based on the comments received. Second, peer review of the HACCP proposal is unnecessary since FSIS has held at least 11 public meetings to discuss and obtain comments on all aspects of the reform proposal. Three of those meetings were two-day conferences which addressed various scientific and technical issues raised by the rulemaking. Third, the National Advisory Committee for Microbiological Criteria in Foods, which provides impartial, scientific review of agency actions relative to food safety, also reviewed the HACCP proposal and submitted comments. All comments received in connection with these public meetings have been placed in the rulemaking record.

S. 343 simply adds another level of review which in this case would result in an unnecessary delay of essential food safety reform. For this and other reasons, I would recommend that the President veto S. 343 if enacted in its present form.

The Office of Management and Budget advises that there is no objection to the presentation of this report to the Congress.

Sincerely,

DAN GLICKMAN,
*Secretary.*

Mr. GLENN. Mr. President, I quote some from that RECORD, in closing, to show how some of these things can work. They address E. coli, salmonella, and some other things we addressed earlier on the floor today.

In this letter from the Secretary of Agriculture, he points out some of the difficulties. He says:

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S. 343 would significantly delay this essential reform by requiring USDA to establish a peer review panel which satisfies the criteria in S. 343, submit a cost-benefit analysis and risk assessment analyses to the panel, and convene the panel to review the analyses. The panel would then be required to prepare and submit a report to FSIS detailing the scientific and technical merit of data and methods used for the risk assessment, including any minority views. FSIS would have to respond in writing to all significant comments made in this report. The report and the FSIS response would become part of the rulemaking record and would be subject to judicial review provisions of S. 343. These procedures would significantly delay the essential reform effort by a minimum of 6 months.

While peer review can be a useful tool to improve the rulemaking analyses, the potential benefits from a peer review of the HACCP reform proposal does not justify delaying reform of this system—a reform that is supported by all interests. Similar review has already been occurring. The scientific foundation of the HACCP proposal, in short, would have been the subject of extensive review and comment as part of the rulemaking process.

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S. 343 simply adds another level of review which in this case would result in an unnecessary delay of essential food safety reform. For this and other reasons, I would recommend that the President veto S. 343 if enacted in its present form.

The Office of Management and Budget advises that there is no objection to the presentation of this report to the Congress.

Mr. President, I know that is a lengthy statement this morning. But I wanted to get my views in. We did not have opening statements yesterday. I think I have laid out today the major differences between S. 343, the bill before us now, and S. 1001. S. 1001 is based on the bill that came out of the Governmental Affairs Committee on a 15–0 unanimous vote, except for the three changes I mentioned, which are improvements to the bill.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. GLENN. I hope people will look very carefully at these differences and, at the appropriate time, we may want to recommend or may submit as a substitute S. 1001. I yield the floor.

EXHIBIT 1

[From the Washington Post, July 6, 1995]

REGULATING REGULATION

The Senate is about to embark on a major debate over regulatory reform. The fundamental issue is how much weight to give to costs in measuring the costs and benefits of regulation. The principal bill is sponsored by Majority Leader Bob Dole. Its backers say, we think with cause, that in the last 25 to 30 years particularly, too many federal regulations of too many kinds have been issued without sufficient regard to cost. That's partly because these costs don't show up in any budget. The politicians can impose them, and for all practical political purposes, they disappear.

The legislation seeks to impose greater discipline by requiring more use of both risk assessment and cost-benefit analysis, the first to lay out more clearly the risks that each rule is meant to abate, the second to compare the expected benefits and costs of compliance. It would then require a finding that the benefits are somehow commensurate with the costs.

All that's to the good; the only problem is that regulatory matters are rarely that tidy. Among much else, they often involve a great deal of scientific guesswork, and the benefits—of a cleaner lake, for example—often can't be quantified. The questions are further complicated when the winners and losers aren't the same people. Whether or not to issue a particular rule will always be in part a value judgment. The cost of compliance should be a larger factor in reaching such judgments than it has often been in the past; it should not be the only factor. That's the policy zone that this bill seeks to define.

It isn't easy. The bill now forbids an agency to issue a major rule without a finding that the benefits "justify" the costs. Some deregulatory advocates think that's too weak a word and want the bill to read "outweigh" instead. The bill says that, in requiring the weighing of benefits against costs, the intent is not to "supersede" but to "supplement" the "decisional critera" in other statutes. Environmentalists and the administration say that's a word game and that the bill would still override the other statutes—clean air, clean water and all the rest—because the supplementary standard would still have to be met. The bill suggests in one place that courts could toss out agency actions only if arbitrary or capricous—the current standard—but elsewhere says the agency actions would also have to be supported by "substantial evidence," a higher standard.

Our own sense is that regulating regulation may turn out to be as hard as regulating anything else, which suggests that there's a

limit to what can likely be constructively accomplished by this bill. To require as clear a statement as possible of the risks to which a rule is addressed (how serious are they? how sure can we be?) as well as the likely costs and benefits of compliance (and of rival approaches) is absolutely the right thing to do. To insist that an agency demonstrate that a rule is sensible policy—plainly, that's right as well.

The question is, demonstrate where and to whom? The bill is set up to be enforced through litigation. The courts would become the arbiters of whether benefits had been shown to "justify" costs—but the courts are the wrong place to make such judgments. There's a better idea in a rival bill; when a major rule is issued, sent it first to Congress, which would have, say, 45 days in which to veto it or let it take effect. It's Congress, after all, that passed the laws that gave rise to the regulations. Since these are essentially political judgments anyway, let Congress also be the one, on the strength of all the studies this bill would require, to bless or block the results. That's the right way to do it.

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[From the New York Times, July 7, 1995]

OVERKILL IN REVISING REGULATION

Senator Bob Dole's bill to reform regulatory procedures would erect needless obstacles to adopting Federal health, safety and environmental rules. Its excessive provisions invite filibuster by angry Democrats and a Presidential veto. The majority leader could exercise better leadership by joining forces with John Glenn, Democrat of Ohio, whose alternative bill would bring common sense to Federal rules, not extinguish them.

Both Mr. Dole and Mr. Glenn start off right by requiring Federal agencies to weigh benefits against costs to weed out regulations that do more harm than good. The calculations are necessarily inexact, especially where non-quantifiable benefits, like the value of clean air over the Grand Canyon, are involved. But forcing agencies to explain the pros and cons of rules and justify their wisdom gives the public vital information.

The problem with the Dole bill, co-sponsored by Senator J. Bennett Johnston, Democrat of Louisiana, is that its complex language would not fulfill promises made by the sponsors. Mr. Dole says his bill would not override existing health and safety laws that explicitly forbid balancing benefits against costs nor invite judicial challenge of the minute procedures by which agencies conduct their analyses. But the actual words and likely impact of the bill provide no decisive protections.

The bill builds in elaborate petition rights by which regulated industries can force review of existing regulations. That will allow the affected industries to tie up regulations in court and bury agencies in costly administrative reviews. The bill also establishes seemingly contradictory standards. In some sections it tells agencies to pick rules that generate large benefits relative to their costs, but in other places it favors rules that simply minimize cost.

Mr. Glenn's bill fixes many of these missteps. It would allow industry to challenge only arbitrary or capricious rules, and not procedural miscues. It would cut administrative burdens by limiting cost-benefit analysis to major rules. Mr. Glenn would protect against overzealous rule-making by subjecting new rules to review by outside experts and giving Congress 45 days to review major rules before they go into effect. That puts Congress, rather than the courts, in charge.

There is no problem with the existing regulatory system that warrants Mr. Dole's radical approach. Why not start with the Glenn bill, and do more later if necessary?

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[From the Plain Dealer, July 9, 1995]

REASON AND REGULATION

Sen. John Glenn, a longtime aficionado of dry but important issues, is not about to change his image with his latest mission; a bid to temper legislation that would weaken the federal government's power to impose regulations.

But however unglamorous his latest crusade may be, there is no question that Glenn is making a critical contribution on an issue that is far more consequential than it sounds. At stake is the federal government's ability to protect Americans from all sorts of health, safety and environmental dangers.

Glenn, the ranking Democrat on the Governmental Affairs Committee, is leading the challenge to a sweeping regulatory-reform bill pending on the Senate floor.

The bill, offered by Majority Leader Bob Dole, would slow down the regulatory process by subjecting a broad range of regulations to cumbersome risk-assessment and cost-benefit studies. It also would make it easier for industries to fight regulations with lawsuits and petitions. The Dole bill, which already has been moderated a bit to draw some Democratic support, is generally similar to legislation already passed by the House.

Glenn, however, hopes to moderate the Senate bill further. Though he embraces Dole's overarching goal of reducing unnecessary government regulation, as well as some of Dole's prescriptions, he is wisely warning that the Dole bill poses a new bureaucratic risk: that the government will become entangled in even more paperwork from a flurry of new litigation, cost-benefit analyses, and risk-assessment studies.

Glenn is proposing a more reasonable alternative—a bipartisan regulatory-reform bill almost identical to one approved earlier this year by the Government Affairs Committee. Glenn's bill contains numerous provisions designed to streamline the federal regulatory process, but it takes a less drastic approach than Dole's. Glenn's bill, for example, would require risk-assessment and cost-benefit studies of regulations expected to have an economic impact exceeding $100 million; Dole's bill would apply to rules with an impact of $50 million.

When the Senate returns this week from its holiday recess, negotiations are likely to resume over a possible compromise between the Glenn and Dole versions. Glenn should hang tough as long as possible, knowing that any compromise he endorses is likely to win Senate approval and then be watered down further in negotiations with the House.

The rules of regulating may not be most politicians' idea of an exciting cause. But it is well worth Glenn's time and effort.

Mr. GRASSLEY addressed the Chair.

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

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Iowa.

Mr. JOHNSTON. Will the Senator from Ohio yield for a question?

Mr. GLENN. I yield the floor.

Mr. JOHNSTON. He will not yield for a question?

Mr. GLENN. I yield the floor.

Mr. JOHNSTON. He yields the floor or yields for a question?

Mr. GLENN. Yield for a question.

Mr. JOHNSTON. I thank the Senator from Ohio. Mr. President, the Senator from Ohio just read a copy of a letter from Secretary of Agriculture Dan Glickman to Democratic leader TOM DASCHLE dated July 11 which he read in full which recommended veto because the Dole-Johnston bill added another level of procedure, which would be the peer review of these matters in food safety.

I am looking at the Glenn substitute, particularly pages 27, 35, 36, and 37, and I see a peer review situation of exactly the sort that Secretary Glickman describes. I ask the Senator from Ohio, am I not correct, does he not include the same kind of peer review and, indeed, that includes on page 27 review of the Food Safety and Inspection Service for peer review?

Mr. GLENN. I think what the Secretary is complaining about is the effective date on this. Ours would not have the same time of effectiveness as S. 343.

In addition, as the Senator from Louisiana will note, one of the major differences he had with S. 343 is making the record subject to judicial review provisions which could delay things in a major way, as he says at the top of the second page of his letter. I might add, the letter was not just to the minority leader, it was to both the majority and minority leaders.

Mr. JOHNSTON. Do I misread this when he says in the last paragraph on the first page that "S. 343 would significantly delay this essential reform by requiring USDA to establish a peer review panel which satisfies the criteria in S. 343, submit a cost-benefit analysis and risk assessment [analyses] to the panel, and convene the panel to review the analyses"? He is not talking about appeal or effective date, he is talking about peer review, is he not?

Mr. GLENN. He is talking about peer review and subjecting it to judicial review.

Mr. JOHNSTON. I invite my friend from Ohio to go back and read the letter. He may be also complaining about judicial review provisions. Did the Senator have any judicial review in his proposal?

Mr. GLENN. Of the final rule. Of the final rule only. In S. 1001, we do not permit judicial review at each step along the way, as is provided in S. 343. That is what I mentioned several times this morning. That is just a lawyer's dream, as I see it, because they can challenge at any point along the way virtually where we provide for a final rule. You can take the whole rule-making process, and once it is ready to become finalized, to become a rule, then it can be challenged in court. Then you can have judicial review.

Mr. JOHNSTON. Is the Senator aware that S. 343 does not allow judicial review at every step along the

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way? It simply allows an interlocutory review for three limited questions. First, whether it is a major rule; that is, whether its impact will be $50 million—and I hope we can change that to $100 million—but the size of the rule. Second, whether it is a matter affecting health, safety or the environment, which would require a risk assessment. Third, whether it would require the reg-flex for small business. And that limited appeal would have to be made in 60 days. That is not to give a lawyer's dream; that is to give certainty, so that you do not, at the end of the process, have to go back and do the peer review and the risk assessment if you were incorrect about the size of the impact of the rule. Now, that is not what he is complaining about here, that interlocutory appeal. That is a separate thing. Would the Senator not agree with me that I have correctly stated what S. 343 states, and if I have not stated it correctly, would he correct me on how I have misstated it?

Mr. GLENN. Well——

Mr. SIMON. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. SIMON. That was my question: Who has the floor?

The PRESIDING OFFICER. The Senator from Ohio yielded the floor. The chair recognized the Senator from Iowa, who yielded for this colloquy.

Mr. GLENN. Repeat your question.

Mr. JOHNSTON. The Senator says that the Secretary of Agriculture objects because there is an interlocutory appeal provided in S. 343. Having recognized that both bills, the Glenn substitute and S. 343, provide for an appeal from the final agency action. So what the Senator from Ohio says is that the Secretary of Agriculture is objecting because of an interlocutory appeal. My question to him is, would he not agree with me that that interlocutory appeal—that is, an appeal taken within the first 60 days after the publication in the Federal Register of the question of whether or not it is a major rule, whether or not it pertains to health, safety, or the environment, or whether or not it affects small business requiring the reg-flex—that must be published in the Federal Register and appeal taken on that limited question within the first 60 days. Does the Senator agree with me that that is not what——

Mr. GLENN. Well, what I will have to do, I answer my colleague, I would have to get a clarification from the Secretary as to exactly what he meant in some of this. There can be two interpretations of it, as there can be different interpretations as to whether judicial review is required each step along the way. That is not certain at this point. I think there are different interpretations of that. I believe that is one of the areas in which we had trouble getting language clarified, was it not?

Mr. JOHNSTON. I think the Glenn bill is ambiguous on that question. I do not believe S. 343 is in its present form. We will debate that at a separate time. I am simply saying that the Glenn bill is subject to the same thing on peer review that he says the Secretary of Agriculture says S. 343 has. Only ours is more flexible with respect to peer review than his because we allow for informal peer review, and the Glenn bill does not.

Mr. GLENN. S. 343 would take effect sooner and would affect these rules more, where our effective date is later.

Mr. JOHNSTON. Now, if I may ask the Senator this. The Senator said that under S. 343 rules automatically sunset. Now, two questions:

First, is he not aware that in S. 343 we now provide—this has been added since it originally started—that any interested party may petition the court of appeals for D.C. to get an extension of up to 2 years upon a showing that the rule is likely to terminate, that the agency needs additional time, that terminating the rule would be in the public interest, and that the agency has not expeditiously completed its review. You cannot only get an extension of 2 years, but you can get such court orders as are appropriate, such as to complete the rulemaking, or commence the rulemaking, or advance the schedule, whatever court orders are necessary; and is he aware of that, and in light of that, would he not say that a sunset is not automatic under S. 343 but is subject to that extension?

Mr. GLENN. What happens at the end of 2 years? Two years is not much in this rulemaking thing, as he is aware. Sometimes it takes 3 or 4 years to get a rule put into effect. Two years is not a long period of time.

Mr. JOHNSTON. After the 3 years, 5 years.

Mr. GLENN. At the end of that time it would sunset, is that correct?

Mr. JOHNSTON. At the end of the 5-year period, it would sunset. Keep in mind that it did not get on the schedule and that the person at the agency was in charge of the schedule, and so he or she could advance the rule as quickly as he could. Would the Senator say that 5 years is not a sufficient time?

Mr. GLENN. It took 5 years to get put into place.

Mr. SIMON. Point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa has the floor. Does he yield for an inquiry?

Mr. JOHNSTON. Will the Senator from Iowa yield for another question?

Mr. GRASSLEY. I will yield. But is it going to come to a close soon?

Mr. JOHNSTON. Yes.

Mr. GRASSLEY. I ask unanimous consent to extend the time to recess until 12:45.

Mr. GLENN. Reserving the right to object.

Mr. GRASSLEY. Why do I not take the floor then. I thought this was a good exchange.

Mr. JOHNSTON. If I could ask one more question.

Mr. GLENN. I could not agree to doing that. That is done by the leadership.

Mr. JOHNSTON. One more question. Did the bill which the Senator has touted that came out of committee by, I think, a unanimous vote, not provide for a sunset of all bills with no extension at the end of 10 years on the sunset provisions. Did that bill not so provide?

Mr. GLENN. We have changed that in the Glenn-Chafee bill.

Mr. JOHNSTON. With a 5-year extension.

Mr. GLENN. We changed the sunset and review provision.

Mr. JOHNSTON. The bill you voted for in committee.

Mr. GLENN. We no longer have a sunset in this. The bill came out in committee and we changed that later on.

Mr. JOHNSTON. The bill out of committee did have the sunset and did not have any ability to get court orders to order the agency to take action.

Mr. GLENN. No, it came out with a 10-year limit, with a Presidential right to extension. If the agency did not review it, it would sunset. We now realize that was wrong because somebody could delay it over in an agency and sunset a bill by not doing anything. So we took that out. S. 1001 does not have that in there.

Mr. JOHNSTON. I thank the Senator from Iowa for yielding.

Mr. GRASSLEY. The Senator from Louisiana has been so involved in this legislation, so I thought it was very important that I give him time to have that communication with the Senator from Ohio, because I think there is a lot of misperception about this legislation. I think what the Senator from Louisiana just had to say in the way of asking questions helped clear up some of the misperceptions about this legislation.

Also, the Dole amendment is before us. I want to speak on the Dole amendment, because there are a lot of misperceptions about the legislation.

I support the Dole amendment on E. coli and other food borne pathogens. I would like to be able to argue that the amendment is necessary to protect the public health from threats to food safety.

But I think we have to be honest with each other. The regulatory reform act of 1995—that is the title of the bill before us—will not in any way jeopardize the safety of this country's food supply. So then why the Dole amendment?

The Dole amendment is necessary due to fear mongering and scare tactics

used by opponents of regulatory reform in this town. They are doing this in an attempt to kill this legislation, S. 343, which has been caught up in the politics and misinformation over the proposed meat inspection regulations.

We have all seen television commercials, and we have seen the political cartoons characterizing Republicans, in particular, as supporting "dirty meat." It makes it sound like we are rolling back meat inspection requirements. This is demagoguery, Mr. President, at its worst. There is not a Member of this Chamber that would put the health of this Nation's children at risk, or anybody of any age at risk.

Yet, the administration and the opponents of this bill would have you believe that the proposed meat inspection regulation would somehow be delayed or even eliminated altogether by this bill. That is simply not the case.

This bill already allows agencies to avoid conducting cost-benefit analyses and risk assessment when a regulation is necessary to avoid an "emergency or health safety threat." And the words "emergency or health safety threat" are from the legislation. Furthermore, even if this exemption were not in the bill, the proposed regulation on meat inspection has already passed cost-benefit scrutiny by both USDA and OMB.

So a regulation that they fear is in jeopardy has already gone through this process to satisfy this legislation. The administration and opponents of regulatory reform somehow seem to want it both ways. On the one hand, they argue that if this bill is passed, there will be a serious and imminent threat to the Nation's food supply.

If this argument is correct, the exemption in this bill allows for the implementation of the meat inspection regulation without conducting cost-benefit analysis and risk assessment. But, on the other hand, they argue that if the exemption does not apply, the meat inspection regulation will be held up because it would not pass muster under this bill.

That is not true. Because, apparently, the regulation has already passed the cost-benefit analysis that is required. So even though I do not believe this amendment is necessary, I think it does help clarify the meaning of the bill. Most important, it is going to stop opponents from demagoging on this issue and for this reason I fully support it.

But I think what is at issue here is this. The regulators and organizations in this town who support massive big Government regulation—and of course Members of this body who are supportive of that concept as well—see their power to stretch the meaning of legislation to an extreme, to do what is in their mind everything the law will allow, just stretch the intent of Congress as much as you can—they see this legislation as impeding their power. They do not like that. It is this power in this town versus, then, the power of the people at the grassroots who want to make sure that public health and safety is protected. We all want that to happen. But we want to make sure that it is done in a reasonable way—not from emotion but from reason.

The regulators' mindset is to look at scientific data differently than the way scientists look at scientific data. This legislation is going to make sure that risk assessment and regulation generally has a scientific basis. It is a way of taking emotion out of so much of the debate that comes with regulation.

There have been many instances in which regulatory agencies have issued regulations and then they would put together panels of scientists, most from academia, to come in and look at the science behind the regulations that are issued. There are instances in which the scientific panels would say that the science is not good; where the panels would not back the science of the regulatory agency that was behind the regulation writing. Panels of scientists would say to the agency, "Go back to the drawing board. Start over again." The politics of the agency or the politics of this town gets in the way of good regulation writing because of the regulators' mindset to not view scientific data the same way that scientists would.

The attitude in this town is to have just enough science as a rationale for your regulation. The attitude in this town is that we do not want science to disprove anything. Regulatory agencies do not want science to disprove anything. What they basically want is just enough data to support a regulatory decision already made, a political decision already made.

So what this legislation does is put in process a procedure by which scientific evidence is going to carry a greater weight. Most important, though, there is going to be judicial review and congressional review of the decisionmaking process so regulators, who are told to use sound science, will have to use sound science. Or, if they do not, there are going to be other people looking over their shoulders.

This legislation is going to make the regulatory process more intellectually honest. It is going to eliminate those instances in which the politics of this town or the politics of a regulatory agency say which regulations they are going to write, and then scientists come in and say sound science does not back up the regulation, so go back to the drawing board. There should not be any more need to go back to the drawing board unless a court would say that they should, or the Congress would say that they should, through the process of review.

It is very important that we have a sound scientific basis for regulation. But it is more important that the regulation writers are held accountable, by having somebody look over their shoulder. This legislation is very rational, a very rational approach to regulation writing. This legislation is badly needed to make sure that regulation is within the least costly approach to give us the most benefit.

This legislation is simply common sense, and that is what we do not have enough of in this town—maybe even in the laws we write, but most important in the regulations. That is why Senator DOLE's amendment is very important, to take some of the emotion out of this debate. It is very important that we get some of this legislation passed, this regulatory reform bill passed, so we take some of the emotion out of the whole process of regulation writing in this town.

Mr. President, I have a request from the leader to read a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the recess at 12:30 be delayed for up to 15 minutes in order to allow for a statement by Senator SIMON.

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

Mr. GLENN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from Iowa for making the unanimous-consent request.

What we need in this field is some balance. There is no question we have overregulation. Anyone, in any field—I do not care whether it is education, medicine, what the field is—recognizes we have overregulation. But the bill that came out of the committee headed by Senator ROTH and Senator GLENN, being the ranking member, that came out 15 to nothing—that strikes me as having that balance. Let us just take a look at a few examples.

Iron poison—between 1990 and 1993, 28 children under the age of 6 died from iron poisoning after taking adult iron-containing products. Overdoses of iron tablets by children can result in intestinal bleeding, shock, coma, seizures, or possibly death. Iron is now a leading cause of poisoning deaths for children under the age of 6.

The FDA has proposed warning labels. This bill might well delay what could come, and would permit judicial review that clearly could cause delay.

Let me give another example.

When it was proposed that we have safety belts in our cars, the automobile industry was not enthusiastic about that, as many of us here will recall. Here is Henry Ford II, in response to this proposal, in 1966.

Many of the temporary standards are unreasonable, arbitrary and technically unreasonable. If we cannot meet them when they are published, we'll have to close down.

This was seatbelts. They were going to have to close down American automobile manufacturing because of seatbelts.

We voted for seatbelts and, lo and behold, it has not hurt American manufacturing. As a matter of fact, the Japanese were there ahead of us and we are saving thousands of lives every year.

Here is Lee Iacocca, and I am ordinarily a Lee Iacocca fan. He was then vice president of Ford Motor Co., in a meeting with President Richard Nixon, April 27, 1971:

. . . the shoulder harness, the head rests are complete wastes of money. You can see that safety has really killed all of our business. We're not only frustrated, but we've reached the despair point.

Now, all of a sudden it sells cars. Now they are bragging about the very things that they opposed: Airbags. I can remember, in 1990, the fall of 1990, right after the election I wanted to buy an American car. The only American car that had airbags on the passenger side was a Lincoln—meaning no disrespect, I am not the Lincoln type. I am a Ford, Chevrolet, or Plymouth. I could not buy an American car that had airbags on the passenger side. I finally bought a Chevrolet that had them on the driver's side, not on the passenger side. Now they are bragging about the very things they opposed.

If this law were not in effect, would we have moved ahead on seatbelts and airbags? I think the answer is clearly we would not have.

Let us take a look at a few other things. Lead solder out of food cans. These are examples from the FDA. Final rules published June 27, 1995; effective date to stop manufacturing cans with lead solder is December 27, 1995. What is going to happen if this law comes into effect? I do not know. Requiring quality standards for mammography tests, publication of proposed regulations are planned for October 1995. You have people who are not providing quality tests for women.

What happens if this goes into effect? Cables and lead wires in hospitals have caused the deaths of a number of people. FDA has proposed a regulation to require that cables which connect patients to a variety of monitoring and diagnostic devices be designed so that the cables could not be plugged directly into a power source or electric outlet. Proposed rules were published June 12, 1995. What happens?

Take another example, Mr. President. I had a press conference with two little boys with asthma. Asthma is the leading illness of all U.S. children. A young boy named Kyle Damitz spoke at this press conference. He and his brother both spoke. Here is what Kyle Damitz had to say.

Hi, my name is Kyle Damitz.

I am 6 years old.

I go to Farnsworth school.

I have asthma.

I love to play sports.

In the summer when the air is dirty, I can't go outside. I can't breathe in the dirty air.

And my mom makes me come inside.

This is not fair to me and my brothers and everyone with asthma.

We need to tell the president, to make new laws. So that all the kids with asthma can play outside all the time.

How do you do a cost-benefit analysis on kids playing outside who have asthma? I think you have to recognize the cost-benefit test simply is not a workable test.

Mr. JOHNSTON. Mr. President, will the Senator yield on that point?

Mr. SIMON. Let me finish, and then I will be happy to yield to my colleague from Louisiana.

The State of Illinois tried a cost-benefit criteria in terms of its water and air pollution and found it just was not workable.

Jacob Dumelle, the chairman of the Pollution Control Board from 1973 to 1988 commented about why the Illinois Pollution Control Board had banned the mandatory economic impact analysis. This is a quote from him:

Cost-benefit analyses are expensive, hard to do. In the end, you try to put a dollar value on human lives.

You just cannot do that effectively. The cost-benefit test just does not make sense.

Let me quote, and I ask unanimous consent, Mr. President, that an article of July 17 from Business Week be printed in the RECORD.

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

[From Business Week, July 17, 1995]

ARE REGS BLEEDING THE ECONOMY?

MAYBE NOT—IN FACT, THEY SOMETIMES BOOST COMPETITIVENESS

(By John Carey, with Mary Beth Regan)

To the Republican Congress, regulations are like a red cape waved in front of a raging bull. "Our regulatory process is out of control," says House Science Committee Chairman Robert S. Walker (R-Pa.). He and other GOP leaders charge that nonsensical federal rules cripple the economy, kill jobs, and sap innovation. That's often true: Companies must spend enormous sums making toxic-waste sites' soil clean enough to eat or extracting tiny pockets of asbestos from behind thick walls.

That's why GOP lawmakers on Capitol Hill want to impose a seemingly simple test. In a House bill passed earlier this year and a Senate measure scheduled for a floor vote in July, legislators demand that no major regulation be issued unless bureaucrats can show that the benefits justify the costs. "The regulatory state imposes $500 billion of burdensome costs on the economy each year, and it is simply common sense to call for some consideration of costs when regulations are issued," says Senate Majority Leader Bob Dole (R-Kan.).

That sounds eminently reasonable. But there's a serious flaw, according to most experts in cost-benefit calculations. "The lesson from doing this kind of analysis is that it's hard to get it right," explains economist Dale Hattis of Clark University. It's so hard, in fact, that estimates of costs and benefits may vary by factors of a hundred or even a thousand. That's enough to make the same regulation appear to be a tremendous bargain in one study and a grievous burden in the next. "If lawmakers think cost-benefit analysis will give the right answers, they are deluding themselves," says Dr. Philip J. Landrigan, chairman of the community medicine department at Mount Sinai Medical Center in New York.

There's a greater problem: The results from these analyses typically make regulations look far more menacing than they are in practice. Costs figured when a regulation is issued "almost without exception are a profound overestimate of the final costs," says Nicholas A. Ashford, a technology policy expert at Massachusetts Institute of Technology. For one thing, there's a tendency by the affected industry to exaggerate the regulatory hardship, thereby overstating the costs.

More important, Ashford and others say, flexibly written regulations can stimulate companies to find efficient solutions. Even critics of federal regulation, such as Murray L. Weidenbaum of Washington University, point to this effect. "If it really comes out of your profits, you will rack your brains to reduce the cost," he explains. That's why many experts say the $500 billion cost of regulation, bandied about by Dole and others, is way too high.

Take foundries that use resins as binders in mold-making. When the Occupational Safety & Health Administration issued a new standard for worker exposure to the toxic chemical formaldehyde in 1987, costs to the industry were pegged at $10 million per year. The assumption was that factories would have to install ventilation systems to waft away the offending fumes, says MIT economist Robert Stone, who studied the regulation's impact for a forthcoming report of the congressional Office of Technology Assessment (OTA).

BOTTOM LINES

Instead, foundry suppliers modified the resins, slashing the amount of formaldehyde. In the end, "the costs were negligible for most firms," says Stone. What's more, the changes boosted the global competitiveness boosted the global competitiveness of the U.S. foundry supply and equipment industry, making the regulations a large net plus, he argues.

While federal rules that improve bottom lines are rare, regulatory costs turn out to be far lower than estimated in case after case (table). In 1990, the price tag for reducing emissions of sulfur dioxide—the cause of acid rain—was pegged at $1,000 per ton by utilities, the Environmental Protection Agency, and Congress. Yet today the cost is $140 per ton, judging from the open-market price for the alternative, the right to emit a ton of the gas. Robert J. McWhorter, senior vice-president for generation and transmission at Ohio Edison Co., says the expense could rise to $250 when the next round of controls kicks in, "but no one expects to get to $1,000." The reason: Low-sulfur coal got cheaper, enabling utilities to avoid costly scrubbers for dirty coal.

Likewise, meeting 1975 worker-exposure standards for vinyl chloride, a major ingredient of plastics, "was nothing like the catastrophe the industry predicted," says Clark University's Hattis. He found in a study he

did while at MIT that companies developed technology that boosted productivity while lowering worker exposure.

Of course, it's possible to find examples of underestimated regulatory costs. And even critics of the GOP regulatory reform bills aren't suggesting that cost-benefit analysis is worthless. "We should use it as a tool" to get a general sense of a rule's range of possible effects, says Joan Claybrook, president of the Ralph Nader-founded group Public Citizen. But she and other critics strongly oppose the Republican scheme to kill all regs that can't be justified by a cost-benefit exercise. As a litmus test for regulation, "the uncertainties are too broad to make it terribly useful," says Harvard University environmental-health professor Joel Schwartz.

What is useful is moving away from a command-and-control approach to regulation. There's widespread agreement among companies and academic experts that bureaucrats should not specify what technology companies must install. It's far better simply to set a goal, then give industry enough time to come up with clever solutions. "We need the freedom to choose the most economic way to meet the standard," explains Alex Krauer, chairman of Ciba-Geigy Ltd. Krauer, for example, points to new, cleaner, processes for producing chemicals that end up being far cheaper than installing expensive control technology at the end of the effluent pipe.

DUMB THINGS

But when goals are being set for industry, the proposed cost-benefit analysis approach could have a perverse effect. That's because agencies are rarely able to foresee the low-pollution processes industries may concoct. Smokestack scrubbers are a good example. The bean-counters will use the known price of expensive scrubbers in their analyses. Their cost-benefit calculations will then argue for less stringent standards. And those won't help spark cheaper technology. The result can be the worst of both worlds: costlier regulation without significant pollution reductions. "It's a vicious circle," explains Stone. "If you predict that the costs are high, then you stimulate less of the innovation that can bring costs down."

There's no doubt reform is needed. "Frankly, we have a lot of dumb environmental regulations," says Harvard's Schwartz. But he puts much of the blame on Congress for ordering agencies to do dumb things. Now, Congress is tackling an enormously complex issue without fully understanding the ramifications. Schwartz and other critics worry. Overreliance on cost-benefit analysis could make things worse for business, workers, and the environment.

REGULATION ISN'T ALWAYS A COSTLY BURDEN

Many regulations cost much less than expected because industry finds cheap ways to comply with them.

COTTON DUST

1978 regulations aimed at reducing brown lung disease helped speed up modernization and automation and boost productivity in the textile industry, making the cost of meeting the standard far less than predicted.

VINYL CHLORIDE

Reducing worker exposure to this carcinogen was predicted to put a big chunk of the U.S. plastics industry out of business. But automated technology cut exposures and boosted productivity at a much lower cost.

ACID RAIN

Efficiencies in coal mining and shipping cut prices of low-sulfur coal, reducing the need to clean up dirty coal with costly scrubbers. So utilities spend just $140 per ton to remove sulfur dioxide, vs. the predicted $1,000.

Mr. SIMON. Mr. President, that article is about this legislation. Listen to the last sentence of this article. This is not from some wild-eyed radical liberal publication. This is from Business Week.

Overreliance on cost-benefit analysis could make things worse for business, workers, and the environment.

I think we ought to be going back to the bill by our colleague from Delaware, Senator ROTH. I think that has balance. I think this bill does not have balance. This bill is going to end up in endless litigation. I know my colleague from Louisiana is sincere, as is the majority leader. But I think it is moving in the wrong direction.

I am pleased to yield to my colleague from Louisiana for a question.

Mr. JOHNSTON. I ask my friend, would he not agree that benefits to health, safety, or the environment are by their nature nonquantifiable; human life, health, clean air?

Mr. SIMON. They are not. That is why I think we have to be very, very careful in this area.

If I may regain my time just for a minute, when you talk, for example, in an area that the Senator from Louisiana knows much about, and the Presiding Officer does, and I do, and that is flood control, then when you talk about cost-benefit, it is very easy. When you talk about something like asthma, then you are talking about something where it becomes very, very difficult.

Mr. JOHNSTON. Is the Senator aware that at my behest, we put in language in the bill contained on page 36 that says if scientific, technical, or economic uncertainties or nonquantifiable benefits to health, safety, or the environment identified by the agency in the rulemaking record make a more costly alternative that achieves the objectives of the statute, appropriately and in the public interest, that that more costly alternative may be accepted because of the nonquantifiable benefits to health, safety, and the environment, or because of the uncertainty of science and data?

Is the Senator aware that that amendment was added to this bill since that Business Week article was written?

Mr. SIMON. Let me just add, there is no question that the Senator from Louisiana has improved the bill before us.

Mr. JOHNSTON. Does that not cover the exact things the Senator from Illinois was talking about, the boy with the asthma, the kid with the lead?

Mr. SIMON. I think the answer is what is quantifiable and what is nonquantifiable is going to become a matter of jurisdiction of the courts under this legislation. I think we are going to have endless litigation.

Mr. JOHNSTON. Under the definition of benefits, we have already included the quantifiable benefits. That is put into your cost-benefit ratio. This says that this is a little extra that you are able to add. If you are not able to quantify the value of life, which by its nature is nonquantifiable, or the value of clean air, then you can add that on and have a more costly alternative.

That is exactly and precisely to deal with the problem that my friend from Illinois so eloquently described, which is the kid with asthma, the people with safety belts, and all that. It is nonquantifiable. It is human life. You do not put a dollar value on human life or on the value of clean air.

I urge my colleagues to go back and read on page 36 those words. I think it covers this like a hand in a glove.

Mr. LEVIN. Will the Senator from Illinois yield on that exact same point?

Mr. SIMON. I am pleased to yield to my colleague from Michigan.

Mr. LEVIN. I hope also all of us will read that language which was referred to by the Senator from Louisiana. But what it does not cover are areas where we cannot quantify the benefits, such as how many fewer asthma attacks will result? That is quantifiable, let us assume for a moment. The value of avoiding it may not be quantifiable. But the fact that we could avoid a certain number of asthma attacks, or deaths in many cases, is very quantifiable.

We sought from the Senator from Louisiana and others language which would say that where you can quantify a reduction in deaths or asthma attacks, we should then not be forced to use the least costly approach. We may want to reduce more asthma attacks and save more lives with a slightly more expensive approach. We were unable to get that language.

So, yes. It is very important that all of us understand the point that is made by the Senator from Louisiana. But it does not solve the problem which has been raised by the Senator from Illinois.

Mr. SIMON. Mr. President, I think the dialog we have just had suggests that my point is valid, that we are going to end up with the courts deciding what is quantifiable and what is not quantifiable. I think we should move slowly in this area. I have been in Government a few years now, Mr. President. I was first elected to the State legislature when I was 25. I am now 66. I have found generally that when we take solid, careful steps, we are much better off than when we do these sweeping things.

I think what we have before us now is well intentioned, but too sweeping, in answer. The pendulum will go from one cycle to the other.

Mr. President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:55

having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until the hour of 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

## COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to speak for a moment in support of the Dole amendment, and therefore in support of this legislation as we will amend it.

The question before us is whether or not benefits justify costs. That is really all we want to know. Given that the Judiciary Committee's report places the regulatory burden on our economy at over $881 billion, I think that is a reasonable question to ask. That averages just under $6,000 for every household in this country—$6,000 that families in this country cannot spend on other things because the money has to be given to the Government or has to be used in other ways to comply with the costs of regulation.

That is why these costs are cloaked in what amounts to a hidden tax. They are passed on through lower wages, through higher State and local taxes, through higher prices, through slower growth and fewer jobs. I said fewer jobs. According to William Laffer in a 1993 Heritage Foundation report, and I am quoting:

> There are at least three million fewer jobs in the American economy today than would have existed if the growth of regulation over the last 20 years had been slower and regulations more efficiently managed.

To put it in perspective further, the Americans for Tax Reform Foundation found that each year Americans work until May 5 to pay for all Government spending. If you add the cost of regulations, each American has to work until July 10—I believe that was yesterday—in order to pay for all of the taxes and regulations imposed upon us. That is over a half year of work to pay the total cost of Government, and 2 months of that hard work must pay for the costs of regulation. As I said, that is money families could spend making their own decisions on how to spend for their own health care, safety, and education.

According to a 1993 IPI policy report, regulations add as much as 95 percent to the price of a new vaccine. And Justice Breyer, who has recently been elevated to the Supreme Court, wrote a book called "Breaking the Vicious Circle," in which he poses the following question: "Does it matter if we spend too much overinsuring our safety?" And he answers his own question. "The money is not, nor will it be, there to spend, at least not if we want to address more serious environmental or social problems—the need for better prenatal care, vaccinations and cancer diagnosis, let alone daycare, housing, and education."

In other words, Mr. President, it is foregone opportunity in the sense that by spending this money on something where its benefits are marginal, we are precluded from spending it on things that could really be more important and helpful to us.

Cost-benefit analysis, some people say, is a new and a foreign concept. Well, businesses fail if they do not utilize cost-benefit analysis. At every turn, individuals are confronted with decisions that require weighing the pluses and minuses and the benefits and costs. These are decisions that we make every day. We call it common sense. When we decide to get in our automobile and drive somewhere, we know that the national highway fatality and accidents statistics weigh fairly heavily toward the possibility that sometime in our life we are going to be involved in an accident in which we are going to be harmed and yet we consciously make the decision that because the benefits to us of arriving at our destination using our automobile are worth more than the risks, we decide to take those risks.

In another more simple example, we cross the street every day, and most of us understand that there is some degree of risk in crossing the street; people are harmed every day by doing that, but the benefits of us getting to our destination exceed the costs, or the potential risk to us in making that particular trip.

So as human beings, as families, as individuals, we make decisions, many decisions every day that involve some theoretical and sometimes not so theoretical risks to ourselves. Yet we do that knowingly, and we do that understanding that sometimes benefits can outweigh those risks. It is the application of common sense. And what we are asking for with respect to the regulations that are imposed upon us, is that there be a little bit more common sense, a little bit more care to go into the development of these regulations.

Now, one of my colleagues this morning spoke, and I thought made an excellent point, that Government generally is supposed to do for us what we cannot do for ourselves. Most of us believe that. We appreciate the fact that in many cases we cannot as individuals understand the risks involved and we cannot police everything that could pose a particular risk to us. And so we ask the Government to do that for us. We empower Government agencies to do tests, to do analysis, and to actually establish standards. Then they frequently report those standards to us on a product or on a label or by some regulation precluding the manufacture or use of something that would be dangerous to us.

We do that certainly in our food industry in a way that is understood by all, in the approval of drugs and in many, many other ways. We ask the Government to do for us what we cannot do for ourselves, to understand the risks. That is called a risk assessment, to do a cost-benefit analysis. Indeed, most Presidents since President Ford have, in fact all Presidents I think have, in effect, imposed a cost-benefit analysis requirement on most Government agencies as a matter of Executive order. The problem is it is enforced more in the breach than in the compliance. And so many agencies do not follow that cost-benefit analysis in the establishment of regulations. And that, I will get back to, is basically what we are asking these Government agencies to do. When we give to them the obligation of protecting us in some way, we want them to do it in a way that represents common sense and at the least cost consistent with the protection which we want.

Now, there is an argument that has been made that the regulatory agencies ought to be expected to exercise the same sort of common sense that individuals do. I want to make a couple points about that.

First of all, Mr. President, whenever we hand power to the Government, it should be viewed with a special or through a special lens because the Government exercises power far beyond that which can be exercised by any of us as individuals or even as a business organization. Some call it the heavy hand of Government. But we all appreciate the fact that when we pass a law in the Congress, and when the executive branch agencies of Government administer that law pursuant to our direction, they are doing so under the color of, under the authority of, under the color of law—the power of the Government to enforce that law. And we as citizens are supposed to know what that law is.

We all learned in school that ignorance of the law is no excuse. And yet there are over 20 million words of regulation today, about 36,000 pages of regulations in the Federal Register. We cannot all be expected to know what those are. We do not need to know what they all are. But I daresay that there are a lot of regulations that could end up suggesting that we are in violation of some law that, in fact, we do not even know about. That is certainly the case with a lot of businesses.

The fact is there are a lot of regulations. They have behind them the power of the law to enforce them. So when we ask the Government to do something for us, we should be very careful about ceding too much authority, because the Government can, in

the enforcement of those regulations, impose fines and impose other kinds of penalties upon us. And, of course, the stories in the newspapers and so on are full of stories about examples of situations in which an innocent citizen has gotten himself or herself into hot water because he has run afoul of some Federal regulation, frequently of which he was not even aware.

So, when we say, well, a Federal bureaucrat can certainly be trusted to exercise the same degree of common sense that an ordinary citizen would, we appreciate the hard work that our so-called bureaucrats do for us, but we also have to appreciate the power that stands behind that bureaucrat in terms of being able to enforce those regulations.

That is why we need to be very, very careful about the kind of regulations that have been imposed; and, second, because we have certainly seen instances in which there has been an overregulation; and, third, because the cost of those regulations on our society cannot necessarily be fully appreciated by the individual who is promulgating the regulation.

That is why we want to make it very clear to the people to whom we entrust with that authority that we, the Congress, want them to examine both the risks and the costs against the benefits to be achieved by the regulations that they would impose.

Let me give you an example, Mr. President, that occurred in my home State not too long ago. It is an example I cite because it really had a happy ending, but no thanks to the law that we wrote and the regulations that were promulgated pursuant to that law.

In Graham County, AZ, a rural area primarily of cotton farming and other agriculture, there is a river called the Gila River, which does not overflow very often but when it does, unfortunately, it is a wild river. It flooded in 1993 in January. The flood was significant enough to wipe out a bridge about 5 miles east of Safford, the county seat of Graham County. Unfortunately, when that happened, the river changed its course and went several hundred yards to the south wiping out a lot of farmland and causing a great deal of havoc. The primary thing that happened was that there was no more opportunity to cross the river there for the people who lived on the other side without a 28-mile detour across a bridge that was very narrow, 20 feet wide, a bridge one could not build today under Federal regulations, and probably a good thing because it is not a very safe bridge. School kids got up an hour earlier in the morning and stayed an hour later in order to ride that extra distance to and from home. And the traffic was all routed on a small State road. Since it is a farming community, the farm implements were obviously traveling on the same road as the highway traffic. Of course, these can be very wide. They are 20 feet wide sometimes and travel at maybe 10 or 15 miles an hour. I saw many instances in which, because motorists were frustrated, they passed the double line. They should not do it. It is against the law. But clearly, health and safety were implicated in the fact that people could not cross the bridge that existed before.

The Federal Highway Program had funds available through disaster assistance to reconstruct the bridge, and the Army Corps of Engineers was willing to reconstruct the bridge. The problem was that it had to consult with the Fish and Wildlife Service because it is believed that there is an endangered species in the Gila River called the razorback sucker. Now, nobody can find that little sucker, but supposedly it is there. Let us assume that it exists. And if it does, we certainly want to preserve it and save it.

But what the local officials were asking the Army Corps of Engineers to do was to build up a little dirt berm, now that the river has gone back down again and does not flow very heavily, to redirect the river back to its original channel. Now, if the sucker exists, and if it lived all of these years in its original channel in the Gila River, then presumably it can do just fine living where it always lived, and it is no danger to that species that the river is being redirected back where it always was. And by doing that, the bridge can be constructed, the people can travel safely, and life returns normally to the people in Graham County. But, alas, the Army Corps of Engineers could not get the approval from the Department of the Interior to go forward with these plans.

Finally, the situation was dangerous enough, the people were fed up enough, the situation was frustrating enough, costing enough, that the people of Graham County said, "We've got to do something about this ourselves. We have to take matters into our own hands, apply a little common sense."

They notified the Army Corps of Engineers of their plans to build a little dirt berm, to redirect the channel back where it had been and build a little low-river crossing there. And, fortunately, the Army Corps of Engineers exercised what they call "enforcement discretion" and did not cite the county officials when that is precisely what occurred.

Now the river has been channeled back in its original place. A low-river crossing has been built. And plans are going forward to reconstruct the bridge. An application of common sense by common people, having their lives to live, who just could not afford to wait any longer to live in this bureaucratic morass that we have created.

Well, who is really at fault? It is probably ultimately the Congress' fault for writing a statute that permits this kind of regulatory authority. But it is also the fault of the agency in not exercising the common sense to authorize the project to go forward.

When one considers the quality between protecting this species, which is somewhat questionable, as I said—and I think the folks would agree with that—in any event, protecting it by letting it go back into the same channel it had always been in, when you weigh that against the risk of lives to people for having to cross this very narrow bridge 5 miles downstream and traveling behind slow-moving farm implements and all the rest of it, it seems to me that it is a good example of how sometimes we do not apply common sense in these regulations, and it was necessary for people to take matters into their own hands.

When it has gotten to this point, we have a problem, and that is the problem we are trying to correct here with the process changes that are embodied in the Dole-Johnston substitute. We are not changing the underlying substantive law. Endangered species, clean air, clean water, all of those laws that we have created for the protection and safety of our environment and our people still exist. They still will prevail. But in the establishment of regulations now, we are asking the people who implement those laws to take certain things into consideration, such as an assessment of risks and a cost-benefit analysis, when that is appropriate, and, in the case of certain regulations where it is appropriate, to do peer review. Those are all very reasonable concepts.

I am certain in a bipartisan way we can work out any differences that exist relative to the application of those principles to the administering of the laws that we write.

Let me just conclude with a couple of other thoughts, Mr. President.

John Graham, professor and founding director of the Center for Risk Analysis at the Harvard School of Public Health, wrote in the Wall Street Journal recently:

> Since zero risk is not a feasible goal, we need to rank risks in order of priority.

For example, he agrees that childhood lead poisoning is a serious public health problem and asserts, nevertheless, that fewer resources should be used to excavate soil at Superfund sites where the probability of childhood exposure to lead is low, whereas more resources should be directed toward cleaning up older homes in poor communities, where each day kids are ingesting house dust contaminated with deteriorating lead paint. In other words, an example of where we probably have our priorities wrong because of the rigidity with which we developed these laws, and they are being administered pursuant to that rigidity. We are trying to loosen that process up in the Congress by giving discretion to our

agencies to apply more common sense in the development of a regulation.

The Hillary Clinton task force, as a matter of fact, used the same type of prioritization and analysis. Her task force included a proposal for mammograms for 50 year olds at $100 million per life saved, while mammograms for 40 year olds at $158 million per life saved were rejected as too costly.

The conclusion is, in both cases, obviously there are lives at stake, but in one case it was simply deemed too costly for the Government to provide the source of revenue for the mammograms, considering the risks involved. One can argue with that particular analysis. One can say, "No, that's still too great a risk."

My point in citing the example is simply to note the fact that the President's wife in her task force and all of the work that she did on this, a professor from Harvard, Government agencies today, all of us in our individual lives all use common sense and prioritize the risks against the costs. So that is not a concept that we should be arguing against. We should be implementing it in the law.

I cited the Harvard School of Public Health study. It indicated:

> . . . reallocating resources to more cost-effective programs could save an additional 60,000 lives per year without increasing costs to the public or to the private sector.

In other words, Mr. President, cost-benefit analyses would not only prevent the squandering of our scarce resources, it would actually enable us to maximize their impact and end up saving more lives and preventing more harm to our citizenry than is the case today.

Mr. President, there are many, many examples. I will conclude by saying that it is my view that the substitute represents a good-faith effort to meet the concerns of those who thought that this legislation might either intentionally or accidentally go too far in undermining existing substantive law by assuring that it is strictly a process change which supplements the authority of the people we ask to administer these laws today to engage in the kind of risk assessment and cost benefit which all of us do every day of our lives; that that makes common sense; that it will end up saving more lives; that it will end up saving a lot of money and, in the end, will provide a safer climate for the people of our country than exists today.

So I certainly urge all of my colleagues at the appropriate time to support the Dole-Johnston substitute.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Idaho, I will be brief.

I think the Senator from Arizona is correct. We should not be arguing about whether we should have cost-benefit analyses. The Glenn bill does not argue about that. The argument is about whether or not the Dole bill takes too much of a risk with the public safety or not a sufficient risk.

My friend from Arizona cited some things that I think could confuse folks. He indicated that the cost of regulation—and cited a study—was *X* billions of dollars per year, that that cost jobs, it cost every household $6,000 or $16,000, I do not know what his number was, per year; the implication being, if you vote for the Dole bill, those costs will evaporate, those costs will go away.

The truth is, the Dole bill could be implemented tomorrow and the cost to households will actually go up, not go down. But let me just make a point. We all hear, and I can cite and will cite as this debate goes on, horror stories of regulations that have occurred in my State of Delaware, absolutely foolish, stupid things that bureaucrats do. We are all about here trying to rationalize this and have an element of common sense.

Let us talk about common sense. What is common sense for a corporate executive is not necessarily common sense for the average citizen.

If you are a corporate executive and you are running a steel plant in the Midwest, common sense dictates that you build a great big, high smokestack, like we used to see in the forties and fifties and sixties, 350 feet high. Common sense dictates that because it is the cheapest thing for you to do. And then you emit out of that gigantic smokestack into the upper airstream damaging particles to people's health, and you blow them across the country into Delaware, and you blow them into the State of New York and you have acid rain and you kill our fish and you kill our wildlife and you kill some of us. Now, that is common sense.

You are the chief executive officer. Someone comes along and says, "Now, I'll tell you what I can do for you here. We can, by you having to spend an additional half a billion dollars, clean your plant up. We can see to it that with the Clean Air Act, we are going—it is going to cost you now, it is going to cost your stockholders, it may even cost jobs, what it is going to do is cost you $400, $500 million to clean the plant up."

If you are the corporate executive sitting at your desk, that is not common sense to you to go and spend all that money. So what do we have to do to make sure that the streams in Delaware are not polluted, that the Adirondacks do not have dead lakes where nothing lives because of acid rain? We have the Government come along and say, "We're going to make you do that, we're going to make you do it."

It is common sense to the person living in Delaware that it is not a good idea to have all those particles coming from the industrial Midwest into my State and choking us. That is common sense. It is a good idea to clean the air. But that is not common sense for the corporate executive. I am not suggesting they are bad or good guys, but listening to my friend from Arizona, it is like if we all just sat down and talked about this, common sense would prevail.

Why did the Federal Government get in the business of air pollution and water pollution? Because the State of Arizona did not do it, the State of Delaware did not do it, the State of Kansas did not do it.

I was raised in a place called Claymont, DE. It sits on the border of Pennsylvania and Delaware.

There are more oil refineries per square mile along the Delaware River in Marcus Hook and Chester, PA—which is less than a half mile from where I was raised—than any place in America. When I was a kid, I would come out of where we lived, Brookview Apartments, my uncle would drive me to school. If it was a misty fall morning, you would put on the windshield wipers and literally there would be an oil slick on your windshield—not figuratively, literally.

The State of Pennsylvania understood the prevailing wind went into Delaware. This was the southeast corner of Delaware, and it was a multibillion-dollar industry for the State of Pennsylvania. The idea that the folks in Pennsylvania were going to pass a law saying that all those oil refineries in southeast Pennsylvania, which blew into New Jersey and Delaware, had to clean up their refineries was nonexistent—zero. There would be a lot of political pain for those legislators in voting against those captains of industry in their States, maybe costing jobs at that refinery, maybe costing income to that county.

So the reason we got in the business in the first place is because industry did not do it. They did not do it. The States did not do it. How about clean water? I wonder how many people in this Chamber visiting Washington would like us to get out of the business of assuring that their water is clean. I do not know where they live, but I now live along a place called the Brandywine River. A factory was there, and when I was a kid, there used to be a pipe that came right out of the factory, a pipe that went right into the Brandywine, because common sense dictated that if you owned that factory, it made sense to spill that effluent into the river and wash it out into the Delaware River and into the Atlantic Ocean because it costs millions of dollars to put on devices to catch that dirty water.

Well, today, I literally—not figuratively—can raft down the Brandywine River, which is a tradition in our State, on inner tubes on a Sunday with my kids. It is clean. Does anyone in

this Chamber believe that had we not imposed costs on industry that that river would be clean today? Name me a place in America where that happened without regulation, because common sense dictated that it is better to give the stockholders more money in their dividends than less.

I am not making a moral judgment. I am not making a statement about greed or anything. It is just common sense. It made sense. It was all right if the Government let you put it in the river and that took it away. Instead of spending $12 million to treat it on-site, put it in the river.

My friend said we all take risks, that we get in our automobiles and we walk across streets. Guess why people get in their automobiles? They get in automobiles today because they know that the tires they buy meet certain standards that the Government imposes on manufacturers. So you do not have what you had in the 1940's and 1950's, tires shredding and people getting killed. We now have things called inspections. In every one of our States, in the beginning, you could drive a car when the motor car came along and you did not have to go to an inspection station, you did not have to show up there. You just took your risks. As more cars got on the road, even States figured, hey, wait a minute, a lot of folks are getting killed because they are putting in brakes that do not work, steering mechanisms that do not function. So we have all these regulations. Now, they are costly. They are costly.

The only broad point that I wish to make now is that I hope no one here—I do not think my friend from Arizona is doing so—is arguing that we should not have those kinds of regulations. We are talking about the margins here. What we are debating here on this floor is what kind of oversight, if you will, by the judiciary, and what kind of oversight by industry, if you will, should there be to prevent the aberrations that occur—and they do occur—and the unnecessary costs that occur—and they do occur—from occurring? But if the good Lord could come down and divine for us every bureaucratic glitch that occurs in implementing regulations —I will give you one by the way. Unintended consequences.

In my own State a friend of mine, a kid I grew up with, a very successful highway contractor in Delaware, shows up at a function with me. He walks up and says, "JOE, I am helping you again this year, but I could kill you."

I said, "Why?"

He said, "You voted for that Americans With Disabilities Act."

I said, "Yes, but you were for that."

He said, "Yes, but I did not know you were going to do what you did."

I said, "What did I do?"

He said, "I will tell you what that act did." He owns a highway contracting company, and he hires flag persons. You know, we have them in all our States while they are repairing the roads. One guy with a flag puts up a stop sign, and with a walkie-talkie he calls the person at the other end and says, "You let your folks go, I will put the stop sign up on this end."

He said, "I hired a guy that turned out to be hard of hearing, and so when he was given the walkie-talkie, he picked up the walkie-talkie and the guy down there would say, 'OK, stop them.' But he did not hear them. So what would happen is cars would be coming through and they banged into one another."

He said, "I moved him to another job. I put him behind a grader, and he sued me under the Americans With Disabilities Act."

He called over one of the most prominent lawyers in Delaware and said, "Francis, tell him what you told me I have to do."

Francis Biondi walks over and says, "JOE, I told him he had to settle this for"—I will not mention the amount—"a sizable amount of money." It was several times what the average American makes in a whole year.

I said, "How could that be?"

He said, "Well, they ruled that I had to take every possible action to accommodate this person's disability. So do you know what they told me I should do? I should have had an extension that ran up 30, 40 feet that had a red light and a green light on it at either end, and that guy would be able to look down, since his eyes were good, and he could see green so that he knows to press red, and he can see red and he will know to press green. His hearing would be taken out of it."

I will quote my friend—I guess I will not because there was profanity in it. But he basically said, "Why in the heck do I need him then, if I am going to do that?" That is a bizarre outcome, in my view, for a well-intended piece of legislation.

But assume we took out all of those nonsensical aberrations of regulations that we pass. I doubt whether anybody on this floor—and again, I beg the indulgence of my friend from Arizona. He gave a figure of several billion dollars and about $6,000 per household, I think. If we got rid of every one of those stupid things, we are still at about $5,000 a household. So I do not want anybody on the floor—we kind of mix things up on the floor here. Listening to my friend from Arizona, I think the average person would think that, well, if the Dole bill passes, a lot more people are going to be employed, and instead of my paying $5,000, $6,000 a year, I am not going to have to pay that anymore—not unless he is talking about doing away with the Clean Water Act and the Clean Air Act and all of these major environmental pieces of legislation.

The third point I want to make—and then I will yield the floor—is that he mentioned lead paint. When I first got here in 1973, I was on the Environment and Public Works Committee, which then was called the Public Works Committee. I was given by the then chairman, Senator Randolph of West Virginia, a subcommittee assignment that had no legislative authority. I had authority to hold hearings. It is called the Subcommittee on Technology. And I could not understand why he was being so gracious to me until I found out the first assignment I was given. I was given the assignment—being one of the Senators from Delaware, a State with a lot of small companies like DuPont and others residing in that State—I was given the assignment of writing a report, after holding hearings, on whether or not we should phase out lead in gasoline or have lead traps in gasoline.

The DuPont Co. had a patent for a lead trap. If I had written a report saying, "Do not phase out lead in gasoline, do not eliminate lead in gasoline, just have lead traps like we had for pollution control devices," I was under the impression that would be a multimillion dollar, probably billion dollar, decision for the company. I do not recall any corporation during those hearings coming and saying we should take lead out of gasoline. There was overwhelming scientific evidence along the lines of those my friend from Arizona cited. He stated that it makes more sense to clean up the lead paint, dust, and particles in existing older housing than it does to take the last traces of lead out of contaminated sites in the ground where folks do not live, that are now Superfund sites. I happen to agree with him.

But the broader point I wish to make is, were it not for a regulation by the Government in the first instance, there was no commonsense reason why corporate America thought it made sense to take lead out of gasoline. They all repeatedly made what we would call commonsense arguments. First, the reason lead is put in gasoline is that you can go further on a gallon of gasoline with lead in it than without lead in it. Second, it is not as costly to make the gasoline. Third, you will employ more people. Fourth, we have an oil embargo. It went on and on. There were commonsense, legitimate reasons—but against the public interest overall. Because, from the public's standpoint, common sense said, if you lived in a metropolitan area and you had a child, you would have to live with lead in gasoline coming out of tailpipes of automobiles or defective lead traps—which would be the case. And there would have been an incredible, enormous cost of maintaining those lead traps, additional costs. States would have to inspect the lead traps when you got your car inspected, and so forth. Common sense for the citizen said: My kid ingests that air just

like the dust particles the Senator from Arizona referred to.

So the common sense for the public—for us, as representatives of the public—was to say, "No lead in gasoline." The commonsense position for those who made gasoline, and lead, was, "Lead in gasoline."

Again, I am not making a moral judgment. What I am saying is that, "What is good for the goose ain't necessarily good for the gander." What seems to be common sense—there is an old expression. I believe it is an English expression. "What is one man's meat is another man's poison." And that is literally true, literally true in environmental law.

So, I hope, as we get into the detailed meat—no pun intended—of this debate, we do not confuse three things. One, regardless of which bill prevails, the total cost—I will argue later and hopefully will be able to prove to my colleagues—the total cost to the American public in terms of dollars, the difference will be de minimis.

No. 2, there will be, still, a significant cost to the American public for these regulations because the American public decided that their ultimate priority is the air they breathe, the water they drink, the food they ingest. And the American public has had over 200 years of experience, culminating at the turn of the century with Lincoln Steffens and others, about what happens when you do not regulate people who deal with our air, affect our water, and produce our food.

The third and final point I will make is that when we look at the cost, I ask my friends to count the increased cost in the number of bureaucrats that would have to be hired to meet the timetables imposed by the Dole legislation, and the cost in additional number of judges we would have to hire and the additional number of lawyers that will be paid, litigating every jot and tittle of the change in the Dole legislation. We should count those costs, compare them to the costs that come from the overstepping bureaucrat and the unreasonable regulation.

Senator GLENN and Senator CHAFEE have a bill that at one time was a totally bipartisan bill. It passed out of the Committee on Governmental Affairs unanimously—without a dissenting vote; every Democrat and every Republican. Then, Senator HATCH, my esteemed chairman at the Judiciary Committee, presented the Hatch-Dole bill. I do not know what was so wrong with the bill that passed out unanimously from the Government Affairs Committee, a major piece of legislation, significantly rewriting regulatory law, significantly lifting the burden on American business without, in my view, doing unjust harm to American consumers. But something happened on the way to the floor.

Now we have the Dole bill. Senator DOLE came here today and proposed an E. coli amendment. Now, we argued in committee that the Dole bill, unless it was changed, would increase the prospect that people would die from E. coli in meat in their hamburgers—feces in their food. We were assured that cannot possibly happen under this law. If it was not going to be able to happen, why did Senator DOLE have to come to the floor and propose an amendment on that?

Mr. KYL. Will my friend yield on that?

Mr. BIDEN. I will be delighted to yield.

Mr. KYL. Senator DOLE came to the floor to offer the amendment to take away the political argument, because a red herring, as it were, was being raised, an argument that somehow his bill was going to permit people to get sick when, in fact, the bill would not do that at all. But to get the issue off the table so people would not continue to talk about it, he said, "Fine, we will create a belt and suspenders. The bill already prohibits it, but we will make it crystal clear so that argument cannot be made anymore, so people cannot scare people."

May I make one other point?

Mr. BIDEN. Let me respond. I will yield in a moment. Let me respond to that. I am glad to hear that, and that is useful. Maybe the Senator from Arizona and Senator DOLE would consider, then, taking away a couple of more of what they think are red herrings.

For example, why are we trying to undo all the Superfund site plans that are soon to go into effect? Why do we not take Superfund out of this legislation? It has no part in this legislation. We are told, when we raise that, it is a red herring. I would like him to supply suspenders on that one, too, for me. We have a belt; let us have suspenders.

The next one I would like to consider, and then I will yield the floor completely, a second one is we are told the Dole-Johnston legislation does not in any way overrule existing environmental law. Why do we not just say that? Why not use that exact language, just say it, give us the suspenders along with the belt, because some of us, although maybe we "doth protest too loudly" maybe we are a little too cynical, maybe we read things in this legislation that are truly not intended to be there.

Mr. KYL. Will the Senator yield?

Mr. LEVIN. Will the Senator yield?

Mr. BIDEN. I yield to the Senator from Michigan.

Mr. LEVIN. There will be an amendment which will do precisely that, because of the concerns the Senator from Delaware and others raised. These are legitimate concerns which a whole host of people who are deeply involved in this issue have raised as to whether or not there is any—where there is a conflict, if there is one, between the provisions of this bill and an underlying law, what governs. We have been assured over and over again there is no supermandate, there is no intent to have any superimposition or any undoing of existing law.

But the language is not clear enough. So there will be an amendment to add the suspenders to the belt in that area, or the belt to the suspenders in that area, just as the Senator from Delaware has suggested. And I hope—I do not predict—but I hope there will be unanimous support for that amendment when it reaches the floor.

Mr. BIDEN. I thank my friend. Again, I hope that occurs because, look, most of us on this floor want serious regulatory reform. This is not a debate about whether or not we want regulatory reform. No one can argue, that the original bill out of the Governmental Affairs Committee was not significant regulatory reform. I am for it. I was for it then. I am for it now.

So this is not a debate about whether or not we have significant regulatory reform, whether or not we are going to satisfy purists, whether or not we want to be bird lovers of America, to be happy with what we do. That is not my objective. My objective is to make sure that we do not unintentionally or intentionally undo the one success story of America, the one thing I can turn to and tell my kids beyond the fact that black children can now go to school with white children in my State which was segregated by law. I can literally take them through the county where I live and say, "I could not swim there when I was your age. You can now." I can tell them and take them in the neighborhood I was raised in and say, "I can walk out in the morning anywhere in this development where you live and work and breathe the air." They do not now have to breathe in oil. They can turn on their windshield wipers and the windshield is clear.

I can point out to them that the Brandywine River, Christiana River, the Delaware River, and people sail on it now. When we were kids, there were big signs saying we could not do it. I can take them to the beaches, the pristine beaches of my State and say, "You can swim anywhere any time and you don't have to worry about medical waste rolling up here." I can point to them and tell them that you no longer take what they took up until 12 years ago—garbage less than 1 mile out from the shores of my area—and dump it so it washes in.

The environmental story in America has been a success story even with this aberration. I want to tell you, if my friends are as concerned, as I hope they are, about the environment as well as the aberration, I hope they will make clear these ambiguities. Maybe the Senator from Michigan and I are wrong about what the legislation says. But they can clear it up. They can clear it up very quickly for us and put to rest any of those steps.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, just very briefly, one of the biggest fights we have had about this bill—and make no mistake, it has been a fight—is about the question of supermandates; that is, whether this bill supersedes the underlying bill such as the Clean Air Act.

Mr. President, I laid down a marker in negotiation with Senator DOLE and his staff, and Senator HATCH and others, that we would simply not accept a supermandate. The way the bill was drawn as it came from the House was that it said this section shall supersede existing law—supersede. As it was reported out of the Senate Judiciary Committee, it said this bill shall supplement existing law. As we finally agreed, we came up with language that says this bill shall supplement and not supersede existing law.

Mr. BIDEN. If the Senator will yield just one second on that point, the point the Senator just made I hope illustrates why the Senator from Michigan and I are not suspect of the Senator from Louisiana but why we are cynical about this because we know that the Senator from Utah and the Senator from Kansas wanted to supersede it. They kept telling us they did not. But we know they wanted to supersede. That is the problem.

I think Senator JOHNSTON has gone a long way to correcting that. But I just want the record to reflect, do not let anybody kid anybody. These folks, my colleagues, wanted, intended, to supersede. That is the point. That is why folks like me said "bad idea."

Mr. LEVIN. Mr. President, will the Senator from Louisiana yield?

Mr. JOHNSTON. Mr. President, if I may reclaim the time for just a minute, it is irrelevant what the House wanted or what they wanted on the initial bill. I wanted no supermandate. The point is, what does the language say?

Mr. President, I have been telling my colleagues, including my dear friend from Delaware, that we ought sometime to take yes for an answer. When language is clear, unambiguous, we need not put forth ambiguity into it.

The Senator came to one of our negotiating sessions. We talked about judicial review. I believe I am correctly judging the Senator's reaction that when he read what we had about judicial review, there was a light bulb. I think I see what he is doing now. I think you will see here that not only do we have that language which says it supplements and does not supersede, but we also have language that explicitly recognizes that there will be times when you cannot meet the test; that is, that the benefits justify the cost. There will be times when you cannot do that because the statute requires otherwise.

If you look on page 36, we say if applying the statutory requirements—this is line 22—if, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection B, it goes on to tell you what to do. But the point is that explicitly recognizes that there are circumstances in which because of the underlying statute, you cannot satisfy the fact that the benefits justify the costs because they told you in the Clean Air Act to use the maximum achievable control technology, for example. That is an explicit test in the Clean Air Act which may make meeting the test of subsection B here impossible.

Mr. BIDEN. Will the Senator yield for a question on that?

Mr. JOHNSTON. Yes.

Mr. BIDEN. The Senator from Arizona cited—I apologize. I do not have a copy of the statement. But I hope I state it correctly. He cited a section. He referred to it as the Hillary Clinton report on mammography, or something to that effect, where he said that report included that women under the age of 40 for mammographies—the average cost was, and I forget the number—it was $150,000, or $15 million, whatever it was. For women over the age of 50, it would cost less. And it was suggested that we should follow a cost-benefit analysis, and decide that mammographies maybe should be only for women over 50 years of age because of the cost.

The way this legislation is written, if in the wisdom or the lack of wisdom of the U.S. Congress and with the President signing the legislation, if we were to pass a piece of legislation which on its face made absolutely no economic sense, and we decided that even if it cost $10 million per life in order not to even have one life lost, you had to get to zero tolerance on some chemical, clearly it would not pass a cost-benefit analysis.

Let us assume the cost-benefit analysis was done and it is clear that they come back and say, "Look, this is going to cost $10 billion or $1 million or $500 million for every life you save." If the legislative bodies and the President wanted to do that, would they still be able to do that?

Mr. JOHNSTON. I thank the Senator for his question because it is a critical question. The answer is yes. It is explicit. It says we shall supplement and not supersede.

Mr. BIDEN. May I add a followup question? This is sort of a parlance that I can understand and everybody I think can understand.

Let us assume we pass such a bizarre law to protect the welfare of individuals and it only gathered up 10, 12 people in all America who are affected by it. If a company, if an individual, affected by that cost and the onerous burden they would have to go through to meet the law, if they thought it was a bad idea, tell the Senator from Delaware what they would be able to do under this law to get to the point where the section the Senator referred to takes control. What I mean by that is, could an individual or a company come along and say, "OK, I demand that the EPA do a cost-benefit analysis anywhere."

Mr. JOHNSTON. I will tell the Senator exactly what is required. He is talking about a rule already in operation.

Mr. BIDEN. Yes. We, the Congress, pass a law explicitly stating that this end must be met and we assign it to an agency in effect, and an agency writes a rule.

Mr. JOHNSTON. And DuPont wants to contest the rule, say.

Mr. BIDEN. All right.

Mr. JOHNSTON. Here is what would happen. Within 1 year after the passage of this act, the head of each of the agencies shall look at all the rules under their supervision, determine which ones need to be looked at, and therefore come up with a preliminary schedule. That schedule will be published a year afterward. If this rule is on that schedule, then DuPont, since they are from Delaware—that is the only reason I use them—would not have to take further action because it is going to be reexamined. If it is not on the schedule and they want it reexamined, then they would petition. Their burden is to show that there is a substantial likelihood that the rule would not be able to reach, to satisfy the requirements of section 624.

Mr. BIDEN. That is the key. Let me stop the Senator there, if I may, Mr. President. Section 624 is a different section than the section cited, making it clear that you do not—that cost-benefit analysis need not prevail if there are other factors. You cannot supersede the underlying law. The underlying law says on its face this is going to cost, say, an exorbitant amount.

Mr. JOHNSTON. If the underlying law says that, if applying the statutory requirements upon which the rule is based, the underlying law that requires the mammography, let us say, a rule cannot satisfy that criteria of subsection (b)—subsection (b) criteria are that the rule justify the cost, that you have the least-cost alternative unless there are scientific or data uncertainties or nonquantifiable benefits——

Mr. BIDEN. Let me make it easy for the Senator because I think it is important the public understand this arcane notion.

Let us say the Congress passes a law, and the President signs it, that says no matter what it costs—in the legislation——

Mr. JOHNSTON. I am giving the Senator an answer to that.

Mr. BIDEN. No matter what it costs.

Mr. JOHNSTON. Then it satisfies the requirements of section 624.

Mr. BIDEN. And it is ended right there?

Mr. JOHNSTON. And your petition would be rejected.

Mr. LEVIN. Will the Senator yield on that point? We have offered language to say it that clearly in this bill, and it has been rejected. And let me just get right to the heart of the matter. We have about 10 Cabinet officers that have issued a statement of administration policy.

Mr. JOHNSTON. Mr. President, I have the floor, and I would be glad to entertain the question.

Mr. LEVIN. The question is this. Let me just read who it is that signed this before I ask the question. Secretaries of Labor, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, Treasury, Interior, EPA, OMB have said that this bill "could be construed to constitute a supermandate that would override existing statutory requirements."

Now, when you have that many folks, I would think, of average or better intelligence——

Mr. BIDEN. I hope so.

Mr. LEVIN. Who say it can be interpreted that way, and when you have a whole bunch of Senators here who say it can be interpreted that way, and when it is the intent now of the Senator from Louisiana and the Senator from Kansas and the Senator from Utah not to have it interpreted that way, because that is what you have said over and over again, why then not accept the language which we have offered during our discussion which says that in case of a conflict, in case of a conflict between the underlying law and this bill, the underlying law governs?

That is a very simple question. Why not just simply make it explicit that in the event that there is a conflict between the requirements of this bill and underlying law, the requirements of underlying law govern? That will just eliminate all of these doubts. That is the suspenders and the belt.

Mr. JOHNSTON. Mr. President, I will answer the question like this. I do not care how many Cabinet people say this thing is ambiguous. It is not. It is as clear as the English language can be. Now, whether they are ingenuous or disingenuous in their criticism, I do not know. I know that this letter of administrative policy, much of it is, to be charitable, disingenuous, because I sat in the room and negotiated part of it and accepted some of the things that came from the administration and then was met with the argument coming back out that that which we accepted was a fault in the bill.

Mr. LEVIN. But on this particular issue, on this particular issue——

Mr. JOHNSTON. On this particular issue, let me—the point is the fact that they have said it does not make it so. I believe it is clear.

Now, what I believe also is that this language would really put an ambiguity into it because in the event of a conflict the statute under which the rule is promulgated shall govern. Now, the statute under which the rule is promulgated did not require risk assessment, did not require cost-benefit analysis, did not require that you go through any of those procedural hoops. I could make the strong argument that this would say that that rule under which it was promulgated, if at the time it was promulgated satisfied those rules, then that governs and that this statute, the petition process, the look-back process, is taken out of the picture; it is no longer valid.

Does the Senator see what I am talking about?

Mr. LEVIN. No. I think the question I asked though is a simple one. Where there is a conflict, where there is a conflict between the underlying statute's criteria and the criteria in this statute, the question is what governs?

Now, we have been assured—I mean, we have heard many speeches on this floor that there is no intent to have a supermandate, that the underlying statute is going to govern. And yet when it comes right down to the very specific question, if there is a conflict between the criteria in this statute——

Mr. JOHNSTON. If the Senator will let me answer, the question is, what is a conflict? If one statute requires something, a cost-benefit analysis, which this does, or a risk assessment and the other statute does not, is that a conflict or is that supplementing?

Mr. LEVIN. The other question is, what does the word "supplement" mean? It has to have some meaning. For instance, if you could not issue a regulation to enforce the double hulled tanker law—for instance, we passed a double hulled tanker law. A lot of people thought it was actually a bad mistake in terms of cost-benefit, but we passed it.

Now, the agency comes along and the agency is supposed to implement that in terms of the time of implementation, and so forth. It goes through this bill. It cannot implement it. It cannot because it does not pass the cost-benefit test.

Now, there is an argument—there is an argument which has been raised that the Senator from Louisiana, I would hope, would want to address.

He recognized very forthrightly to the Senator from Delaware what happens when you go through all the cost-benefit analysis, the risk assessment. It does not make any sense to have a double hulled tanker rule, but that is the law. The Senator from Louisiana says the law governs. The double hulled tanker law governs, period. Then it seems to me that the concerns which have been raised by so many Members here and so many of the administration that we ought to say it clearly should be addressed. We ought to say it clearly.

Mr. JOHNSTON. If the Senator will yield, the problem is your suggested language does not say it clearly. I believe it says it clearly when you say it shall supplement and not overrule. And then, when you have this alternative requirements language which explicitly recognizes that there will be times when you cannot meet the criteria of the benefits justifying the cost because the statute requires it, if in applying the statutory requirement, you cannot meet the criteria, then it tells you what to do. You can go ahead and promulgate the rule. That is precisely what it means.

Now, if you come up with some other language that does not itself make an ambiguity where there is not now, I mean, I would be glad to clarify. If you supplement and not override—I believe when you say "supplement," that means you are supposed to read the two in harmony, but you are not overriding the substantive requirements of the underlying law. It is very tricky to start talking about what is the underlying law and what is procedure, what is substance; what is supplement, what is override. I believe we have hit the appropriate balance, particularly in light of the alternative requirements language of page 36.

Mr. LEVIN. If the Senator from Louisiana again would yield, the language which the Senator points to as being the clarifying language for the issue that we are discussing does not address a critical issue. In fact, I think it makes it more ambiguous. We have talked about this at some length off the floor, and perhaps to some extent we covered it this morning. But what the Senator says is, if, applying statutory requirements upon which the rule is based, a rule cannot satisfy criterion in subsection (b), then you go to (c).

Mr. JOHNSTON. Yes.

Mr. LEVIN. When you go to (c), which is what the Senator says we should do, what (c) says is that in certain circumstances underlying laws are going to govern. And here is what he says. Here is what the bill says. "If scientific, technical or economic uncertainties are nonquantifiable benefits to health, safety and the environment," then certain things follow from that. And so the question which many of us have asked is, what happens if the benefits are quantifiable?

Mr. JOHNSTON. First of all——

Mr. LEVIN. I am not talking about lives. I understand that the Senator from Louisiana believes that the value of a life is not quantifiable. That perhaps is common parlance here. I know it is used differently from the agencies. That is not the question I asked.

What happens, for instance, if a law says that you have to reduce the parts per trillion of a certain toxic substance to at least 10? That is what the law says. Beyond that, an agency will do a cost-benefit analysis. If the agency, after doing that cost-benefit analysis, reaches the conclusion that it makes good sense to go to, let us say, 6 parts per trillion, now, that is quantifiable. That is very quantifiable. They have gone from cost per parts per trillion in dollars. We are not now talking about lives or asthma or other kinds of problems. We are talking about parts per trillion. Under this language, since it is quantifiable, there is no escape from (b).

Mr. JOHNSTON. There is, if the Senator will follow this through with me. See, the agency has a lot of discretion. Now, the agency discretion in the first instance is to interpret the statute. What does the statute mean? There will be a level of discretion between a minimal list interpretation and a maximum interpretation where the agency can pick that interpretation and is not overruled unless their judgment is arbitrary and capricious or an abuse of discretion. So, in the first instance, they can pick that interpretation; that is to say, they can pick that level of cost. Now they must meet the test of the benefits justifying the cost. But when you meet the test of the benefits justifying the cost, you use the definition of benefits as found on page—I think it is 621, subsection (5)—which says that benefits include both quantifiable and nonquantifiable benefits to health, safety and the environment. So that, if it is quantifiable, then you pick it up in the first instance of benefits justifying the cost. But we wanted to be sure that sometimes there will be some lagniappe, some nonquantifiable benefits to health, safety and the environment. I believe that clean air is not quantifiable as a benefit. I believe that the benefits of health are nonquantifiable. Notwithstanding, my friend from Michigan thinks a life, you can put a dollar value on it.

Mr. LEVIN. No. I am saying that the agencies do—because a risk assessment—you have to make those kinds of assessments.

Mr. JOHNSTON. If they can pick it up as a quantifiable matter under the definition on 621(5)—no—621(2) and (3).

Mr. LEVIN. If the Senator from Louisiana will yield for 1 more minute. The question is, if you cannot meet the requirements of (b), if you cannot meet them, then you go to (c). Under (c) the Senator does not provide for quantifiable and nonquantifiable benefits, but only for nonquantifiable. You have not done in (c) what you did in your definition of benefits. And there is no reason not to do it, by the way. There is no reason.

Mr. JOHNSTON. Let me tell you why. When you go to (c), then you cannot satisfy your benefits justifying the cost. But the statute required you to do something. And so you are required to go ahead and do what the statute says, notwithstanding that the benefits did not justify the cost. Keep in mind that those benefits included all of your quantifiable as well as nonquantifiable benefits.

Mr. KERRY. Would my colleague yield for a question?

Mr. JOHNSTON. Not yet.

And you can go ahead and do what the statute tells you. Moreover, you can do more than the least cost of what the statute tells you. You can go beyond that if there are uncertainties of science, uncertainties of data or nonquantifiable benefits to health, safety or the environment. So this is over and above to that which the statute required. And the statute required you to do something that was not cost-benefit justified.

Mr. LEVIN. On that issue, to pursue it, can you move to a more costly program if the benefits are quantifiable?

Mr. JOHNSTON. Is it beyond what the statute required?

Mr. LEVIN. No. Using my example, the statute says you have got to get to at least 10 parts per trillion reduction. That is the toxic substance. We want as a minimum to get to 10 parts per trillion.

Mr. JOHNSTON. Yes.

Mr. LEVIN. Now, the agency does a cost-benefit analysis and it finds that for a few dollars extra it can get to 6. After 6 parts per trillion, it becomes so costly it probably is not worth it.

My question is, this is highly quantifiable. We know exactly how many dollars for each part per trillion. But under the language of this bill, you could not get to 6 parts per trillion because 10 parts is slightly cheaper than 6 and it meets the test of the statute that the agency get at least to 10.

Mr. JOHNSTON. Let me answer the Senator's question. I think the simple answer is, yes, you can, but there is a caveat. If it is within the discretion of the agency head and the interpretation of the statute to have some leeway as to the interpretation, then yes, you can.

Mr. LEVIN. How would that be least costly?

Mr. JOHNSTON. Wait a minute. The statute is clear under the Chevron case, the Supreme Court case. What it said is that if the Congress has spoken on an issue and congressional intent is clear, then that congressional intent must be enforced. So that if, for example, you required that you meet 40 miles per gallon as a cafe standard, then I do not believe that the administrator could come in and say, well, look, it would be nice to go to 50 or 55 because we like that more. If Congress has spoken and the intent is clear, then you must follow congressional intent. If——

Mr. LEVIN. If the Senator would use my hypothetical where you must get to at least 10 parts per trillion reduction.

Mr. JOHNSTON. If the phraseology of the statute is "at least," then that in turn would give discretion to the agency head.

Mr. LEVIN. Under the provision of this bill, you must use the least costly alternative to get to the goals set by Congress. The least costly alternative is to get to 10. Under my hypothetical, for a very slight additional cost, you can get to 6. After 6 the cost goes off the chart.

Mr. JOHNSTON. As I say, the simple answer is yes, unless congressional intent prohibits that by having spoken on it, and the Senator's hypothetical example would indicate by the use of the words "at least" that it is within a permissible interpretation.

Mr. LEVIN. Under this bill, it is not the least cost.

Mr. JOHNSTON. The answer is that they could, because those parts per million would relate to a benefit to health or the environment and, therefore, would be a nonquantifiable benefit to health or the environment.

Mr. LEVIN. If I could, again, ask the Senator to yield for a question. It is very quantifiable. There is no way under which my hypothetical can reasonably be described as setting forth a nonquantifiable.

Mr. JOHNSTON. What is quantifiable with the Senator is parts per million.

Mr. LEVIN. That is exactly what is in the statute. It does not talk about lives and it does not talk about breathing. What the statute says in my hypothetical is you must get to at least 10 parts per trillion of a toxic substance. Beyond that, the agency is allowed to use some discretion using cost-benefit analysis and risk analysis.

Under my hypothetical, you get to six in a very cost-effective way, but under the Senator's bill, because it says you must use the least-cost method to get to an alternative, which is in the statute, since 10 is an alternative permitted by statute, your least cost drives you to 10, whereas cost-benefit drives you to six.

There is a conflict between the cost-benefit and the least cost and I think—by the way, Senator ROTH is someone who is on the floor who knows a great deal about this subject and I think has some similar concerns with this.

Mr. JOHNSTON. The Senator has asked a question, and the answer to his question is, if it is parts per million of a toxic substance, therefore it relates to benefits to health or to the environment and, therefore, is specifically covered under the phrase that says where nonquantifiable benefits to health, safety or the environment makes a more expensive alternative appropriate or in the public interest, then you may pick the more costly alternative.

Mr. LEVIN. Since there is an ambiguity here at a minimum, I think a fair

reading would be since the word is "nonquantifiable" and my hypothetical is very quantifiable, at least reasonably interpreted, although the Senator from Louisiana does not agree with the interpretation, surely I gave a very quantifiable hypothetical.

My question is, why not eliminate that ambiguity by stating that if there is either a quantifiable or a nonquantifiable benefit which is cost-effective and permitted by statute that the administrator will be allowed to go to the most cost-effective rather than the least-cost conclusion? That is the question. Why not eliminate the ambiguity?

Mr. JOHNSTON. The answer is we took care of whatever ambiguity there was at the behest of the Senator from Michigan. You will recall our negotiation on this, and we added quantifiable and nonquantifiable to the definition of benefit in section 621.

Mr. LEVIN. That was not at my behest. That was before I raised this issue which I raised with you.

Mr. JOHNSTON. No, this was done between the time we filed the first Dole-Johnston amendment——

Mr. LEVIN. Not at the behest of the Senator from Michigan.

Mr. JOHNSTON. Well, the issue was at least talked about by the Senator from Michigan. I do not know that the Senator from Michigan suggested this exact fix. He was at least in the room. I thought it was he who raised this question of quantifiable and nonquantifiable.

Whoever raised it, we changed that definition so that benefit means identifiable significant favorable effects, quantifiable and nonquantifiable, so that you are able to use it, whether it is quantifiable or nonquantifiable, in meeting that test of cost-benefit. This is when you go beyond the quantifiable. You already quantified your benefits, but there will be other benefits nonquantifiable—the value of a life, the value of clean air, the smell of flowers in the springtime—all unquantifiable. That is what you can take into consideration, and we explicitly recognize that. You have already taken into consideration quantifiable, as well as nonquantifiable wants, but we are going beyond the statute at this point.

Does the Senator have a question?

Mr. KERRY. I appreciate the Senator being willing to take some time. I would like to follow up on the questioning of the Senator from Michigan, because I believe that he has targeted one of the most serious conflicts, ambiguities—whatever you want to label it at this point in time—and clearly in the legislative process, we ought to strive, where we identify that kind of ambiguity, to avoid it. I am sure the Senator would agree.

As I read the relevant sections, I confront the same quandary the Senator from Michigan does, and I find that in the answers of the Senator from Louisiana there is, in effect—not consciously necessarily, but because of the difference of interpretation or definition, there is an unavoidable sliding away from the meat or the center of the hypothetical posed.

The hypothetical that was posed by the Senator from Michigan is really more than a hypothetical. It is an everyday occurrence in the reality of agency rulemaking. I think the Senator from Louisiana knows that almost all the agencies quantify almost every benefit.

So let me ask a first threshold question. Does the Senator from Louisiana accept that some benefits are quantifiable?

Mr. JOHNSTON. Of course.

Mr. KERRY. If some benefits are quantifiable, does the Senator accept that a certain health benefit could be quantifiable?

Mr. JOHNSTON. It depends on what kind of health and certain aspects——

Mr. KERRY. Let me ask the Senator this. Does the Senator believe that it is possible to quantify the number of hospitalization cases for emphysema or lung complications that might follow from reducing air quality to a certain level of parts per million?

Mr. JOHNSTON. You can certainly quantify statistically those things. You cannot quantify the value and the value of the benefit.

Mr. KERRY. Well, I question that. That is an interesting distinction because——

Mr. JOHNSTON. If so, you can take into consideration for the purpose of your benefits justifying your costs.

Mr. KERRY. As the Senator knows, in the newspapers in the last months, we have seen repeated stories of the rise of asthma and allergy reactions in children in the United States. We have a quantifiable number of asthma prescriptions that are issued as a consequence of this rise of asthmatic condition. That is quantifiable in cost. We have a rising number of visits to doctors for diagnosis, and that is quantifiable in cost by the reporting levels that have allowed the newspapers to report a percentage of increase in America.

To follow up on the so-called hypothetical of the Senator from Michigan, those costs are quantifiable. We know, in many cases, how much it costs America in money spent on health care, in money spent on hospitalization, in lost time at work in a series of quantifiable effects. We know that, and that can be measured against the cost of reducing whatever is the instigator of those particular effects.

Mr. JOHNSTON. Right.

Mr. KERRY. The Senator agrees.

Mr. JOHNSTON. Yes, but you see, all of those costs, whether quantifiable or nonquantifiable in the first instance, to determine whether the benefits justify the cost, were taken into consideration. So I ask under your hypothetical, are you telling me that the quantifiable and nonquantifiable benefits would not justify the cost, whatever the statute said?

Mr. KERRY. I think to answer your question and to sort of continue the colloquy, if we can, the answer is that there is an uncertainty as to that, because what is contained in the definitional portion of the statute is never a sufficient clarification for what is contained in a particular section where the substance is interpreted by the court. The court may find that the definition intended one thing, but in the substance of the section, the court will find there is a conflict with the definition, and they are going to go with the substance.

So what the Senator from Michigan is saying and what I think a number of us are saying is, let us not allow for that ambiguity. In our legislative role, we have identified this ambiguity, we are troubled by the potential impact of this ambiguity, and we are suggesting a remedy that is precisely in keeping with the stated intent of the Senator from Louisiana.

So the question comes back that I know the Senator from Michigan has asked previously: Why would we not therefore legislate to a greater capacity of perfection the intent that the Senator says is contained in the language? It does no other change to the bill.

Mr. JOHNSTON. I do not know whether the Senator understands what I am saying. Did the benefits justify the cost of your—what was it—did they or did they not?

Mr. KERRY. No.

Mr. JOHNSTON. You see, his hypothetical was that if you add a little bit of extra cost, you get a big benefit.

Mr. KERRY. It is not a hypothetical.

Mr. JOHNSTON. If that is so, the benefit justified the cost.

Mr. KERRY. If we have a statute—the underlying statute suggests that, for reasons of the health of our citizens, we want to achieve a minimum reduction in emission standards to 10 parts per million—a minimum standard. But the legislation empowers the agency to go further. It is a minimum standard.

Now, under your language, a measurement would be made as to the benefit of the minimum standard, but it would also——

Mr. JOHNSTON. A measure would be made as to the rule, the rule as interpreted by the agency. That is what is subjected to the benefit-cost ratio.

Mr. KERRY. I agree. And the judgment made by the agency would be, does this rule or some—at the moment, we make the standard according to health-based and technology-based criteria. And we make an evaluation as to

what are the benefits of reducing the air quality. We make an analysis of what is the benefit of breaking it down to the 10 parts per million. Let us say that for 10 parts per million reduction, the cost-benefit analysis shows an expenditure of $100 and it saves 100 lives. But the same analysis has shown that for an expenditure of $105, you could save 150 lives.

Mr. JOHNSTON. Yes, well, did——

Mr. KERRY. Let me just finish. Under your language of least-cost alternative, and the distinction between quantifiable and nonquantifiable, the agency would be restricted to the $100 expenditure and 100 lives, even though $105 could save you 150 lives.

Mr. JOHNSTON. Not true, Mr. President, I tell my colleague, because there is nothing here—first of all, I do not know of any statute that says a minimum of so many parts per million with discretion to go higher.

Mr. KERRY. There is a statute. The Clean Air Act has minimal standards.

Mr. JOHNSTON. It is maximum achievable controlled technology, which is not stated in parts per million. There are other standards. For example, there are radiation standards that do specify so many rems or millirems per year, et cetera. The Clean Air Act is maximum achievable controlled technology. That gives to the administrator a broad discretion as to what is maximum and what is achievable; that is to say, what is on the shelf.

Mr. KERRY. But the underlying statute—if I can say to the Senator, I have the examples. I did not come to the floor with them at this moment because I came from another meeting. But this particular colloquy was taking place. I can assure the Senator that I will provide him with specific statutory examples where this so-called hypothetical clash exists. All I am suggesting——

Mr. JOHNSTON. I would like to see that because we have talked about these hypothetical clashes. You see, in your hypothetical, the benefits justified the cost, because in the first instance you saved lives——

Mr. KERRY. I agree that the benefits do, but——

Mr. JOHNSTON. And if it is within the realm of discretion of the administrator——

Mr. KERRY. But there is no discretion.

Mr. JOHNSTON. Under the law of the Supreme Court, in the Chevron case, the last and most definitive case I know of on the issue, they say specifically if the Congress has specifically spoken to an issue and the intent is clear, then the agency must follow the intent of Congress—"Must" follow.

Mr. KERRY. But the——

Mr. JOHNSTON. I do not think you disagree with that.

Mr. KERRY. The problem I think we are underscoring here—and I cannot for the life of me understand the restraint on a simple clarification which actually codifies the stated intent of the Senator in this colloquy. I mean, this is very simple language. It seeks to say if there is a conflict between the cost-benefit analysis in the underlying statute and the least-cost standards, the underlying statute prevails. That is supposedly the stated intent of the Senator.

Mr. JOHNSTON. That is absolutely the intent.

Mr. KERRY. Why can the simple language not say, in the event of a conflict, the underlying statute prevails?

Mr. JOHNSTON. I would have no problem with proper language to do that. The problem is that, first of all, I think we have very clear language right now. I think it is very clear. The offered language creates its own ambiguity.

Mr. KERRY. I agree. I think the offered language—I do not disagree, if he is referring to the language proffered earlier by the Senator from Ohio.

Mr. JOHNSTON. It says, "In the event of a conflict, the statute under which the rule is promulgated shall govern."

Mr. KERRY. I could walk the Senator through now literally section by section, and I think that when you do that, the ambiguity sort of leaps out at you. And when you have to go from one section to the other and then ultimately find in the remote definition section one word—"social"—that somehow embraces this concept that you will have this relevant benefit analysis, I think we are asking lawyers to start to tie up the regulatory process. The whole purpose of a lot of our efforts here in the Congress now is to reduce the need for anyone to have to litigate what we are trying to legislate.

Mr. JOHNSTON. I tell my friend that it is indeed a complicated statute. But I think it is clear, and the problem is that—you talk about will "social" embrace all these things. We say "benefit" means the reasonably identifiable—this is page 13, section 621(2), line 8: The term benefit means "reasonably identifiable, significant favorable effects."

Mr. KERRY. Are we reading from the——

Mr. JOHNSTON. We are reading actually from the substitute. In any event, it says, "reasonably identifiable, significant favorable effects, quantifiable and nonquantifiable, including social and environmental health and economic effects."

We did not want to go into a laundry list because my friend knows the old rule about specifying one thing excludes those matters not specified. You will remember the old rule from law school. That is the problem here. But it is, I think, really clear.

To get back to your question of the underlying statute governing, I insist that it is absolutely clear. Nevertheless, I would recommend to my colleagues a clarification, if the clarification does not inject its own ambiguity.

Mr. LEVIN. If the Senator will yield, I am delighted to hear that because in the eyes of many, and I think many who work with the Senator, who the Senator knows and are reasonable in their reading of laws, there is ambiguity in this language. There has been an important and intensive effort to remove the ambiguity to make it clear that there is no supermandate that underlying law governs. That is the issue here. That is stated to be the intent of the Senator from Louisiana, and the language which can make sure that intent is carried forward in this statute is, I believe, quite easily drawn. We will be offering that language later on this afternoon, and I hope the Senator from Louisiana can join in that clarification.

Mr. JOHNSTON. I certainly will. Does the Senator understand my problem with the phrase, "in the event of conflict, the statute under which the rule is promulgated shall govern"?

Mr. KERRY. The Senator is saying that he believes that it is opening up a whole rule interpretation, is that correct?

Mr. JOHNSTON. What I am saying is we do not define what—conflict. What we really mean is the substantive requirements of a health-based standard or a technology-based standard; that those health-based or technology-based standards shall govern. And we do not mean that the procedures under which the rule was adopted shall govern.

If you can get an appropriate way to phrase that concept, I certainly would recommend it. Even though I think it is clear, we want to reassure where we can.

Mr. KERRY. In furtherance of that reassurance, could I just ask the Senator, is it the clear intent of the Senator to invoke into the rulemaking process a practicable, efficient, cost analysis?

Mr. JOHNSTON. Of course. Of course.

Mr. KERRY. I would say to the Senator that I accept that. The Senator from Michigan accepts that. And that is what we want to achieve.

In the doing of that, I assume the Senator would want to also guarantee that cost analysis does not become a supermandate?

Mr. JOHNSTON. Oh, of course.

Mr. KERRY. Therefore we should, I think, be able to arrive at language—driven at by the Senator from Michigan—that achieves an avoidance of the ambiguity, but without creating a new potential for disruption of that cost analysis.

Mr. JOHNSTON. May I suggest here a way, perhaps, to get at this question of conflict? Part of my problem is to say that "in the event of conflict"—in my judgment there is no possibility of conflict. We have written conflict out. So,

therefore, you do not want to admit the possibility of that which you have written out, which injects its own ambiguity. So you ought to take that phrase out and simply say that nothing herein shall derogate or diminish or repeal or modify the health-based standards or the technology-based standards of environmental statutes—or words to that effect.

Mr. LEVIN. We are drafting language to address an ambiguity that we perceive to be in the bill. And we will try to write it in such a way—we will write it in such a way that it does not create any other ambiguity.

Mr. JOHNSTON. If you would just leave out that "in the event of conflict," because there is no conflict. That is why we say it shall supplement and not supersede, because we have written it in such a way that it does not conflict and we do not want courts to find conflict where none is there.

Mr. KERRY. Suppose we say in the event of unforeseen consequences, incapable of being described by the sagacity of the drafter of the bill, we nevertheless——

Mr. LEVIN. In the event somebody finds it.

Mr. JOHNSTON. We do not admit of that possibility.

Mr. President, I think this has been a very useful exchange. And I hope, maybe following up on this, we can make clear that those health-based standards and technology-based standards of the environmental statutes are not affected, repealed, or modified in other ways.

Mr. LEVIN. And other statutes also, which are important to health and safety; the underlying statutes.

Mr. JOHNSTON. What we are talking about is health-based or technology-based standards. Is there any other standard we are talking about?

Mr. LEVIN. Could be just a standard that the Congress sets.

Mr. JOHNSTON. Yes, I——

Mr. LEVIN. Could be the double-hulled tanker. I am not sure what that is based on. We made a decision on that and you do not intend that anything in this bill is intended to supersede it. The problem is, because of the ambiguity we pointed out, it could be interpreted that there is an ambiguity in that kind of situation.

Mr. JOHNSTON. The point is let us make it relate to standards and not to procedures.

Mr. LEVIN. Right.

Mr. JOHNSTON. Because the procedures surely do supplement and they do not conflict.

Mr. LEVIN. It is our intent that our language address the ambiguity that we and many others perceive in the bill without creating any other ambiguity. We will show it to the Senator before we offer it.

Mr. JOHNSTON. I thank the Senator. I think we made progress.

Mr. KERRY. I think the Senator is correct.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wonder if those Senators have completed their discussion? I would like to proceed for a few minutes.

Mr. JOHNSTON. Did the Senator wish to ask a question?

Mr. CHAFEE. No. I wanted to proceed. I did not want to intervene with something if they were just about concluding.

Mr. JOHNSTON. No, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the regulatory reform bill now pending before the Senate would, if enacted, bring sweeping changes to the regulations that protect the health and safety of the American people and of our natural environment.

What am I talking about? Let us take a look at this cost-benefit analysis business. Perhaps the most important feature of this bill is the new role for cost-benefit analysis in evaluating health, safety and environmental rules. Under S. 343, which is the bill before us, the Dole-Johnston bill, every major rule issued by a Federal agency must be accompanied by a study setting forth the costs that will be imposed by the rule and the benefits that will be experienced when the rule is fully implemented.

In other words, you figure the costs on one side and figure the benefits on the other.

This is not exactly a new development. That has been required by Executive order since the beginning of President Reagan's administration.

There are, however, two new twists to this, in this legislation. First, there is a prohibition on the issuance of any rule, unless the Federal agency can certify that the benefits of the rule justify the costs. And, second, the opportunity exists for extensive court review of the scientific and economic studies that form the basis for the agency's certification.

In other words, there are two new features in this bill. We have had cost-benefit analysis in the past. But this requires it. In other words, there can be no issuance of any rule unless the agency, the Federal agency, can certify that the benefits justify the costs. Second, we have in this legislation this extensive judicial review.

The cost-benefit analysis becomes a gate through which all of our health and environmental policies must pass. And the gate will be guarded by a host of litigants in Federal courts all across our land. They will spend millions of dollars on legal challenges to prevent new rules from becoming effective.

This is a big departure from the existing situation that we now have in our country. Although cost-benefit analysis is now a useful tool in writing regulations, it is important to remember that most health and environmental policies are not based on a strict cost-benefit calculus. Other values are also important in setting national goals. In some laws, the instruction to the agency is to protect public health and to set a standard that ensures that no adverse health effect will result from pollution. Some of our laws are based on the principle of conservation. Agencies are directed to take whatever action is necessary to save a species, an endangered species, for example, or to save a wild area from development or exploitation.

In many cases our laws require the use of best available pollution control technology. This is sometimes referred to as BAT, best available technology. Our science and engineering is too limited to know how to achieve an absolutely safe level, so we say to those engaged in activities that may cause pollution, "Do the best you can to limit the impact on others, or on nature."

But that is not the theory of this bill. The purpose of this bill brings an end to that philosophy of "do the best you can." The report of the Judiciary Committee says it very well. The Judiciary Committee says, "The proper philosophy for environmental law is summed up in this question: Is it worth it in dollars and cents?" That is on page 71 of the Judiciary Committee report. "Is this action worth it in dollars and cents."

That is a new philosophy. No longer is the question asked, "What is safe? What is the best we can do to preserve our natural heritage?" Those may have been the principles that formed our environmental policies over the last quarter of a century, ever since 1972, but now we are being told that policy is too expensive. We should pay only as much as we are going to get back. Is it worth it in dollars and cents?

That is the new philosophy that is in this bill. This, it seems to me, this cost-benefit approach—everything in dollars and cents—ought to appeal to the man described by Oscar Wilde in the last century. Oscar Wilde described somebody as being the following: He knows the price of everything and the value of nothing.

Is it worth it? It may seem like a commonsense test that should apply to all regulations. But it falls well short of the envision that has been the foundation of our environmental laws for the past quarter of a century. Much of our current environmental law is based on the common law concept of nuisance. Simply stated it is this: People have a right to be free from injury caused by the activities of another. Under common law, going back to the 16th century, each property owner has the private right of action to abate or to receive compensation for a nuisance

imposed by a neighbor. This is a property right. One type of nuisance frequently addressed in common law courts was the matter of foul odors created by some activity such as keeping livestock or operating a slaughterhouse. In fact, the first nuisance case involved odors caused by pigs kept in the alleys of London. The common law courts took action to prevent these nuisances such as noxious odors because one person has no right to act in ways that infringe on the property rights of another. Under the common law, public officials could also bring action to prevent a nuisance that affected the whole community.

As our society became more industrialized, more complex, the potential injuries caused by pollution became more far reaching and subtle. The ability of common law to abate and redress injuries effectively was undermined.

So it was not the old question of your neighbor suddenly bringing a whole lot of pigs on his property, and you are downwind causing your property to become of less value because of the noxious odors. That is the simple case. But it became much more complex as society became more complex.

General pollution control regulations, imposed first by the States and then by the Federal Government, have been established as the more efficient alternative, and have largely superseded the role of common law remedies in protecting our rights to be free from pollution. For example, the concern for air pollution that started under common law as a complaint against these noxious odors I just described have been transformed into a concern for the serious health affects that may be caused by air pollution. Today, we have the Clean Air Act that sets Federal standards for smog and carbon monoxide and lead. The foundation of these laws is, in part, the belief that we have a right to live free from threats to human health caused by the actions of others. The underlying principle has been retained. One person engaging in private activities does not have the right to impose injuries on another or the community at large. That principle is the source of many standards that instruct agencies to reduce pollution to levels that are safe or at which no adverse public health effects will occur.

The right to be free from pollution is compromised by this bill, S. 343. This bill imposes a cost-benefit test on regulations to control pollution. The theory behind the cost-benefit analysis is your neighbor has a right to pollute as long as the damage to you is less costly than the cost of pollution control devices are to the neighbor. In other words, if you are damaged less than the cost you can impose on him to stop this pollution, he does not have to install the pollution control. Yes. You suffer. But that is tough luck.

Let us suppose a large manufacturing firm locates a new plant in the community. The company's owner admits that the plant will release pollution into the air and water of the community. They also admit that, depending on the level of pollution control required, the pollution may cause illness or even death among the neighboring residents. How much pollution control should the plant be required to install? One way to answer that question is to set limits on the pollution so that there will be no adverse effects on the health or on the community as a whole. Another answer is that the plant should be required to use the best available technology to control the pollution. We may not know precisely what is safe or at what levels or by what routes people will be exposed to the solution. So we ask the owners of the plant. We do not ask them. We tell them. That is the way it works now—to make the investment in the best pollution control equipment they can afford, to do the best we can. That is how the law works now. But that is not how this new law works as proposed.

Under the cost-benefit approach there would be a limit on how much we could ask that plant to do to clean up its pollution. The limit would be determined by putting a price tag on the adverse effects of the pollution. How many people get sick? What is the cost for their medical care? How many days are they off from work or home from school because of illness? What is it worth to be able to fish in a stream that flows near the plant and to enjoy outdoor exercise in that town on a clear summer day free from smog and pollution? Under the cost-benefit approach, pollution control is only required if it costs less than the medical care for those stricken.

If the medical care is higher and you are doing more damage and causing more sickness than the cost of the equipment, then you have to put the equipment on. But if the equipment cost is higher than the cost of the sickness, you do not have to put it on.

A stream is not cleaned up unless the recreational business or commercial fisheries that use the stream are worth more than the investment in the pollution control equipment. Some people may get sick. Some people miss work or school. A fisherman may lose his job. A boat house may close down. But that is all OK under this bill because the alternative—asking the factory to do its best to reduce the pollution—would cost too much, would cost more than the losses suffered by the neighbors.

To me this is an outrage. I mean have you ever heard anything like this? It is all right to cause pollution. You do not have to stop it as long as the cost of the equipment to stop it would be greater than the cost of the sickness you are causing to your neighbors and those downwind and the others in the area. This is a very different ethic than that which guides our current policies. It abandons the principles of safety and conservation and doing the best we can. It abandons the notion of the right to be free from pollution that is the basis of our current laws.

All of this is coming from a Senate that is saying we protect private property. We want people to be paid when there are takings. Indeed, this is a bill that comes over from the House that says if the cost of endangered species and having that and protecting the endangered species is more than 30 percent of your land, you have to be compensated because that is a taking. But it is all right to take somebody's health. You do not bother with that. Somehow everything has gone crazy around this place.

This bill would allow your neighbor to take your property rights unless the Government can prove that the adverse effects you suffer are worth more than the cost that would be imposed for the pollution equipment.

I want to make it clear that it is not the information provided by the cost-benefit analysis that concerns me. I think that all regulatory options should be rigorously analyzed and the options selected should put a premium on efficiency and flexibility and good science. We want all of these things.

The cost benefit studies that have been done under the Executive orders as exist now under President Reagan and others have provided a useful tool, a tool to improve the quality of the regulations. I have sponsored, along with Senator GLENN, a bill that would require cost-benefit analyses and risk assessment for all major rules. The information generated by these studies is quite helpful to the agencies.

It is quite another matter to say that any polluter can go to court and challenge a rule because it imposes more costs on his activities than the benefits that are realized by the neighbors. Under this bill, S. 343, you say you cannot make me put that pollution control equipment on because, yes, I am causing bad health downstream to my neighbors, but that is all right because the cost of their missing school or missing work or the old people suffering from asthma, we put a price on that, and the price of that is less than the cost of my equipment that I have to put on so I do not have to put it on.

That is the new philosophy that is in this legislation.

Mr. President, here is the second general point. I am concerned about the explosion in litigation that will result if this bill is enacted. All of us are saying we do not like the proliferation of legal challenges that are coming up in different legislation. We want to stop that. This bill is a lawyer's employment act. This bill ought to be applauded by every member of the bar association, every student in law school because this represents potential work.

There is a case to be made for regulatory reform. I am for that. Senator GLENN is for that. All of us in this Chamber are for that. We have limited resources to spend on environmental protection. It is essential that we spend those resources wisely. More science, better risk assessment, peer review, all of these, if done right, will do a better job protecting health and natural resources. The regulatory reform bill now pending will not result in smarter or more cost-effective environmental laws and regulations. Rather, it will cause regulatory gridlock. It will entangle agencies in a web of procedures and paperwork and endless rounds of review and make the implementation of our environmental laws nearly impossible.

This bill would substantially increase the number and complexity of court challenges to environmental regulations. There are nearly a dozen new ways to get a regulation before court under this bill even before the final action has been taken. This bill would result in lawsuits. Is there a Senator who believes that more lawsuits will lead to better regulation? The Federal courts are not the place to decide questions of science and economics that will be assigned under this bill.

Congress, because we are upset about the cost of health and environmental regulations, is impatient, is too impatient to wait for a statute-by-statute review of its own enactments. It is us and the laws that we have passed which have resulted in all these rules. What we ought to do is look at these laws and examine the rules under them. But we should not turn everything into a judicial review that goes up to our courts.

Mr. President, no doubt we will hear many horror stories about environmental regulations while this bill is being debated. And many have been paraded already. But we ought not to lose sight of the big picture. These laws have worked. They have improved the quality of life for all Americans. Let me give you some examples.

In a period that has seen significant growth in population, significant growth in industrial activity and in automobile travel, we have more than held our own against the most difficult air pollution problems. Between 1975 and 1990—that is a 15-year period—the total vehicle miles traveled in the United States increased by 70 percent. It went from 1.3 trillion miles to 2.2 trillion miles driven in a year—a 70-percent increase in mileage driven in the United States in 15 years. In that same period, the vehicle emissions of hydrocarbons, which is one of the pollutants that cause smog, were cut nearly in half. Up went mileage by 70 percent, pollutants, emissions of hydrocarbons dropped by nearly 50 percent, from 10 million tons to 5.5 million tons a year.

Now, that just did not happen. That did not come about because industry wanted to do it. It came about because of Government regulation. We required the automobile industry to produce a car that would reduce emissions by 90 percent, and they did it. Just since 1990, in only 5 years, between now and 1990, the number of areas in violation of the carbon monoxide standard in this country have dropped from 40 areas to less than 10. Since the mid-1970's, lead in the air is down by 98 percent. The amount of lead in the air has decreased by 98 percent—98 percent. Why do we care about this? Because lead in the air affects the developmental capacity of children growing up in congested urban areas. These are the most vulnerable Americans. And who are they? They are low-income areas, they are poor children who live there, and we have cut the lead in those areas by 98 percent. If this bill had been in place during that time, EPA Administrator Carol Browner has said that we could not have achieved those reductions in lead in gasoline. That marvelous accomplishment that we are so proud of could not have been achieved with a strict cost-benefit analysis.

The Clean Water Act is probably our most successful environmental law. In the late 1960's, the Nation was stunned when the Cuyahoga River in Cleveland caught fire. A river caught fire. That shows you the condition of our rivers and lakes and streams in the latter part of the 1960's. Our waters were being used as open sewers—the Potomac, absolutely foul.

In responding to this problem, Congress passed the Clean Water Act in 1972 and set some very ambitious goals including the elimination of all discharges to surface waters by 1985.

Well, we did not meet that goal of 1985, but we have made a lot of progress since the Cuyahoga River caught fire in the 1960's. When we began this effort under the Clean Water Act, more than two-thirds of our lakes, rivers and streams in the United States of America failed to meet the clean water standards.

With these 20 years of effort behind us, some of our most polluted waters—Lake Erie, the Potomac River, Narragansett Bay in my own State—have made remarkable recoveries. Today, those streams and lakes and bays are fishable and swimmable.

On the international scene, the United States has led the way as the world has faced up to the threat of ozone depletion. Each new development in our scientific understanding of chlorofluorocarbons and their impact on the ozone layer has confirmed the wisdom of the Montreal Protocol, the global agreement to ban production of CFC's that was signed by a Republican President in 1987, President Reagan.

Since the Endangered Species Act was passed in 1973, populations of whooping cranes, brown pelicans, and peregrine falcons have come back from near extinction. The bald eagle is ready to be moved from the endangered to the threatened list. Both the California gray whale and the American alligator have recovered to the point they have been removed from the endangered list altogether.

Now, what does all this mean to us? The American people can be proud of the accomplishments that have been made under the Clean Air Act, the Clean Water Act, the Endangered Species Act, and our other environmental laws over the past quarter of a century, and the American people are proud of this. And when asked, most often they say that we have not been tough enough on water pollution and air pollution. They want us to do more. They want Government to work better. But they want it to continue working for the health and environmental goals that have been achieved and are being achieved in our country today. The American people cherish their right to their property and the right to pass it on to their children free from pollution.

So I think, Mr. President, we have a lot to be proud of that we have achieved under the existing laws. I certainly hope we do not get involved with this cost-benefit business and this plethora of lawsuits that would result from this legislation.

I wish to thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Iowa.

Mr. GRASSLEY. The legislation that is before us is not about whether or not the Government should write regulations or whether or not we should have regulators. That is an accepted fact. It has been a part of the process of Government a long time before we had the Administrative Procedure Act in 1946. All that did was basically conform all regulation writing to the same process.

This legislation is about bringing common sense to the whole process of writing regulations. And all of the horror stories that can be told about bad regulations and the bad enforcement of maybe even good regulations is related to the fact that people affected feel that there is not a commonsense approach to the regulation writing. The bottom line is, that we need legislation to bring common sense to regulation and the enforcement of regulation.

This legislation before us does that. And yet there are people that are coming to present possible horrors that will result if this legislation is passed. This is just not so as far as I am concerned. This legislation is not going to change any existing laws on the books that deal with public health, and safety, environmental laws. Not one.

There are many false accusations about this legislation that it would override existing law. There are a half-

dozen places in the legislation that makes it clear that this legislation is not a supermandate imposing the language of this legislation in place of any specific public health and safety laws on the books. But this legislation is about process to make sure that regulation writers cannot go hog wild in trying to accomplish their goals.

This legislation has in it judicial review of regulation writing, and judicial review of regulatory activity, and judicial review of the actions of regulators. We ought to have judicial review to make sure that the process conforms to the statute and to the intent of Congress. Regulation writing and the process of analyzing information that goes into regulation writing and particularly scientific analysis should not be above the law. And the only way I know to assure that regulators do not go beyond congressional intent is to make sure that there is judicial review. Well, there are an awful lot of accusations from opponents of this bill that somehow if this bill becomes law it is going to compromise public health and safety. On the other hand, those of us who are proponents of this legislation can give example after example of where the existing process, without the proper safeguards in the existing legislation, have become a real horror for certain individuals who are affected.

Yesterday I had the opportunity to present an instance in which an informant who was a former disgruntled employee, brought to the attention of EPA the possibility of the burying of some toxic waste on the business of the Higman Gravel Co. of Akron, IA. And, of course, there was not any such toxic waste buried there. But they acted on information of an informant and one morning at 9 o'clock came to the place of business. It was a usual morning at the business. Mr. Higman was gassing up his truck to start the process of work for that day. His accountant was behind the desk in the office doing what you would expect accountants to do. And all of a sudden that quiet morning, 40 local and Federal law enforcement agents come with cocked guns to this place of business telling Mr. Higman to shut up while the gun was pointed at him. They had, by the way, bulletproof vests on. They went into the office and stuck the gun in the face of the accountant. All of that in a little place of business, acting because a disgruntled employee had given some misinformation.

It cost Mr. Higman $200,000 in legal fees and lost business and probably still injured his reputation to some extent. But he had to fight it in the courts to get out of criminal charges that were unjustified. Now, just a little bit of common sense in the process of regulation writing in the process of enforcement could have saved a lot of trouble, damaged reputation for a good businessperson, damaged reputation for the legitimate work of the EPA.

I have another example that I would like to refer to because some people are making the argument that environmental legislation should not be subject to cost-benefit analysis or to risk assessment because a price tag cannot be placed on an individual's health.

There is not a price tag placed upon individual health. But when it comes to cost-benefit analysis, if there is a $5 cost to saving a life, or a $50 cost to saving a life, what is wrong with taking the $5 cost to saving a life as opposed to the $50 cost of saving a life? Common sense would dictate that you ought to use the less costly approach. But people are arguing that requiring the EPA to assess and scrutinize the cost of regulations will somehow lead to a rollback of environmental protection.

Now, I agree that a price tag cannot be placed on the health of citizens. And we do not intend to roll back the gains made in environmental protection in this country over the last 25 years. Senator CHAFEE, who we have just heard, the distinguished chairman of our Environment Committee, is correct. Many gains have been made in environment in the last 25 years. And we should not turn our backs on these significant achievements.

But once again, if the question is a $50 cost to saving a life versus a $5 cost to saving a life, we would chose the $5 approach. The life is going to be saved either way. And we want that life saved.

So I want to take the opportunity to discuss at least one example where conducting a cost-benefit analysis would have avoided the enactment of an absurd regulation that has cost small businesses in my State and many other States hundreds of thousands of dollars and has resulted in absolutely no benefit to the environment, absolutely no benefit to the environment. The 1990 Clean Air Act amendments regulate what are called major sources of emissions and it defines "major sources" as those that have the potential to admit 100 tons per year of a criteria pollutant, such as dust. The EPA in further defining "potential" to emit assumes that facilities operate 24 hours a day, 365 days a year.

Now that is quite an assumption—sitting in a marble palace someplace in Washington, DC, to assume when you are writing a regulation that every business is going to operate 365 days a year, 24 hours a day.

When you apply that faulty logic to a seasonal business, such as grain elevators in my State—and if some of you are confused about the term "grain elevator," just let me simply say, that is a big cement silo where you store grain, where the farmers deliver grain, where grain can be processed from or grain can, in turn, be loaded onto hopper cars to be shipped to another location, even overseas when it gets to the terminal. But when you apply this faulty logic, assuming that a business is going to operate 365 days a year, 24 hours a day, for grain elevators, it becomes evident how absurd this regulation is in practice and how a simple cost-benefit analysis would have illustrated this fact.

In my State of Iowa, we have approximately 700 grain elevators. I think I know what I am talking about when I talk about a grain elevator. My son and I have a family farming operation. My son operates it almost totally by himself. I try to help when I am home and we are not in session.

In the fall of the year, my son runs what we call a combine, a grain-harvesting machine. This combine harvests our corn and our soybeans. One of the things I can do to help my son in the fall is to haul the grain, the corn, or the soybeans from the combine from the field 3 or 4 miles into town to weigh and to unload at our local New Hartford Cooperative elevator close to our farm.

We deliver grain to these local country elevators. We have 700 of these in the State of Iowa, and there are about 96,000 farming units in my State that use these 700 elevators to sell their corn to and to process their grains.

Although less than 1 percent of these elevators actually emit more than 100 tons, which is what EPA has defined as the level to be classified as a "major source," if you use EPA calculations, all 700 grain elevators in Iowa are considered major sources of emission. Only 1 percent actually emit more than 100 tons, but all 700 grain elevators are affected by this regulation.

How this could be the case ought to defy all logic and does. During a subcommittee hearing that I conducted on the bill before us, we heard testimony from an operator of a grain elevator in Mallard, IA, in northwest Iowa. This particular elevator takes in grain for only 30 to 40 days per year and has a capacity of 3 million bushels. But according to the EPA, this little country elevator in Mallard, IA, has the capacity to process over 11 billion bushels of grain per year. Let us put this 11 billion bushels of grain per year EPA figures this grain elevator can handle in the context of our crop for 1 year in the entire United States.

Last year, the U.S. corn harvest set a record at 10.3 billion bushels. This year, because of the early rain in some parts of the Midwest, the USDA is projecting a 7 to 8 billion bushel harvest. Yet, the Environmental Protection Agency assumes that 11 billion bushels of corn, more corn than has ever been produced in this country in a year, will go through that one country elevator in Mallard, IA.

This calculation, of course, would be laughable but for the fact this elevator will expend a lot of money and a lot of time as a result of this EPA regulation.

Last fall, at the height of harvest, the Mallard elevator received a 280-page permit application based upon the regulation I am talking about. The application is so complex that the elevator's managers were required to obtain an outside consultant to help complete the application. The cost of this assistance is estimated to be in the neighborhood of $25,000 to $40,000. Remember that my State has about 700 of these elevators, all required to pay up to $40,000 to comply with an absurd regulation.

So there is a very identifiable cost associated with this regulation from EPA in terms of money, in terms of time and in terms of jobs. The benefit to the environment and to the public health is less clear, however. In other words, I am about to say that there is no need for this regulation because there is not any impact on the public health, what the EPA assumes is a health problem.

First of all, all emissions from grain elevators are in the form of dust, and that is not considered toxic. Second, these dust particles—if you want to know where the dust comes from, I told you how you take the grain from the field off the combine, on the wagon behind the tractor or in your truck to the local grain elevator. You weigh it before you unload it. Then you pull into a pit with a grate over it. You drive your tractor over the grate, you open up the door and the grain unloads. While this grain is falling about 2 or 3 feet into the pit, there is some dust associated with that grain. Farmers live with that every day on the farm. EPA does not try to interfere on the farm, but they do try to interfere when you haul your grain to town and unload it.

Those dust particles are fairly large in size. They are just specks, in a sense, but fairly larger in size than most of the types EPA is trying to regulate. They fall to the ground, after the winds have caught them, and they may blow away from where you are unloading. They fall to the ground. They never enter the atmosphere.

Thus, if there is even a remote chance the particles can be harmful, the group most at risk are the employees of the facility. Are we concerned about the employees of the facility? Yes, we are concerned about the employees' health. But this concern has already been addressed by OSHA regulations; not EPA regulations, but OSHA regulations. In fact, the elevator that I talked about, the Mallard elevator, spent $12,000 in 1994 for training and equipment to ensure the safety of its employees who work around grain dust.

The primary reason that the regulation results in little public health benefit, however, is that these elevators have actual emissions of well under 100 tons, and, in most cases, well under 20 tons.

Under the Clean Air Act, they are not required to reduce emissions, but they are still covered by the regulations. So after spending hours completing a 280-page application and paying maybe up to $40,000 to a consultant to help fill out this 280-page application, the result is that emissions are not reduced at all. They are not reduced at all.

This type of regulation—one that seems to impose large costs on small businesses and individuals without any public benefit—is exactly the reason we need a cost-benefit analysis, and exactly the type of regulation that is now saddling the public, and we will avoid saddling businesses in the future if we pass S. 343. But, you see, we have regulators that do not know when to quit regulating. They do not stop to think, Well, should we really be regulating this or that? They get some sort of a pseudo-science to justify some regulation, and some of these agencies even ask scientists from academia to come in and review their scientific analysis which is the basis for their regulation writing. We can show you examples of when those scientific panels have come in and said, "You have to go back and start over again. There is no scientific basis for the regulation you are writing."

But they are not looking for a scientific basis for regulation. They are only looking for a small part of a scientific justification for what they want to do anyway. They want to do what they want to do, regardless of the cost. And this legislation will impose some common sense on the regulation writers, which common sense, if it were used, would not have resulted in a regulation that affects 700 grain elevators in my State when, in fact, only 1 percent are over the EPA limit. And if the rule were only applicable to the time that the business was creating dust in the first place—how stupid to assume that a business is going to be emitting dust into the air 365 days out of the year, 24 hours a day, when it only probably operates about 10 hours a day, and the activity they want to control only takes place maybe 30 to 40 days out of a year.

We are entitled to some commonsense regulation, and we are never going to get it until we have legislation that dictates that we use a commonsense approach. This legislation does it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. DOLE. I will be happy to yield.

Mr. JOHNSTON. Madam President, we have been debating the Dole amendment here all today. I have heard really no criticism at all on the Dole amendments. If our side is willing to accept those on a voice vote, and I do not know that they are, is the majority leader willing to let those go on a voice vote? Or does he want——

Mr. DOLE. I think we want a rollcall. I read so much about this from Joan Claybrook and Ralph Nader, I want them to be assured by a unanimous vote that we heeded the great contribution, not only that they made, but the New York Times and other extremely——

Mr. JOHNSTON. Does the Senator wish a rollcall on all the amendments or just the first one?

Mr. DOLE. I think if we had a rollcall on the first one, then I assume the others could be disposed of by voice vote. We would be glad to ask consent that vote occur at 5:30.

Mr. JOHNSTON. At 5:30.

Mr. DOLE. Could I get consent? I make the request there occur a vote at 5:30 on amendment No. 1493 and, if the amendment is agreed to, amendment No. 1942, as amended, be agreed to, and amendments numbered 1494 and 1495 be automatically withdrawn, and that the time between now and 5:30 be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I do not object.

The PRESIDING OFFICER. The Senator withdraws his objection.

Hearing no objection, it is so ordered.

ONE LAST POINT ON E. COLI AMENDMENT

Mr. HATCH. Madam President, this morning, my friend Senator GLENN, criticized S. 343 for not containing an explicit and separate provision exempting regulations dealing with food safety and E. coli bacteria.

To be fair, Senator GLENN recognized that S. 343 contains emergency provisions that would allow agencies to quickly deal with bad meat and E. coli emergencies.

He recognized that this was a good thing, but he also stated that this may not be enough because such emergency provisions leave too much to agency discretion. Perhaps a separate provision just dealing with E. coli bacteria is needed, he concluded.

Now I want to point out that Senator GLENN'S own substitute does not contain a separate provision dealing with E. coli bacteria and bad meat.

Instead, the Glenn bill also contains an emergency provision that exempts rules from risk assessment requirements when there exists a threat to public safety.

This is exactly the approach the Dole bill takes. You simply cannot specifically exempt all emergencies that may arise that requires a speedy promulgation of a rule.

If you did that you would have to enumerate every disease and natural catastrophe that ever existed. The bill would become too long and would wind

up looking like one of those 100 page insurance policies.

I support the Dole amendment not because it is necessary—rules that need be quickly promulgated because of an emergency and agency safety inspection and enforcement actions are already exempt from S. 343's requirements—but because adding the words "food safety" in the emergency provision may somehow quell the unnecessary hype over food safety and the myth that S. 343 does not protect the public.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I yield 10 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, it appears we are about to vote on the Dole amendment to S. 343. I must say, I am extremely pleased the Republican leader came to the floor this morning and propounded this amendment to stop what I have watched over the last week—at best, journalistic silliness and a tremendous effort to distort what are, in fact, facts and realities as it relates to certain processes that have gone on and are still going on at the Department of Agriculture.

When I read headlines in the New York Times that suggest—and they did—"Let Them Eat Poison, Republicans Block a Plan That Would Save Lives," I say that is in fact a knowledgeable and outright distortion of the facts as we know them and certainly as this Senator knows them.

So, for the next few moments I would like to relate to you some unique experiences I have had serving on the Senate Agriculture Committee that have dealt directly with the issue of the E. coli bacteria and what this Congress and this administration has attempted to do and, in some instances, has failed to do.

First, I want to talk about how they are playing fast and loose with the facts with, in my opinion, a direct effort to generate public attitude, and, in this instance, the attitude would be one of fear. Second, I want to talk about this administration, what it can do, if it is sincere in helping improve food safety, with or without S. 343. And I want to show it is flatout wrong to claim that this bill, S. 343, and all of the proceedings to it, along with this amendment, are going to do one single thing to damage food safety in this country.

Madam President, we take for granted, in the United States, that we have the safest food supply in the world—and we should take it for granted because we do. We are indisputably a nation that places before its consuming public the safest of all food supplies.

Let me suggest that, when I make that statement, I do not suggest that all food is, on all occasions, absolutely, every day, totally safe. New regulations do not save lives; safe food processes save lives. And it is phenomenally important for us to remember that the responsibility of safe food lies with everyone involved, in production—that is the one side we are talking about, because that is where the rules and regulations are—and on the consumption side, and that is where you and I and all other consumers, Madam President, have a responsibility.

Here is an interesting statistic that has been ignored by the press even though they know it. From 1973 to 1987 the Centers for Disease Control, which I think has credibility, reported that 97 percent of foodborne illnesses were attributable to errors that occurred after meat and poultry leave the plant; in other words, leave the processing plant, the slaughterhouse, the preparation plant, the packing area, if you will, however you wish to describe it; 97 percent of all foodborne illnesses are attributed after that. Yet, the debate today, and the foolish rhetoric in the press, has been on the other side of that issue.

Why have they missed the point? How could they come to be or appear to be so ignorant to the fact? Is it because they want it to be? Is it possibly because they want to distort the basis of the debate and the arguments behind why this Congress is moving S. 343?

Most foodborne illnesses can be prevented with proper food handling or preparation practices in restaurants and in home kitchens. Observers this afternoon might say this Senator has a bias. He comes from a life in the cattle industry. Madam President, my bias does not exist there because when the debate on E. coli began 2½ years ago—I come from a beef-producing State. But we had young people in our State growing ill, and in one instance a near death, because of a contaminated hamburger eaten at a fast food restaurant in my home State of Idaho. So I was clearly caught in the middle of this debate.

I, working along with the then Secretary Espy, began to move rapidly to try to solve this problem because it was an issue whose time had come and it was important that the Congress of the United States face and deal with food inspection in this country when they had in fact failed for years and years to do so.

So let me suggest to you that one of the arguments that has to be placed before the American consumer is simply this: True methods that transcend generations of Americans, whether we inspect the way we inspect or whether we regulate the way we regulate, or whether we change the rules of the cause and effect, the bottom line is you cook your meat and your poultry thoroughly. And if there is an example—and there is argumentatively statistics today—that suggest there is an increase in E. coli poisoning and bacterial poisoning, I believe it is because the consuming public no longer has the knowledge or has not gained the knowledge that you have to prepare your food properly. They just expect the Government to put on the plate every day and at all times safe food.

Let me suggest to the person who is the preparer of food—and that is all of us—that you just do not pop it in the microwave. You had better learn that food that is improperly prepared can in fact be life-threatening on occasion, if you mishandle it. And in 97 percent of the cases between 1973 and 1989 that was in fact the fact. I do not think that any of us today should be confused by the playing or the gamesmanship that has gone on with this issue.

To the critics that claim that Government should bear all the responsibility of food safety, I think you can tell by my expression this afternoon that I just flatly disagree. However, I do want to make one point. The administration has had the authority to address any food safety issues and in my opinion has not delivered. They have worked at it for 2½ years. What happened? When an industry pleads with them to bring on new regulation because the appearance of food that is not safe damages the reputation of the industry, it obviously causes great concern to the consumer. Yet, this administration has stumbled repeatedly inside USDA to bring about a new set of standards and regulations that the industry placed before them and said, Please do it. Please bring about processing that results in a regulatory effort that will cause in all appearances and hopefully in reality safe food.

Why has it not happened? Why are we still generally operating under a standard that was put in place in 1906? Is it because of the political interests? Is it because of the tug and pull of a labor interest that simply said, "We will not give up our featherbedding and our employees for a safer, more scientific process?" Oh, yes. Madam President, that is part of the debate that somehow we wanted to quietly skirt around when in fact it is fact, and that is why the food safety and inspection service in our country has been locked in a static environment since 1906, unwilling to move with the times and unwilling to move with the science of today.

But today's challenges are microbiological in nature. It is not a matter of sight. It is not a matter of inspecting because of an animal disease whether meat appears to be safe or it is not safe. It is really now a question of science. It is a question of bringing on line a technique that we all know exists out there. It is called HACCP. It is called hazardous analysis and critical control point.

These are the issues at hand, Madam President. That is why we are here debating today. Is there blame to cast around? Oh, yes, there is. But blame should not rest with this legislation. Blame should rest with past Congresses and past administrations that were unwilling to bring on line the kind of scientific food inspections that our country and our consumers deserve today.

I hope the Dole amendment will take away from this debate the kind of gamesmanship that was clearly going on in the press of this country because I think it ought to be stopped. My guess is the vote today will do so.

Opponents of regulatory reform claim it endangers health and safety—especially in the area of food safety. I am here to set the record straight.

First, I want to talk about how they are playing fast and loose with the facts, to generate public fear.

Second, I want to talk about what the Clinton administration can do if it is sincere about helping to improve food safety.

Third, I will show that it is flatout wrong to claim this bill will do anything to endanger food safety.

SAFE FOOD SUPPLY

We take for granted that in the United States of America we have the safest food supply in the world.

New regulations do not save lives. Safe food processes save lives. The responsibility for safe food lies on everyone involved in the production and consumption.

For the time period from 1973–87, the Centers for Disease Control reported that 97 percent of foodborne illnesses were attributable to errors that occur after meat and poultry leaves the plant. Most foodborne illness can be prevented with proper practices in restaurants and home kitchens.

The best way to ensure that food is safe is a tried and true method that transcends the generations: Cook your meat and poultry thoroughly. The basic rule of thumb is that meats should be cooked until the fluids run clear and the internal temperature has reached 160 degrees Fahrenheit.

Unfortunately, that lesson has not always been heeded. In my grandmother's scrapbook there is an article detailing the death of a family of six near Cambridge, ID, due to improper food preparation. This unfortunate occurrence took place in 1929. As you can see, the issue of food safety is not a new one.

The food preparer and consumer always have and still must accept ultimate responsibility for food safety. Unfortunately, that responsibility, along with all others in this life, occasionally bears a consequence.

To the critics that claim the Government should bear all responsibility for food safety—I must disagree. However, I want to point out that this administration has had the authority to address any food safety issue and has not delivered.

A number of petitions from industry to utilize existing technology and improve food safety have been stalled at the U.S. Department of Agriculture. One example is a steam vacuum that can be used to remove contamination from carcasses. Only after multiple requests did the Food Safety and Inspection Service even allow a testing period to begin. It is not right for fingers to recently be pointed at the Republican Party, when this administration has consistently delayed food safety improvement and reform.

The administration's response to this issue and others in meat inspection was released in February 1995, and has since been nicknamed the "mega reg."

Mega reg, as introduced by the Food Safety and Inspection Service [FSIS]: The current meat inspection system is outdated and outmoded. Established in 1906, the system has remained largely unchanged and relies on visual inspections of every carcass to ensure safety. That made sense at the turn of the century when animal diseases were a major concern.

But today's challenges are microbiological in nature. Because it is so difficult to detect microbiological problems, and because it is impossible to see bacteria, the best approach is one of prevention. Such an approach is called hazard analysis and critical control points or HACCP.

Unfortunately, the administration chose to combine both of these choices rather than make clear and sweeping reform.

Most troubling is the fact that the administration's proposal would not replace the old outdated system, as has been recommended by scientific groups including the National Academy of Sciences and the General Accounting Office. Instead, mega reg would layer a host of new, costly requirements on top of the weak foundation that is the current inspection system.

Almost everyone involved, including consumers and the meat and poultry industry, agrees that change is imperative. But the current proposal does not embody these critical improvements. In fact, the current proposal cannot deliver on its promises and will largely be a hollow promise to consumers who are seeking safer meat and poultry.

When, not if, but when the system is overhauled, change must be envisioned and implemented correctly. Not on the second or third try, but the first time. Neither consumers, nor industry, can afford to pay for the undue burden of unnecessary regulations.

THE MEGA REG BUILDS ON A WEAK FOUNDATION—THE CURRENT INSPECTION SYSTEM

Unfortunately, the HACCP provisions in the mega reg would be layered on top of the old system. These two systems do not blend. In fact, they actually work against one another. The current system tries to detect problems, not prevent them. The HACCP portions of the mega reg try to prevent problems. This contradiction is not in the best interests of food safety and the American consumer.

Additionally, the regulatory requirements of the two systems, when taken together, are literally overwhelming to companies, especially small businesses, who fear that the new requirements would force them to close their doors. To make real progress, the current system must be discontinued so that a newer and stronger foundation can be laid.

FINISHED PRODUCT MICROBIOLOGICAL TESTING SOUNDS GOOD, COSTS A LOT AND ACHIEVES LITTLE

The mega reg contains requirements for finished product microbiological testing, meaning that products would be tested at the end of the production process. To the lay person, this sounds like a good idea. But in practical terms it doesn't work and it has been rejected by groups like the National Academy of Sciences and the General Accounting Office.

Take the example of a test on a hamburger patty. Conceivably, one side might be negative for a particular bacteria while the other side potentially could be positive. So how does a plant know where it should test? And how can it feel confident that test results ensure safety? The best assurance is a process control system like HACCP. The only way to guarantee that a product is bacteria-free is to cook it properly.

So where does microbiological testing fit into meat processing? The best approach is to use microbiological testing during the production process to ensure that processes are working as they should be, not at the end of the process to try and find a needle in a haystack.

THE MEGA REG WOULD INCREASE REGULATORY REQUIREMENTS, BUT DOES NOT PROVIDE THE NECESSARY EMPLOYEE TRAINING

The meat and poultry industry is the second most regulated industry in the country, just behind the nuclear industry. On-site inspectors keep track of reams of detailed requirements. The mega reg would add to those requirements dramatically, but the nature of the new requirements would be entirely different than earlier regulations.

If implemented, such a change calls for comprehensive training of those who would enforce the regulations. But the proposal does not address this issue. This omission has the potential to create chaos in practice.

MEGA REG INCREASES RISK

For example, the FSIS proposal would require that plants be kept far colder than they ever had before. These cold temperatures can help keep bacteria from developing, but can be harmful to workers. Cold temperatures

increase the risk of repetitive motion disorders.

MEGA REG MOTIVES

The nature of change and seriousness of food safety underscores the need to involve all parties equally. Although, the current administration has spent over 2 years discussing meat inspection reform, their proposal does not satisfy anyone involved. For instance, the industry is concerned that USDA has paid more attention to the concerns of labor than it has to other groups, including packers and processors.

The union that represents meat and poultry inspectors is concerned about new approaches to meat and poultry inspection because they fear their jobs may be at stake.

USDA's Acting Under Secretary for Food Safety Michael Taylor is an April 7 memo told all FSIS employees that "as we implement HACCP, we will be expanding, not shrinking the range of regulatory roles and inspectional tasks required of our employees".

But changes to the inspection system must be made based on what is scientifically sound, not based on the needs of any one special interest group.

If food safety was really a priority to this administration they would balance the needs of all affected interests. The administration would enter into a process that could expedite meat inspection reform. The administration has the authority, although it has not been used, to enter into negotiated rulemaking and devise an acceptable and effective solution.

As written, the mega reg is not a solution to the needs of meat inspection and food safety. Utilizing the advances of modern science and technology would be a solution.

MEGA REG IS UNRELATED TO THE DOLE-JOHNSTON SUBSTITUTE

Regardless of your position relating to the mega reg, it cannot be cited as a reason to oppose regulatory reform. The language in section 622 of the substitute provides a "health, safety or emergency" exemption from the cost-benefit analysis and risk assessment requirements if they are not practical due to an emergency or health or safety threat.

In addition, section 624 of the substitute allows for an agency to select a higher cost regulation when "nonquantifiable benefits to health, safety or the environment" make that choice "appropriate and in the public interest".

This regulatory reform bill focuses on the process of rulemaking and results of regulation. It no way hinders the legislative process. Congress will still have full and complete authority to pass laws addressing health safety situations. Past laws that are already on the books will not be superseded by bill.

Critics have targeted food safety. If the critics want food safety change, they should address those in the administration with the power and authority to make meaningful and immediate change.

Whether it is food safety or any other area of our lives as U.S. citizens, we must answer a fundamental question: What level of risk are we willing to accept in our daily lives?

For example, one mode of transportation may be safer than another, we oftentimes accept a small level of risk and choose the mode that takes us from point A to point B in the least amount of time.

Even though technology is constantly improving, it is unrealistic to think we will ever live in a risk-free world. Instead of setting policy based on a minuscule chance, we must set policy that is fair and responsible.

The American public wants change in our process of setting public policy. Supporting the Dole-Johnston substitute will reduce the overall regulatory burden, without harming public health or food safety.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. HATCH. How much time do we have on this side?

The PRESIDING OFFICER. Six minutes.

Mr. HATCH. I yield 5 of those 6 minutes to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I thank the manager of the bill. We are getting short on time.

Mr. President, I rise today in support of the Comprehensive Regulatory Reform Act. It has been a long time coming.

I am very impressed with the compromise that has been worked out and I think Senator DOLE and Senator JOHNSTON need to be congratulated.

To begin with, this bill brings some common sense back to Government and starts to give some much-needed relief to businesses all across our Nation. But in Montana, where 98 percent of our businesses are small businesses, the onslaught of regulations in the past years have been a stranglehold. Regulations have a number of effects, two of which are to inhibit growth of a business and to discourage folks from even opening a new business.

There is no doubt that some regulations are necessary. This bill will not do away with all rules and regulations. What it will do is require the regulating authority to justify the regulation. By requiring the agencies to do certain things, such as a cost-benefit analysis, we will eliminate those ridiculous rules that seem to only add to the paperwork or cost of doing business.

Let me give you some examples. Earlier this year I held a field hearing in Kalispell, MT, to look at new regulations for logging operations. They range from silly to impractical to downright dangerous.

SAFE WORKPLACE

One of the regulations requires a health care provider to inspect and approve first aid kits on logging sites once a year. It makes me wonder just how that health care provider would be reimbursed for that visit—is it a house call? Making certain that first aid kits contain the needed supplies is certainly something the employer can do on his or her own. Requiring a health care provider to inspect each kit is ludicrous.

Another regulation required loggers to wear foot protection that is not even available. Specifically, they must have on waterproof, chain-saw resistant, sturdy, ankle-supporting boots. If Kevlar boots were available and affordable, they would not be flexible enough to wear in the logging field. On top of this, the regulations charge the employer with the responsibility of assuring that every employee has the proper boots, wears them and the employer must inspect them at the beginning of each shift to make sure they are in good condition.

Add to this the new requirement that the employer is now responsible for inspecting any vehicle used off public roads at logging work sites to guarantee that the vehicle is in serviceable condition—and the employer may as well spend all his time as a watch dog. Since when is an employer held responsible for the employee's property? Why should they limit this to just loggers? Perhaps OSHA would like to require the U.S. Senate to ensure all our employees are commuting to and from the Hill in cars that are serviceable.

But the regulations are not just burdensome, one regulation may even prove hazardous to the logger. They require the lower portion of the operator's cab to be enclosed with solid material to prevent objects from entering the cab. Unfortunately, when logging, you need to see below your cab. One gentleman who testified at my hearing said, "Any rule that would require loggers to enclose areas of machines that operators need to see out of, in order to safely operate the machine, is poor logging practice."

It became very clear during our proceedings that the OSHA paper pushers who wrote these regulations had never felled a tree. They probably had never even been at a logging site. And yet, the regulations written were to be enforced last February. It is only because of an outcry by the industry that these are now being reviewed.

But, Mr. President, this is just one example in just one industry. Regulations have been published that deal with fall protection on construction sites. They almost make me laugh. Requiring employers to have their employees harnessed if they are higher than six feet, would cover anyone on

top of a standard ladder. But they do give the employer options. In the case of roofers, the employer can hire a roof monitor who tells roofers when they get too close to the edge. Now that is ridiculous.

By now, we have probably all heard the statistics before—the cost of regulations to our economy is staggering. Federal regulation costs have been estimated between $450 billion and $850 billion every year. That works out to about $6,000 per household every year. That might be acceptable if we knew we were getting our money's worth. And that is what this is all about.

S. 343 will allow us to decide whether the benefits of the regulation justify the costs. That may not always be easy, but it's necessary. It is responsible. It will give us a tool to decide whether the regulation is truly needed and whether it is practical.

But one of the sections of this bill that I am most pleased with is the congressional review. I have been calling for this since I arrived in the Senate. We pass laws here—that is our job. And then we leave it up to the agencies to write the rules and regulations. But we never get to review the final product. So, the law we pass and the rules enforced may be completely different. They may not be what we intended at all.

S. 343 requires the regulating authority to submit a report to the Congress, spelling out the rule, making available the cost—benefit analysis, and allowing the committees with jurisdiction to review the new rules. And we have 60 days to decide whether the rule follows the intent of the law.

Now I know some folks are worried that we will be stifling rules that are meant to protect the safety and health of children. That will not happen. Show me one person who would willingly put his family's or his constituent's health at risk. Rules will still be promulgated, regulations will still go into effect, to protect the safety and health of all of us. What we will cut down on is the unnecessary red tape.

In 1991, the Federal Government issued 70,000 pages worth of regulations and in 1992 the Federal Government employed over 122,000 regulators. These are the people responsible for such regulations as the prohibition of making obscene gestures in a National Forest. These people are responsible for the regulation requiring outdoorsmen to carry with them a bear box, to store perishables in while camping—a box the size of which would require a horse to carry. And these regulations are responsible for the destruction of private property when land owners are prohibited from preventing erosion on their land in order to not disturb local beetles.

We need to restore common sense to Government. That may be a foreign notion, but its time we try. This bill does that.

We passed unfunded mandates. We passed paperwork reduction. Now let us pass the Comprehensive Regulatory Reform Act and give our businesses the relief they so desperately need.

Mr. President, let me reiterate that I rise today in support of the Dole-Johnston substitute. I will tell you why, because I think for the first time maybe we bring back some common sense in this business of rulemaking.

I am very supportive of that part of this legislation that requires Congress to look at the final rule before it is published in the Register and goes into effect. I have said ever since I came to this body that this is what we have to do. For so many times after legislation is passed by this Congress, and it is signed into law by the President, it is turned over to some faceless people to write the administrative rules. Sometimes those rules look nothing like the intent of the legislation.

But I want to talk about something today that probably in the rulemaking I think becomes very important.

Let me repeat that 98 percent of the businesses in my State of Montana are classified as small business. So we have a small business part in this piece of legislation to look into those things. There is no doubt in my mind that some regulations are necessary. Nobody in business today, and especially those who have a very close relationship with working men and women and their families, wants to have an unsafe workplace. It just does not make good sense. For sure it is not good business to have an unsafe workplace.

This bill will not do away with all of those rules and regulations. But the regulating authorities have to justify the regulation by requiring the agencies to do certain things, such as cost-benefit analysis. It will eliminate some of those ridiculous rules that seem to only add to paperwork and the cost of doing business. And they do very little to improve a safe workplace.

Earlier this year, I held a field hearing in Kalispell, MT, with regard to new regulations written for logging operations in our part of the country. They range from the silly to the impractical and sometimes downright outrageous.

Let me give you an example. One of the regulations required a health care provider to inspect and approve first aid kits on logging sites once a year. That is a health care provider. That is not somebody within the company going by every now and again and looking at the first aid kit to make sure all of the items are in there. That is just common sense. We do not need rules for that. I tell you what the rule was created for. If your health care provider did not go and look at it, then that is the place for a fine. Back in 1990, I think we set up the reauthorization of OSHA a little bit differently; in the tax bill we handled it a little differently. That is probably not meeting with great open arms in the public now.

Another regulation required loggers to wear a certain footwear protection that was not even available and is not available today. They are Kevlar boots. Now, if they were here, the majority of the people could not afford to wear them. On top of this, the regulations charge the employer with the responsibility in assuring that all of the employees have proper boots, primarily these boots, and inspect them every day at the beginning of the shift to make sure they are in good condition.

Now, add this to the new requirement that the employer is now responsible for inspecting any privately owned vehicle that you and I drive back and forth to work for safe condition and serviceable condition. So what it meant was that the employer was the watchdog. He had to even look at all the pickups and cars that you drove to work every day. Of course, being in a mountain area, that is probably not a bad idea, but, my goodness, can you imagine the cost for the employer just to comply?

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

Mr. BURNS. I rise in support of this amendment. And I appreciate what is trying to be done here. We realize that some rules and regulations are necessary.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Chair advises the Senator from Utah he has 37 seconds remaining.

Mr. HATCH. Could I ask my colleague for a few more minutes?

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague doing that because I strongly support, as I think most every Senator will, the Dole amendment. I agree with Senator DOLE; it is time to put these myths to bed and these conjured-up illustrations that some of the far left have been trying to pass on to the media and to an unsuspecting media, I have to say, because I personally do not believe these media writers are literally going to just distort this the way they have without being fed the wrong material. So hopefully this will end some of these outrageous articles that literally are not based on fact and in fact are downright untruthful.

I cannot wait until tomorrow to bring up my next top 10 silly regulations. Let me start with 10.

No. 10. Trespassing on private land and seizing a man's truck on the claim that he poisoned eagles even though the Federal Government had no evidence that he did so.

I just love these illustrations. We go to No. 9 in our list of top 10 right now.

No. 9. Fining a person $5,000 for filling an acre-large glacial pothole and expanding another acre-large glacial pothole to 2 acres. In addition to fining him, they made him dig out the original pothole.

No. 8. Prohibiting a couple from preventing erosion on their property, which, of course, threatened their house, because the Government told them that it might destroy tiger beetles. So the tiger beetles were more important than the individual property owners' house.

No. 7. Requiring elderly residents of a neighborhood to have to walk to a cluster mailbox to save time for the letter carrier while admitting in a Postal Service self-audit that the average letter carrier wastes 1.5 hours per day.

No. 6. Here is one example which I know my friend, Senator MURKOWSKI, is familiar with. The use of a bear repellent was prohibited because it had not been proven effective in spite of the fact that Alaskan residents have successfully fended off bear attacks with it many times.

No. 5. Admonishing the Turner Broadcasting System for showing 15 seconds too many commercials during a January 14, 1992 broadcast of Tom and Jerry's Funhouse. I will hurry since I see that the minority leader is here.

No. 4. Prohibiting the construction of levees for rice production in spite of the fact that it would have increased the amount of wetlands.

No. 3. Prosecuting a company for "conspiring to knowingly transport hazardous waste" because the waste water the company discharged contained .0003 percent of methylene chloride. I might add that decaffeinated coffee has a higher percentage.

No. 2. Attempting to fine a company over $46,000 because they underpaid their multimillion dollars tax bill by 10 cents.

Let us just take a second and think about this No. 1, the silliest of all.

No. 1. Fining a poor electrician $600 because someone else left an extension cord on the job.

Well, this is my third list of top 10 silly regulations. I suspect it is a never-ending list, but I will endeavor to try to bring a few to our attention every day just to show why this bill is so important in what we are fighting for.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the debate that has been taking place all day today on the impact of this bill on food safety and specifically its impact on the Department of Agriculture's proposed rule to require science-based hazard analysis and critical control point or HACCP systems in meat and poultry plants is really very important.

Secretary Glickman sent a letter this morning to the majority leader and to me expressing his strong opposition to S. 343 because it would unnecessarily delay USDA's food safety reform, among other things. I believe Senator GLENN has submitted the letter for the record.

The letter explains that the peer review requirement in S. 343 will delay USDA's food safety reform by at least 6 months. As I read this bill and Secretary Glickman's letter, the bill requires that risk assessments underlying both proposed and final regulations be peer reviewed prior to becoming final. And there has been a good discussion about the applications of peer review this afternoon. In other words, before USDA can issue a final regulation reforming our meat and poultry inspection systems—a regulation that has been in the works for more than 2 years and is based on more than 10 years' of reform efforts—S. 343 would require that the final rule be peer reviewed. According to Secretary Glickman, this peer review requirement would result in a 6-month delay in this essential food safety reform. The Dole amendment does not address this unnecessary delay. As an initial matter, the amendment applies only to the cost-benefit subchapter of S. 343. As I explained earlier, the delay that S. 343 would impose is the result of the peer review requirements. So the amendment really does nothing in this regard.

Even if the amendment were changed to apply to the risk assessment and peer review requirements, the amendment still would not address the unnecessary delay that S. 343 would impose. Consumers and agricultural producers should not be asked to delay these essential reforms—reforms the entire agriculture and consumer communities have been calling for now for several years.

First, the Dole amendment simply adds food safety to the list of reasons an agency could declare an emergency and bypass the cost-benefit requirements of the bill. But the bill already contains an emergency exemption to protect health. I believe a food safety emergency is by definition a health emergency. People get sick from unsafe food. So an agency acting to prevent or address a food safety threat would be acting to protect health.

Even if the amendment does expand the scope of emergency by including food safety, I do not believe that it will alleviate the unnecessary delay that the bill would impose on USDA food safety reform.

USDA published the proposed rule in February of this year with a 120-day comment period. The USDA also extended the comment period at the request of a large number of commenters. Given this excessive comment period, if the USDA suddenly declared an exemption to avoid the peer review delay, it would be opening itself to litigation and, unfortunately, greater delay.

I would also note that USDA attempted to publish food safety regulations a couple of years ago. To provide consumers with information on how to avoid foodborne illness from pathogens like E. coli and salmonella, the USDA issued emergency recommendations providing safe handling labels on meat and poultry products. These safe handling regulations were issued without notice and comment. The USDA was sued and lost and had to go through the rulemaking process before labels could be required. The result, then, of that emergency provision was delay.

In addition to the opportunities that this bill would create for litigation—and which are not addressed by the Dole amendment—the bill also affords opportunities for those opposed to these rules to challenge them through the petition process. So even if we managed to get the rule released from USDA without delay—something that again would not be guaranteed by the Dole amendment—the rule could be challenged on the basis that it does not meet the decisional criteria in the bill and should therefore be weakened or could be subject to petitions calling for a repeal of the rule under the so-called lookback authority.

In short, there are numerous hurdles that are created by this bill which effectively can be used to delay or prevent the issuance of these important rules or lead to their repeal. That is unacceptable.

Food safety reform is essential not only to provide American consumers with safer food, but also to ensure that American agricultural producers have a strong market for their products. I understand the concerns that many in the agriculture community have with USDA's proposed reform.

However, I was the chairman of the subcommittee that first conducted the hearings on the tragic outbreak in 1993 and have held numerous followup hearings in which the industry, producers, and consumers have all repeatedly called for reforming and modernizing the meat and poultry inspection system. We can ill afford to delay these long-needed reforms. Yet that is precisely the outcome that will result under this bill even if this body adopts the current language in the Dole amendment.

So, as my colleagues consider this amendment, I want there to be no mistake about its effect. It is a harmless

provision, one I support, but it will not fix the problem. It will do nothing to avoid the delay that the bill will require in the USDA's food safety proposal.

Later in this debate, I will offer an amendment to fix the problem. My amendment—in no uncertain terms—will ensure that this bill cannot be used by those who would oppose efforts to improve food safety to prevent, delay the issuance of, or repeal the Department of Agriculture meat inspection regulations regarding the E. coli. That seems to me to be the right objective and one which I hope every Member of this body will support.

Mr. JOHNSTON. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. JOHNSTON. I had three comments with respect to the Secretary's letter. First of all, his comments about peer review.

Mr. DASCHLE: I would be happy the yield for a question.

Mr. JOHNSTON. Yes. First of all, are you aware that the Glenn substitute has peer review in it of an even stronger variety than is contained in S. 343?

Mr. DASCHLE. Well, I think that is subject to some dispute. I understand that we have attempted to clarify the language and have found a way to address the concerns raised by the Secretary.

Mr. JOHNSTON. I would submit to my dear friend——

Mr. DASCHLE. I think the Secretary would find the language in the Glenn substitute much more to his liking than the Dole amendment.

Mr. JOHNSTON. With all due respect, I would ask my friend to look at the provisions. The only difference in the peer review in the Glenn substitute and in our peer review is that we do permit informal peer review panels whereas the Glenn substitute does not. In other words, it is more stringent.

Mr. DASCHLE. If I could just respond to the Senator. If the Secretary would find that the Glenn amendment is not as acceptable as he would like it to be, I am sure we could accommodate the Secretary's concerns here, just as we are doing with the pending bill.

Mr. JOHNSTON. All right.

Mr. DASCHLE. The pending bill obviously is the bill before us. We have to clarify that prior to the time we even have an opportunity to get to other amendments and the substitute. So, clearly that is what I think most of us would like to do. And to address the Secretary's concerns, let us address them. We may not have to address the language in the Glenn amendment or anything else. I think that is the issue. Can we clarify the Dole amendment adequately enough to ensure that his concerns are addressed and that we do not further encumber those efforts by the Department of Agriculture to promulgate these regulations in a timely manner?

Mr. JOHNSTON. Is my friend aware of, on page 49 of the Dole-Johnston amendment, where it explicitly says, "This subchapter shall not apply to risk assessment performed with respect to—" you go down to "(C), a human health, safety or environmental inspection, an action enforcing a statutory provision, rule, or permit or an individual facility or site permitting action, except to the extent provided"?

In other words, it exempts the human health, safety or environment inspection from the risk assessment.

Moreover, was my friend aware that under subsection (f) on page 25:

> A major rule may be adopted and may become effective without prior compliance with the subchapter if—(A) the agency for good cause finds that conducting cost-benefit analysis is impractical due to an emergency or health safety threat that is likely to result in significant harm to the public or natural resources . . .?

So, in other words, my question is, is my friend—indeed, is the Secretary—aware that, first of all, inspections are exempt and, second, that you can go ahead and do a rule without either cost-benefit analysis or a risk assessment if there is a threat to health or safety?

Mr. DASCHLE. Let me respond to the distinguished Senator, my friend from Louisiana, in this manner. The Secretary has examined the language to which you refer. And it is the Secretary's view that it falls far short of his standards and the expectations that he would apply to his own ability to address food safety. It is his view that this provision and many of the other provisions that the Senator has addressed in the language of the legislation is deficient. What the Secretary is simply saying is that unless we correct these deficiencies, his efforts to assure adequate standards and adequate confidence in our food safety system will be severely undermined. They are not my words. Those are the words of the Secretary himself. But the Secretary is saying that if we——

Mr. JOHNSTON. They are the Secretary's words.

Mr. DASCHLE. If I could again reconfirm that unless we address a number of these issues, the Secretary himself has indicated that it presents some serious problems for him, and he would advise we either amend the legislation or support an alternative.

So I am hopeful that whether it is through an amendment, as I will be proposing later on, or through an alternative draft, as the Senator from Ohio is proposing, we will be able to address it in a meaningful way.

Again, I would like to address it through amendments that we will be offering, but whether it is through amendments or in some manner, I think the deficiencies outlined by the Secretary ought to be of concern to everybody. It is in our interest and I think in the country's interest to try to do a better job of addressing the concerns than we have right now.

Mr. JOHNSTON. One final short question. I ask my friend to read the Secretary's letter. It pertains only to risk assessment, which, as I say, is contained in the Glenn-Daschle bill. That is all he talks about. He does not talk about the exception. I invite you and the principal author of the alternative to read your own bill, and I invite the Secretary to read the exceptions, because they except from the operation of risk assessment these inspections.

At an appropriate time, I will be offering an amendment to exempt all regulations where notice of proposed regulation was commenced prior to July 1, 1995, because I think there is a problem going back and looking at that, and maybe that will give us a basis on which to satisfy the Secretary and everybody else.

Mr. DASCHLE. I think the Senator would be wise to do so. I think, again, it confirms that there is a lack of clarification, there is uncertainty, enough so that the Secretary has seen fit to send a letter to express his concerns. I hope that we can clarify this issue and alter the provisions of the bill in whatever ways may be necessary. I do not think we ought to minimize those concerns or the problems of the Secretary with regard to the issue before us right now. Food safety is one of our greatest concerns, and we have to ensure that we do not undermine the confidence of the American people in our food supply as we address the need for regulatory reform. That is all we are trying to do—ensure that we accomplish regulatory reform in a meaningful way, a comprehensive way, but do it in a way that does not encumber the Secretary's efforts to provide a better system of ensuring food safety than we have right now.

I yield the floor.

Mr. HATCH. Mr. President, I think the Secretary should read the bill and the comments of Senator JOHNSTON, because they are completely different from what he said in his letter.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1493

The PRESIDING OFFICER. All time for debate has expired, and the Senate will proceed to vote on agreeing to amendment No. 1493 offered by the majority leader. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—99

| | | |
|---|---|---|
| Abraham | Feinstein | Lugar |
| Akaka | Ford | Mack |
| Ashcroft | Frist | McCain |
| Baucus | Glenn | McConnell |
| Bennett | Gorton | Mikulski |
| Biden | Graham | Moseley-Braun |
| Bingaman | Gramm | Moynihan |
| Boxer | Grams | Murkowski |
| Bradley | Grassley | Murray |
| Breaux | Gregg | Nickles |
| Brown | Harkin | Nunn |
| Bryan | Hatch | Packwood |
| Bumpers | Hatfield | Pell |
| Burns | Heflin | Pressler |
| Byrd | Helms | Pryor |
| Campbell | Hollings | Reid |
| Chafee | Hutchison | Robb |
| Coats | Inhofe | Rockefeller |
| Cochran | Inouye | Roth |
| Cohen | Jeffords | Santorum |
| Conrad | Johnston | Sarbanes |
| Coverdell | Kassebaum | Shelby |
| Craig | Kempthorne | Simon |
| D'Amato | Kennedy | Simpson |
| Daschle | Kerrey | Smith |
| DeWine | Kerry | Snowe |
| Dodd | Kohl | Specter |
| Dole | Kyl | Stevens |
| Domenici | Lautenberg | Thomas |
| Dorgan | Leahy | Thompson |
| Exon | Levin | Thurmond |
| Faircloth | Lieberman | Warner |
| Feingold | Lott | Wellstone |

NOT VOTING—1

Bond

So the amendment (No. 1493) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Is leader time reserved?

The PRESIDING OFFICER. The leader time was reserved.

Mr. DOLE. I ask that I might use my leader time.

The PRESIDING OFFICER. The majority leader is recognized.

## THOUSANDS OF BOSNIANS FLEE

Mr. DOLE. Mr. President, just a short while ago, CNN reported that the so-called U.N. safe area of Srebrenica had fallen—Bosnian Serb tanks have reached the town center and thousands of the 40,000 Bosnians in the enclave have begun to flee.

The main argument made by the administration in opposition to withdrawing the U.N. forces and lifting the arms embargo on Bosnia was that such action would result in the enclaves falling and would lead to a humanitarian disaster. Well, that disaster has occurred today—on the U.N.'s watch, with NATO planes overhead.

If it was not before, it should now be perfectly clear that the U.N. operation in Bosnia is a failure. Once again, because of U.N. hesitation and weakness we see too little NATO action, too late. Two Serb tanks were hit by NATO planes today—hardly enough to stop an all-out assault that began days ago. As a result, in addition to thousands of refugees, the lives of brave Dutch peacekeepers are in serious danger.

Mr. President, there can be no doubt, the U.N.-designated safe areas are safe only for Serb aggression. What will it take for the administration and others to declare this U.N. mission a failure? Will all six safe areas have to be overrun first?

It is time to end this farce. It is time to let the Bosnians do what the United Nations is unwilling to do for them. The Bosnians are willing to defend themselves—it is up to us to make them able by lifting the arms embargo.

Mr. President, I have just been on the telephone with the Prime Minister of Bosnia, along with Senator LIEBERMAN, Prime Minister Silajdzic in Sarajevo. He was giving us the latest conditions in Srebrenica, one of the safe havens, where 40,000 men, women, and children are now fleeing Serb aggression. He also indicates that other safe havens are under attack, or threatened attack.

It seems to me that if there was ever a moment when we ought to have a unanimous vote in this Chamber, it ought to be when we take up the resolution to lift the arms embargo. I do not know how many times it has been on the floor, how many votes we have had. We have had strong bipartisan support. And, in my view, I think it is growing.

I am not asking about committing American troops. We are talking about giving these poor people who are being killed by the dozens every day a chance to defend themselves by lifting the arms embargo, which they have a right to do as a member of the United Nations, an independent nation under article 51 of the U.N. Charter.

The right of self-defense is an inherent right, in my view. We deny them that right by not lifting the arms embargo.

I said before, the U.N. mission is a failure. I commend the courage of the U.N. protection forces there. But it seems to me that the policy is not going to change. They have had little pin pricks and they called them air strikes. They knocked out two tanks. That was the effort by NATO. According to the Prime Minister, the U.N. representative, Mr. Akashi, waited until it was too late for the air strikes to have any impact.

So we hope to work in a very bipartisan way—or a nonpartisan way, better yet—on this issue in the next week.

I ask unanimous consent that a fax just received in the last hour from the Republic of Bosnia and Herzegovina, from the Government's prime minister, Mr. Silajdzic, be printed in the RECORD.

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

THE REPUBLIC OF BOSNIA AND HERZEGOVINA,

*July 11, 1995.*

Hon. ROBERT DOLE,
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR SENATOR DOLE: Today, the United Nations allowed the Serb terrorists to overrun the demilitarized "safe area" of Srebrenica. Helpless civilians in this area are exposed to massacre and genocide. Once and for all, these events demonstrate conclusively that the United Nations and the international community are participating in genocide against the people of Bosnia and Herzegovina.

The strongest argument of the opponents of the lifting of the arms embargo toppled today in Srebrenica. They claimed that the lifting the arms embargo would endanger the safety of the safe areas. The people in Srebrenica are exposed to massacre precisely because they did not have weapons to defend themselves, and because the United Nations did not want to protect them. Attacks are also under way against the other safe areas in Bosnia and Herzegovina.

That is why we think it is extremely important that the American Senate votes to lift the arms embargo on the legitimate Government of Bosnia and Herzegovina.

If the Government of the United States of America claims that it has no vital interests in Bosnia, why then does it support the arms embargo and risk being associated with genocide in Bosnia and Herzegovina?

It is essential that the elected representatives of the American people immediately pass the bill to life the arms embargo. This will provide a clear message that the American people do not want to deprive the people of Bosnia and Herzegovina of the right to defend themselves against aggression and genocide.

Sincerely,

DR. HARRIS SILAJDZIC,
*Prime Minister.*

Mr. DOLE. I will conclude by saying we have always had the argument that if we lifted the arms embargo, it would result in the fall of these enclaves, these safe havens, and that would lead to humanitarian disaster. That argument is gone today because it has been overrun by the Serbs. Forty-thousand people are fleeing, and other safe havens are being attacked. So that argument is gone.

It ought to be perfectly clear that the U.N. operation is a failure. Once again, because of U.N. hesitation and weakness, we see too little NATO action too late. Two Serb tanks were hit by NATO planes, hardly enough to stop the all-out assault that began days ago. As a result, the lives of thousands of refugees and of the brave Dutch peacekeepers are in serious danger. The safe areas are safe only for Serb aggression. They are not safe for anybody else—not for the poor Moslems who are there, not for the peacekeepers, or the U.N. Protection Forces. They are being taken hostage again.

So what will it take for our Government and other governments to declare this U.N. mission a failure? Will all six areas have to be overrun? Maybe it will take that much.

So it is the view of many of us—and this is not partisan —that it is time to end this farce and let the Bosnians do what the United Nations is unwilling to do for them. The Bosnians are willing to defend themselves. In fact, this letter says that it is up to us to make them able by lifting the arms embargo.

This letter says it is essential that the elected representatives of the American people immediately pass a bill to lift the arms embargo. This will provide a clear message that the American people do not want to deprive the people of Bosnia and Herzegovina of the right to defend themselves against aggression and genocide and possible massacre of thousands of civilians.

## NORMALIZATION WITH VIETNAM

Mr. DOLE. Mr. President, as anticipated today, President Clinton, in a ceremony at the White House, announced that he was taking steps to normalize U.S. diplomatic relations with the Socialist Republic of Vietnam.

In his statement, President Clinton cited progress in POW/MIA cooperation. But, unfortunately the President did not address the central issue, and that is, does Vietnam continue to withhold information and remains which could easily be provided?

The President ignored this question in announcing his decision, for the very good reason that all signs point to Vietnam willfully withholding information which could resolve the fate of many Americans lost in the war.

On Veterans Day in 1992, President-elect Clinton stated, "There will be no normalization of relations with any nation that is at all suspected of withholding any information." That was President-elect Clinton's standard. The standard was not simply cooperation.

The standard was not simply allowing field operations. The 1992 standard was at all suspected of withholding any information. No normalization if there is any suspicion of any withholding of any information. By 1994, the standard has clearly changed from suspected of withholding information to selective cooperation. As I said yesterday on the Senate floor at about this same time, if President Clinton was unable to state unequivocally that Vietnam had done all it could do, it would be a strategic, diplomatic, and moral mistake to begin business as usual with Vietnam.

President Clinton has made his decision today. Congress has no say in this decision. In the coming weeks and months, Congress will monitor the progress of relations with Vietnam. Our role will not be passive. Congress must approve any additional funds for United States diplomatic operations in Vietnam. The Senate must confirm any U.S. Ambassador to Vietnam. Any further improvement in relations will require action by Congress—granting of most-favored-nation status or beginning any operations by the Export-Import Bank, the Overseas Private Investment Corporation, or the Trade and Development Agency.

President Clinton said today that we should look to the future. I agree that we should look to the future, and examine future Vietnamese cooperation on POW/MIA issues, as well their record on human rights in the aftermath of today's announcement. But as we look to the future we should not and will not forget the past—especially the importance of doing all we can to resolve the fate of those Americans who made the ultimate sacrifice in Vietnam.

Mr. President, I yield the remainder of my leader time to the distinguished Senator from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. HELMS. Three minutes. Well, I will make haste, then.

I thank the distinguished majority leader.

## DIPLOMATIC RELATIONS WITH COMMUNIST VIETNAM

Mr. HELMS. Mr. President, President Clinton's announcement today that the United States will establish full diplomatic relations with Communist Vietnam, is a mistake, in my judgment, of the highest order. It is not timely yet. Vietnam has not earned recognition.

While the U.S. Constitution stipulates that the President is solely responsible for sending and receiving Ambassadors, Congress has the power of the purse. I fully support the able majority leader, Mr. DOLE, and the distinguished Senator from New Hampshire, Mr. SMITH, in their efforts to exercise that power by withholding funding for this normalization until all American POW's are fully accounted for.

Mr. President, Congress has the inescapable responsibility to weigh in on this decision if we believe President Clinton is wrong. And I believe him to be terribly wrong.

The President has not yet fulfilled his commitments to resolve the POW/MIA issue. The Vietnamese know much more than they are telling us about the fate of our missing American POW/MIA's. Yet, despite the $100 million we paid the Vietnamese Government each year to assist our Government in investigating those POW and MIA cases, the Vietnamese still renege on giving us a full accounting. Until the Vietnamese give us the full accounting of all missing American servicemen, it makes no sense whatsoever to confer upon them the honor of U.S. recognition.

The President insists that normalization of relations will result in the United States gaining more access to the Vietnamese Government—the more dialog, he argues, the faster they will move toward democracy. The trouble with this spurious argument is that it has been used in Washington to justify United States accommodation of Red China—and just take a look at where that policy has gotten us.

The Chinese have certainly moved toward a greater opening of their economy—foreigners can not invest fast enough, and China is taking in dollars hand over fist. But what has China sacrificed for all that Western hard currency? Has our policy of engagement persuaded the Chinese Communists to adopt any democratic reforms whatsoever?

No, to the contrary, the Chinese leadership is today more hard line and authoritarian than it has been since Mao's Cultural Revolution. Today, China is once again rounding up dissidents; they are using prison slave labor to create products for export abroad; they are executing prisoners on demand to sell their organs to wealthy foreigners; and they are enforcing a brutal forced abortion policy that has resulted in the mass execution of millions of Chinese children. Clearly United States recognition and engagement of Red China hasn't bought us any influence with the Communist thugs in Beijing. If anyone doubts this, just ask Harry Wu how much the Communist regime there values our opinion.

I think it is a disgrace that, at the same time this administration refuses to support the efforts of Taiwan—a friendly, free market democracy—to even gain admission to the United Nations, and practically had to be forced by Congress to issue a visa to Taiwan's democratically elected President for a private United States visit, they are enthusiastically conferring full diplomatic recognition on Vietnam's recalcitrant Communist dictatorship. What kind of message does that send about our Nation's priorities?

If the President insists on going through with the normalization of relations, I can only say this: as chairman of the committee that confirms ambassadorial nominations, it's going to be a tough road to confirmation for any ambassadorial nominee to Vietnam before the Vietnamese have accounted for the unresolved POW-MIA cases.

As long as Vietnam remains an unrepentant Communist dictatorship, as long as they refuse to provide all information they have about missing American servicemen, the United States should not reward their leaders by welcoming them into the community of friendly nations.

The President's announcement today is just the first step of many. The administration will have to approach Congress to discuss the conferral of benefits such as MFN, GSP, or OPIC insurance. Those will be a matter of great debate here in Congress and there is no reason for us to move on those until the Vietnamese have earned it. We should take the Vietnamese Government for what it is: a Communist one. It should continue to be treated as

such until it makes true political reform by establishing a legal code and respect for the general human rights of all Vietnamese citizens as individuals, rather than merely supporters of the State.

Vietnam has a long way to go if it wants to reestablish its position in the international community. We should not put the cart before the horse and extend them U.S. recognition before they have earned it.

I yield the floor.

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

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

## COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. GLENN. Mr. President, I ask unanimous consent that Carolyn Clark, a fellow on Senator PAUL WELLSTONE's staff, be granted the privilege of the floor during the debate and vote on S. 334, regulatory reform bill.

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

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

Mr. DOLE. Mr. President, will the Senator withhold? I think there is still some unfinished business with reference to the last amendment there, under the consent agreement.

AMENDMENT NO. 1492

The PRESIDING OFFICER. Under the previous order, amendment No. 1492 is agreed to.

The amendment (No. 1492) was agreed to.

AMENDMENTS NOS. 1494 AND 1495 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendments 1494 and 1495 are withdrawn.

The amendments (Nos. 1494 and 1495) were withdrawn.

AMENDMENT NO. 1496 TO AMENDMENT NO. 1487

(Purpose: To clarify that the bill does not contain a supermandate)

Mr. DOLE. Mr. President, on behalf of myself, Senator LEVIN, Senator HATCH, Senator ROTH, and Senator JOHNSTON, 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 Kansas [Mr. DOLE] for himself, Mr. LEVIN, Mr. JOHNSTON, Mr. ROTH, and Mr. HATCH, proposes an amendment numbered 1496 to amendment No. 1487.

On page 35, line 10, delete lines 10–13 and insert in lieu thereof: "(A) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. Nothing in this section shall be construed to override any statutory requirement, including health, safety, and environmental requirements."

Mr. DOLE. Mr. President, let me indicate to my colleagues, because I know a lot of people are wondering about the balance of the evening, we are trying to find an additional amendment or two we can bring up tonight and have votes on.

Again, let me indicate it is not very long to when the August recess is supposed to start. We would like to get some of this work done. So I think it is incumbent on all of us, if we can maybe have the Johnston amendment on thresholds offered and voted on tonight? The $50 to $100 million?

Mr. JOHNSTON. Yes. We have that ready. We can put that in.

Mr. DOLE. You will do that this evening?

Mr. JOHNSTON. We can do that.

Mr. DOLE. Mr. President, I think this amendment will be accepted. Let me just say for the record here, there is an effort to try to work these things out on a bipartisan basis. We have had some success in this area. I thank the Senator from Michigan for his cooperation. I think it does answer some of the questions that some have raised, legitimate questions. We have tried to address legitimate questions as we did in the last amendment, though I do not think the amendment was necessary—nor, for that matter, that this one is necessary. But if it helps to move the bill along, obviously we are prepared to do that.

Mr. President, opponents of S. 343, the regulatory reform bill, have repeatedly expressed concern that it would override existing laws providing for protection of health, safety, and the environment. They have made this argument despite the fact that the bill clearly states that its requirements "supplement and do not supersede" requirements in existing law.

They have made this argument despite the fact that every sponsor of S. 343 has insisted that its provisions do not override requirements of existing law.

It is ironic that this language is similar to language in other statutes, and no one seems to have had difficulty understanding the plain meaning of the phrase before. As I stated yesterday, I do not for 1 minute really believe that Ralph Nader or President Clinton's staff are unaware of the language in our bill. But it apparently is inconvenient to focus on the facts—that tends to get in the way of demonizing the bill and its supporters.

Mr. President, I, and the Senator from Louisiana, Senator JOHNSTON, and every other supporter who has spoken has made crystal clear that what we seek to achieve with this legislation is that cost-benefit criteria are put on an equal footing with requirements of existing law, where that is permitted by existing law. We do not seek to trump health, safety, and environmental criteria.

Many opponents, in the guise of criticizing what they call a supermandate, really want a supermandate in the opposite direction. That is, they want any perceived conflict between an existing statute and considerations of cost resolved in a way that would effectively deprive a cost-benefit analysis of any real meaning. There are times, as I have said—and the bill says—that such a result is appropriate. But it cannot be appropriate in all instances. Otherwise, what the opponents are really saying is that the tremendous costs to the American family—about $6,000 a year—are an irrelevant consideration.

Well, I do not think it is an irrelevant consideration to the American family. I do not think it is irrelevant to the American small or medium-sized business struggling to survive.

And it should not be irrelevant to us.

So, I reject such an extreme approach. Other opponents however, insist that they want the same thing as we do—that is, a level playing field where considerations of cost are just one part of the agency decisionmaking process, no less and no more important than the requirements of existing law. Where Congress has already spoken and stated a policy judgment that considerations of cost are not appropriate, that policy judgment would stand. Our regulatory reform legislation does not seek to change that result.

For those who have suggested that we seek the same objective, it appears that the problem is one of interpreting the current language—they have suggested that it would be more clear to state clearly that S. 343 does not override existing laws.

In my view, there is no reason not to reemphasize as clearly as possible what the bill does not do. Therefore, Mr. President, I offer an amendment making clear that the requirements of S. 343 are not intended to "override any express statutory requirements, including health, safety or environmental requirements."

This is an effort to remove any perceived confusion or murkiness in the former language, and I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the majority leader was correct. We have checked on our side of the aisle. We will be glad to accept this amendment. I do not know whether there will be other amendments to perfect this same idea here a little bit further on or not, but I think this is acceptable. I would

be glad to accept it on behalf of our side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I think this is just another illustration of how we have been trying to work together to try to resolve any conflicts on this bill. There have been over a hundred changes in the bill that we have done through our negotiations with colleagues on both sides of the aisle. We just appreciate the cooperation of Senators on both sides in doing this.

We are prepared to accept the amendment as well.

The PRESIDING OFFICER. Is there further debate on the Dole amendment? The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I would simply like to thank Senator LEVIN, Senator BIDEN, Senator GLENN, and others who have taken part in debate on this. They have identified the problem in very specific terms. This amendment deals fully and completely, in my view, with the question of the supermandate which is now laid to rest.

There is no—N-O, none—supermandate in this bill. It is made absolutely crystal clear and repeated again in this amendment.

I congratulate all concerned for getting it worked out and making it clear.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, many observers and many of us have viewed this bill as having a serious problem, which is raising the possibility that there is an inconsistency between what this bill requires and what other laws require.

This amendment addresses one part of that issue and it does it, I believe, in a useful way. That is the reason why the amendment does make a contribution to further progress on the bill.

This amendment makes it clear that if, with respect to any action to be taken by a Federal agency, including actions to protect human health, safety, and the environment, it is not possible for the agency to comply with the decisional criteria of this section and the decisional criteria provisions of other law—as interpreted by court decisions—the provisions of this section shall not apply to the action.

I have expressed my concern about this issue to the sponsors for several weeks now. I am concerned that there may be situations where the statute which is the basis for the issuance of a regulation may conflict or be inconsistent with the requirements of the decisional criteria in section 624. The sponsors say they believe that is not possible because of the way section 624 is drafted. I have not shared their confidence in that belief, but this amendment makes that now clear. Where there is an inconsistency or a conflict between the lawful requirements of the statute that is the basis for the regulatory action and the requirements of this section, the requirements of the statute that is the basis for the regulatory action govern or control.

This amendment ensures that the requirements of the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and other important environmental and health and safety laws are not altered by the decisional criteria contained in section 624. When push comes to shove, the underlying regulatory statutes are primary.

I welcome this amendment and think it does improve the bill, but I want to be clear that this is but one problem I have with the decisional criteria provisions of section 624. Other amendments are necessary in order to make this particular section acceptable, and we will be proposing those as the debate on this bill progresses.

Mr. President, let me also add on that note that I hope that the sponsors of the Dole-Johnston amendment would address the document which has now been submitted to them as of about 10 days ago, which specifies approximately 9 major issues and 23 smaller issues that a number of us have with particular language in the Dole-Johnston alternative. The Senator from Utah had requested that document when we were involved in discussions on the bill. It has been submitted as of about 10 days ago. I hope there could be a response, because, even though this amendment does address part of one of those issues, there are many other issues which I think a bipartisan effort could address and make some progress on.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, if I could respond, we are, as far as I am concerned, going to continue ongoing negotiations and keep the door open to do what we can to resolve these problems.

On many of the points that were raised, I thought the Senator from Michigan was well aware that there are objections to a number of the provisions, on both sides. So we will just keep working together and see what we can do to continue to make headway like we have on this amendment.

If we can continue to do that, we will. And we will certainly mention—where we disagree, where we disagree. But we will keep working with the distinguished Senator from Michigan, the Senator from Massachusetts, and others who were very concerned about this matter.

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

The amendment (No. 1496) was agreed to.

Mr. HATCH. 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.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think if we could now have a time agreement on the Johnston amendment, then that would let our Members know how much time they might have between now and the time of the vote.

Mr. DASCHLE. Mr. President, I have been consulting with the distinguished Senator from Louisiana. He is prepared—I will let him speak for himself—but on our side we would be satisfied with a very short timeframe, perhaps a half-hour, 45 minutes.

Mr. DOLE. An hour equally divided?

Mr. JOHNSTON. Mr. President, I would say 30 minutes, really, ought to do it. It is very straightforward. It is just a question of setting the threshold at $100 million.

I hope it is not controversial; 30 minutes would suit us fine, equally divided.

Mr. DOLE. Could we make that 40 minutes equally divided?

Mr. DASCHLE. Mr. President, 40 minutes.

Mr. DOLE. If there is no objection, when the Senator lays down his amendment, I ask unanimous consent there be 40 minutes equally divided on the amendment.

The PRESIDING OFFICER. Is there objection to the time agreement? Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 1497 TO AMENDMENT NO. 1487

(Purpose: To revise the threshold for a definition of a "major rule" to $100 million, to be adjusted periodically for inflation)

Mr. JOHNSTON. 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 Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1497 to amendment No. 1487.

Mr. JOHNSTON. 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 14, line 4, strike out subsection (5)(A) and insert in lieu thereof the following new subsection:

"(A) a rule or set of closely related rules that the agency proposing the rule, the Director, or a designee of the President determines is likely to have a gross annual effect on the economy of $100,000,000 or more in reasonably quantifiable increased costs (and this limit may be adjusted periodically by the Director, at his sole discretion, to account for inflation); or".

Mr. JOHNSTON. Mr. President, this amendment is very simple.

The PRESIDING OFFICER. Will Senators withhold? The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, this amendment is very simple. It sets the definition of a major rule at $100 million and gives to the director, at his sole discretion, the ability to adjust that $100 million for inflation.

Mr. President, $100 million has been the threshold for triggering the review of proposed major rules since the Ford administration. The effect over the years has been that $100 million now is much less.

Mr. GLENN. Could we have order?

The PRESIDING OFFICER. The Senator from Ohio is correct. Could conversations on the floor be removed elsewhere?

Would the Senate be in order, in order that debate can be heard?

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the trigger for a major rule reevaluation was begun in the Ford administration at $100 million. If we use that same amount today in value, $100 million in the Ford administration would now be worth $252 million, and in the Carter administration it would be $231 million, or in the Reagan administration it would be $154 million. In other words, this is only a fraction of the definition we have used since the Ford administration for triggering major rules.

The problem here, Mr. President, is simply one of agency overload. We are requiring these agencies any time they put out a new rule—and we think there will be probably over 135 major new rules that are in process right now at the $100 million threshold—they will have to do cost-benefit analysis, they will have to do risk assessment with peer review, and judicial review, all of those things for rules which the administration now has in process.

In addition to that, they are going to have to go back and review all rules which they select for review, all rules that cannot meet the present cost-benefit ratio, the cost-benefit test, and the risk assessment test. And the question again is what is a major rule? Is it $50 million or is it $100 million? In addition to that, you have a petition process so that any person who feels themselves aggrieved by a present rule will be able to petition to have that put on the schedule for review. It is an enormous amount of work.

So what we want to do is set this limit at $100 million for a major rule rather than at $50 million hopefully to make the amount of work to be done manageable. We do not want to kill these agencies with so much kindness or so much work that they are not able to do anything. What industry wants is to be able to get some of these rules that are burdensome and adopted without science and adopted without proper procedures. They want to get them reviewed. If you allow for a review of any rule at $50 million as opposed to $100 million, it may so overburden the agencies that they cannot do anything, that you will have gridlock, that you will not be able to do whatever one wants to do and which is to have good risk assessment, good cost-benefit analysis, good science brought into rulemaking. It is a very straightforward amendment. It simply ups it to $100 million.

I hope my colleagues are willing to accept this amendment.

I yield the floor.

Mr. ROTH. Mr. President I support the current amendment to raise the dollar threshold for major rules from $50 to $100 million. I support this amendment because it would help ensure that this bill will work for us, not against us.

The purpose of S. 343 is to ensure better, more rational regulations and to reduce the regulatory burden while still ensuring that important benefits are provided. S. 343 aims to restrain regulators from issuing ill-conceived regulations. It requires better analysis of costs, benefits, and risks, so that regulators will issue smarter, more cost-effective regulations. This is common sense reform, not rollback. We want agencies to work for the public's best interests, not against them.

But we cannot so overburden the agencies with analytical requirements that they cannot properly carry out their mission to serve the public. That is why we need a dollar threshold before requiring regulators to subject rules to detailed analysis—cost-benefit analysis and risk assessment. Costly rules, of course, merit detailed analysis. But less costly rules do not. The reason is simple. Cost-benefit analysis and risk assessment are themselves costly and time-consuming.

This is why, since cost-benefit analysis was first required by President Ford over 20 years ago, it only applied to major rules costing over $100 million. Every President since then, including Presidents Carter, Reagan, Bush, and Clinton, have used the $100 million threshold for required cost-benefit analysis. This same threshold had strong precedent in the Senate. S. 1080, supported by a vote of 94 to 0 in 1982, had a $100 million threshold. In addition, S. 291, the Regulatory Reform Act of 1995, which I introduced in January and which received the unanimous support of the Governmental Affairs Committee, had a $100 million threshold. We also should keep in mind that the current value of this $100 million threshold, set in 1974, is actually far less than $50 million in 1974 dollars.

A $100 million threshold makes sense because those costly rules account for about 85 percent of all regulatory costs. Yet, there are a limited number of such rules—about 130 rules per year for nonindependent agencies.

This means that the vast bulk of the regulatory burden can be put under control with a roughly predictable, and more importantly, manageable analytical burden. There is no good reason to have a lower dollar threshold for major rules. A $50 million threshold would sweep in many more rules but make it all the more difficult for the agencies to handle the analytical burden. We just do not really know how many new rules a $50 million threshold would capture.

Even more troubling to me have been recent attempts to further burden the agencies—which would already be pressed hard by the requirements of S. 343—with more analytical requirements beyond those of the $50 million threshold. The recent Nunn-Coverdell amendment, for example, will dramatically increase the burdens imposed by S. 343. It would sweep into the definition of major rule all rules that have a significant impact on a substantial number of small businesses, as defined by the Regulatory Flexibility Act. This could add many hundreds of additional rules, including some very small rules, to the cost-benefit and petition process of S. 343. I am deeply concerned about the burdens imposed on small business. But the Nunn-Coverdell amendment threatens to sink an already heavily loaded ship.

Raising the major rule threshold to $100 million is not enough to cure the overload problem confronting S. 343, but it will help to lighten the load. It will help make this bill a more workable and more effective bill for the American public. It is good government. I urge my colleagues on both sides of the aisle to support this important amendment.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Utah controls the time.

Mr. HATCH. I am obviously happy to yield 3 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in opposition to the amendment. I spent the better part of yesterday arguing the unique problems that small businesses have in our country. The vast majority of businesses in America are small. Ninety-four percent of the 5 million-plus businesses in America have 50 employees or less.

By elevating the threshold, I recognize that we still have the amendment that we adopted yesterday that would take rules that get swept under regflex, but nevertheless the broader application of the bill's threshold is being elevated by moving from $50 to $100

million and reducing the size of the sweep, and I think it is moving in the wrong direction.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. COVERDELL. I yield.

Mr. JOHNSTON. Actually, rules that affect small businesses—how many did we say there were, how many million in this country?

Mr. COVERDELL. About 5 million.

Mr. JOHNSTON. About 5 million. When they affect small business, they are likely to be a major rule. But we have that provided for in the Coverdell amendment of yesterday with the reg-flex, and I believe that solves that problem. What we do not want to do is get agency overload here so that those rules which are burdensome to small businesses would not then be able to get—you would not have time to get your petition done because the agency would be so overloaded with other rules. I suggest to my friend that going to $100 million is not going to be difficult for small business because you have already protected them under the Coverdell amendment, and they are likely to be $100 million rules if they have broad application to small business, in any event.

Mr. COVERDELL. In the time I have remaining, I would like to respond. I understand the point my good colleague from Louisiana is trying to make, and I do appreciate the work that the Senator has expended for many years, including this particular debate. It has been a major contribution to the country, and I commend the Senator for it.

I only assert that it is a move in the wrong direction. I agree that the amendment we adopted yesterday is a step in the right direction because it will sweep those rules that are affected by reg-flex into our system. But there can be no argument that by moving from a $50 million threshold to a $100 million threshold, we are removing protection from a class of businesses, and they will generally be smaller businesses that are affected by the full ramifications of the bill and not just reg-flex. And let me say, as I said yesterday, Mr. President, that if I am confronted with the issue of who suffers the overload or the burden, and the argument is between small businesses or medium-sized businesses or huge, mega agencies, Mr. President, I side on the equation of helping businesses that have been suffering and the ramifications that come from that suffering and not on the side of these huge agencies with millions and billions of dollars and attorneys, so many that you cannot even name them. We should be moving in the direction of protecting the people on Main Street America and not on being overly concerned about the burdens these big agencies face.

Mr. President, I yield back whatever time is left.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. HATCH. I yield to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to just address a question to the Senator from Georgia on my time, and that is I wonder if we have even talked about the impact on other governments of Federal regulations, such as our small towns across America. Our small towns are reeling from regulations that require them to go into their water supply and test for items that do not even relate to their part of the country. I just wanted to ask the Senator from Georgia if he does not think that the lower threshold is also going to be a boon to the smaller towns that might not have the ability to have legal staffs that can come up and talk to Federal agencies?

Mr. COVERDELL. The Senator from Texas is exactly right. In fact, she admonishes me in a way, because yesterday in talking about the reg-flex, or the small businesses, I did not talk enough about small cities and towns, small government jurisdictions and nonprofits. And as I said in my earlier remarks, this is just moving in the wrong direction. This is removing these smaller jurisdictions, smaller businesses from the sweep of the intent of this bill. I do not think it devastates the bill, but it is moving in the wrong direction.

Mrs. HUTCHISON. Mr. President, I, like my colleague from Georgia, appreciate what the Senator from Louisiana has done in this bill. He has worked to try to make it a good bill. But I am concerned if we raise the threshold that there might be people in that $50 to $100 million category—cities, towns, maybe counties, maybe school districts or water districts, some of our smaller entities—that really might not have the protection of the good science, of the peer review, the ability to have cost-benefit analysis and risk analysis.

I think what this bill does is so important to provide the basis upon which people will know out in the open what the effects of these regulations are, and it will have the effect, of course, of making the regulators think very carefully before they do these regulations.

Passing this bill in itself is going to have an effect on regulators in making sure that they know exactly what they are doing as they affect the small businesses of our country or, indeed, the local taxpayers of our country.

So I join with my colleagues in saying that I think it is very important that we not leave that $50 to $100 million range. In fact, I have to say if it were my choice, I would not have a range at all that was a floor. I would have from zero because I think no matter what the regulation is, if it affects your business or your small town or your water district, this is going to make a difference in the way you are able to provide jobs or serve your taxpayers.

So I do not think we should have any range that is excluded, but certainly I think the higher range is going to provide hardship for people who probably do not have the legal staffs to really have their viewpoints known as well as the people in the larger categories.

So I respectfully argue against this amendment as well, and hope that our colleagues will not have that group in the $50 to $100 million category that might not be covered by sound science, science in the sunshine, cost-benefit analysis, or risk analysis. And if it is a burden on the large agencies, then perhaps we will have the effect of fewer, more important, good regulations rather than so many regulations that do cause a hardship on our smaller entities.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I very much appreciate the contribution that the Senator from Texas has made to this effort, and I share with her completely her concern about small businesses and small towns and counties. I have been in towns in Louisiana which have been subjected to some of these incredible regulations that would fine them for doing things which just went contrary to common sense. I would sit there with the mayors of these various towns and wring my hands with them because it was so outrageous sometimes what these regulations provided. However, going from $50 to $100 million does not hurt the small towns or small businesses. It is not that by going down you exempt the smaller people. Rather, you make it possible or feasible for small counties, small towns, small businesses to have their regulations considered at all. In other words, the problem here is agency overload.

I have met at some length with Sally Katzen, the head of OIRA. She said

> You know, one of our problems here is peers. We have peer review, but how can we find enough peers to review hundreds and hundreds of regulations and have cost-benefit ratios and risk assessments, scientific determinations for these hundreds of rules which are going to be simultaneously reviewed?

And to do so by the way, in light of a budget which is now being cut in the appropriations process as we speak. It is going to be a formidable process.

So, I think that the best way to get this done is to go in the direction of where we started in the Ford administration that major rules defined in the Ford administration is $100 million. And, you know, that amounts to $300

million something—$252 million. So we have been coming down in that through the years.

I hope my colleagues will recognize this problem of overload. Look, if we are not overloaded on this process in a year or two the Senator can propose and I think the Senate would enact a lower threshold. I suspect what we are going to find is that we may be considering an upping of the threshold rather than a lowering of it simply because of the question of legislative overload. Really, if we can get this $100 million, I think it makes a better and more workable bill, one that will protect our small towns and counties and our small businesses. And I hope my colleagues will allow it to be done.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. HATCH. I will yield to the Senator.

Mrs. HUTCHISON. Mr. President, I would just like to respond briefly and say that I think it is a matter of where you err. And while the amendment of the Senator from Louisiana would err perhaps by saying that we could always lower the threshold if we found that we needed to because so many people were exempt, I would err the other way. I would say, let us set it at $50 million and make sure that every regulation that we can possibly make well thought out and well documented is, in fact, well thought out and well documented. And if we have to raise the threshold later I would rather have to do that than to have to come in and try to lower it because so many people are harassed with regulations that did not have the scientific basis and the risk analysis and the cost-benefit analysis.

So I think it is a matter of do we err on the side of doing too much or do we err on the side of doing too little? I would rather protect the people, the small business people of this country, the small towns of this country, the small water districts of this country, and then if it becomes an onerous burden on the Federal agencies I am sure we will hear about that and we can always up the threshold. But I want to make sure that every regulation that we can possibly make be well thought out, well documented in science, have a cost-benefit analysis, and in fact does have those criteria.

So, I do appreciate the position of the Senator from Louisiana. But I just think it is more important for us to err on the side of caution and protection of our small business people and our small towns than the opposite, so that people are in a threshold of $50 million than the $100 million and they do not have those well-thought-out regulations.

Mr. JOHNSTON. Mr. President, just very briefly. The reg-flex amendment which we adopted yesterday which was designed to take care of small business includes in its definition of small entity, small governmental jurisdiction, which goes on to mean government, cities, towns, townships, villages, school districts, special districts, with a population of less than 50,000, unless an agency establishes another amount. So we took care really in the reg-flex amendment of yesterday, I believe, of the concerns about small towns and cities. And frankly I had not realized that that definition was in reg-flex. But I believe that covers the Senator's concern for small towns and jurisdictions.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes and 20 seconds remaining.

Mr. HATCH. How much on the other side?

The PRESIDING OFFICER. Six minutes and 32 seconds on the other side.

Mr. HATCH. Mr. President, I am not sure from the discussion of the distinguished Senator from Louisiana that is so, because as I recall the Coverdell amendment just mentioned entities of small businesses. But we will check on it. Be that as it may, the House has listed a threshold of $25 million. The threshold in this bill is $50 million. I ask the Senator, am I not wrong on that?

Mr. JOHNSTON. This bill is $50 million.

Mr. HATCH. This particular bill's threshold is $50 million. And I have to say that all of small business throughout this country is watching this particular vote. It is going to be the vote on small business, as was the Nunn-Coverdell amendment. I understand the arguments on both sides. But frankly, with the House at $25 million, us at $50 million, there seems little or no real justification for the $100 million. So I support the $50 million threshold in Dole-Johnston-Hatch.

This is a small business measure. The whole purpose of fighting this out on the floor is to try and do it for small business people. The issue here is whether or not small businesses are going to be treated the same as larger businesses. The reg-flex act may not cover all rules that affect small businesses. As you know, the standards in that act were adopted by the Coverdell amendment. And that amendment may not cover all situations affecting small business, or at least I have been led to believe that is the case. And I still have some concerns whether small towns are covered by that amendment, individuals, small nonbusiness associations, charities. Those are all not covered by the Coverdell amendment. And should they not be protected by S. 343? And by this regulatory reform bill? I think that is what we come down to.

I would prefer to keep the threshold at $50 million. I am not going to go and weep in the corner if this amendment goes down in defeat. But I have to say—I mean, if the amendment is adopted which the distinguished Senator from Louisiana is advocating, and I understand his reasons for doing so. But I believe that small business and individuals, small towns and cities, nonprofit corporations, I might add, nonbusiness associations, do deserve the protection and the care that a $50 million threshold would give. With that, I am really prepared to yield back any time we have, or I yield the floor. And I reserve the balance of my time.

Mr. JOHNSTON. Mr. President, I would be prepared to yield back the balance of my time. Can we have a vote at this time?

Mr. HATCH. I suggest the absence of a quorum.

Mr. JOHNSTON. Will the Senator withhold? As long as we have got to wait for this, let me say that, Mr. President, this amendment is viewed very, very seriously by an awful lot of people on our side and by the administration based on this question of agency overload. I really believe, as someone who has been involved in this risk assessment now from the very start, that this is a very legitimate concern of the administration. The American Bar Association gives this question of the definition of "major rule"—it is the very first and most important criticism they have of S. 343. It is the most important criticism, or one of the most important, of the administration, one of the most important concerns over here.

Now, Mr. President, we very much need to pass this legislation. I hope my colleagues on the other side of the aisle will give us enough votes to let us pass it. This is one of those important amendments that does not in any way derogate from the importance and the central value of risk assessment, cost-benefit analysis. But it may have a lot to do with making it workable. I mean, the American Bar Association is not out to do in small businesses or small communities in our country. They are simply aware, as they say, it will sweep too broadly and, therefore, dilute the ultimate impact of the bill.

Quoting from the American Bar Association:

> This change is crucial for Association support.

That is, American Bar Association support.

We can pass a bill without the American Bar Association support, I understand that. But they are enthusiastic supporters of the concept, as I am the person who first proposed risk assessment here on the floor, but we have to make it workable. To go up to $100 million simply makes this more workable, Mr. President. Nothing could be worse

than to have this vast plethora of regulations all of a sudden dumped on agencies unable to contend with them, unable to find the peer review, unable to have budgets that will cover the cost of cost-benefit, unable to hire the scientists to do the studies to do the risk assessment, and otherwise unable to meet deadlines. That is a formula for chaos. That is why the American Bar Association thinks we ought to go to $100 million. That is why the administration thinks so, and that is why I think so.

So, Mr. President, this amendment will help pass—not only help pass and get signed into law—this legislation; it will make it workable. Everybody wants this legislation to work when and if we pass it, and I believe we are going to be able to pass it, because I think the spirit of the floor, and of the proponents, certainly the majority leader, Senator HATCH and others, has been to accommodate reasonable criticisms in the present draft of S. 343. I really believe that is true. I think the acceptance of that last amendment showed that kind of spirit, and I hope we can get that kind of spirit on this $100 million amendment. This is really a crucial amendment, as the American Bar Association has said, as the administration has said.

I have not gone along with all of the administration's criticisms of this bill. As a matter of fact, I have not gone along with most of the administration's criticisms of this bill. I think some of it may be previous versions that they are criticizing. I think some of it may be a fictitious bill that has never been offered and is not now on the floor that they are criticizing. But, Mr. President, this $100 million criticism—that is, the criticism of the $50 million being too low and the desire to go to $100 million—is right on target. It is what it takes to make this bill workable.

I beseech and implore my colleagues to let us get this limit to $100 million where the bill can be allowed to work.

Mr. President, if none of my colleagues has further debate, 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. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield such time as the distinguished Senator may need.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Utah.

I wanted to answer one point of the Senator from Louisiana on his amendment, and that is the point that the small entities would be covered under the reg-flex amendment that we adopted yesterday. In fact, the reg-flex amendment covers cost-benefit analysis, but there are many small entities that would not get the risk analysis that is covered by this bill, and these are the entities that would be lost between the $50 million and $100 million threshold.

So it is very important to the small towns and the water districts and the small businesses that they have the availability of risk analysis for sound, good regulatory bases, just as the larger entities would, and perhaps they need it even more because they do not have the legal staffs that are available in the upper echelons.

I did want to make that one point so that it was clear that we need risk analysis and the sound basis that risk analysis would provide for the $50 to $100 million category that would be left out if we adopt this amendment.

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

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. 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. HATCH. 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. HATCH. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—53

| | | |
|---|---|---|
| Akaka | Cohen | Harkin |
| Baucus | Conrad | Hatfield |
| Biden | Daschle | Heflin |
| Bingaman | Dodd | Hollings |
| Boxer | Dorgan | Inouye |
| Bradley | Exon | Jeffords |
| Breaux | Feingold | Johnston |
| Bryan | Feinstein | Kennedy |
| Bumpers | Ford | Kerrey |
| Byrd | Glenn | Kerry |
| Chafee | Graham | Kohl |
| Lautenberg | Murray | Roth |
| Leahy | Nunn | Sarbanes |
| Levin | Pell | Simon |
| Lieberman | Pryor | Snowe |
| Mikulski | Reid | Specter |
| Moseley-Braun | Robb | Wellstone |
| Moynihan | Rockefeller | |

NAYS—45

| | | |
|---|---|---|
| Abraham | Frist | Mack |
| Ashcroft | Gorton | McConnell |
| Bennett | Gramm | Murkowski |
| Brown | Grams | Nickles |
| Burns | Grassley | Packwood |
| Campbell | Gregg | Pressler |
| Coats | Hatch | Santorum |
| Cochran | Helms | Shelby |
| Coverdell | Hutchison | Simpson |
| Craig | Inhofe | Smith |
| D'Amato | Kassebaum | Stevens |
| DeWine | Kempthorne | Thomas |
| Dole | Kyl | Thompson |
| Domenici | Lott | Thurmond |
| Faircloth | Lugar | Warner |

NOT VOTING—2

| | |
|---|---|
| Bond | McCain |

So the amendment (No. 1497) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to make an inquiry now if there are any amendments on either side that can be offered so we can have another vote or two this evening?

As I understand, the Senator from Ohio indicates there are no amendments on that side.

Mr. GLENN. No amendments.

Mr. DOLE. We are looking at one from the distinguished minority leader. We have not had a chance to review that yet.

Mr. GLENN. That is correct. We thought there would be one, but you are looking at it. We will have another one ready in the morning.

Mr. DOLE. Does that mean you are about to run out?

Mr. GLENN. I would not say that exactly at this point.

Mr. DOLE. Are there any at this point?

Mr. JOHNSTON. Mr. President, if the majority leader will yield, I wonder if the majority leader would entertain an amendment at this point to make the bill not applicable to any notice of proposed rulemaking which would commence on July 1, 1995, or earlier? In other words, those on-going regulations which would still be subject to the petition process, so you would not have to go back and redo and replow all that same ground.

Do you want time to think about that?

Mr. HATCH. I think we need some time to think about that because we need to know what all the rules are that will be affected by it. But we will certainly look at that.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. If there are no——

Mr. GLENN. Will the majority leader yield? One point I would like to make, on June 28 we gave a list of 9 major concerns we had and 23 minor ones. We were told at that time that your side would get back to us as fast as possible.

We have been working through one or two—or a few of these things here today, but we have not had any answer to this. We were told that would be addressed. This is our blueprint for what we thought would make the thing acceptable. Until we can get back an answer to some of these things, I think it is going to be difficult to move ahead too fast.

Mr. HATCH. Mr. President, may I respond to the distinguished Senator? We have looked at that and we understand there are people on his side that do not like some of those suggestions. There are certainly a lot of people on our side. So what we have been trying to do is work out individual items as we can. But the vast bulk of those, we have had objections on one side or the other or both.

So, we will just keep working together with those who have submitted those to us, and see what we can do. We have made some headway almost each and every day that we have been debating this matter.

So, all I can do is pledge to keep working at it and see what can be done. But there are an awful lot of those suggestions that are not going to be acceptable.

Mr. DOLE. As I understand it, one of the nine dealt with an amendment we just disposed of.

Mr. GLENN. That is what I just said.

Mr. DOLE. There is some progress being made there, but I think it is fair to say there will be no more votes tonight.

Mr. GLENN. I would like to address this again. What we thought we were going to have is an answer to this whole package. That was the way it was originally presented. I know we dealt with a couple of these items here, but we would much prefer to see how many of these things we could get through as a package. If we could get an answer on some of these things, that will certainly help.

Mr. DOLE. Let me yield to the Senator from Utah to respond.

Mr. HATCH. I would have to say again, I thought the other side was aware of the matters that we felt we could work on and the matters we felt we could not, that there could be no agreement on. But we will endeavor to try to outline each and every item on that. But we are working with the other side. We are trying to accommodate. Today I think is good evidence of that.

We will work on it and try to get back on each and every item.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, as I understand it, there will be no further amendments offered but there will be debate on the bill. I think there are a number of colleagues on either side who wish to make statements on the bill. Hopefully, we can find some amendment that can be offered, laid down early in the morning, so we can get an early start.

Maybe in the meantime we can address some of the questions raised by the Senator from Ohio and get some response so we can move on. We would like to finish this bill tomorrow night if we could. Which we cannot.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to comment on the regulatory reform bill, S. 343, that has occupied the attention of the Senate throughout the day. I watched a good portion of the debate from my office, on television, and occasionally here on the floor. I have been interested in my senior colleague from Utah and his list of the top 10 horror stories of regulatory excess. I have been unable to gather as many as 10. My resources are perhaps not as good as my colleague's, but I want to add another to the horror stories of regulatory excess from the State of Utah, and perhaps spend a little more time on this one than the list that my senior colleague went through earlier.

I am talking about a business called Rocky Mountain Fabrication, which is located in Salt Lake City, UT. It has been operating at a site in industrial north Salt Lake since the early 1980's. It needs to expand its operations to meet the demands of an improving economy. Rocky Mountain employs about 150 people.

Its business is steel fabrication which requires the use of an outdoor yard. They have to lay out large pieces of steel that are then moved by heavy equipment. Negotiations between Rocky Mountain and EPA have been going on since 1990, nearly 5 years. They have cost the company $100,000 in legal fees and other fees connected with this fight. At the moment, a conclusion is no closer than it was when it started. There is no resolution in sight.

Here are the facts. Rocky Mountain Fabrication acquired its 5-acre site in 1981 and developed approximately 3 acres of the site. At the time, all the land was dry. If you have been to Utah, you know that is the normal pattern of land in Utah. It is part of the great American desert. In 1983, we had unusual flooding in Utah. There was a combination of a bigger than normal snow pack, a late spring. It stayed in the mountains in snow, and then suddenly a very rapid drop; a rise in temperature, and immediate thawing of all the snow, and we had runoff.

You may recall, Mr. President, and some others may recall, that we had literally a river running down the principal street of downtown Salt Lake with sandbags on either side to keep damage out of the business stores. That happened in 1983.

If you are following the EPA, you know what is going to happen next. All of a sudden, this dry land on which Rocky Mountain Fabrication had been carrying on their business became a wetland because of the unusual nature of this spring runoff. It kept happening. In 1985–86, EPA began investigating the site. In 1990, they got serious with their investigation.

Approximately 1.3 acres of Rocky Mountain's property was filled. Oh, you cannot do that. You cannot take steps to change the nature of your own property under Federal regulations. Rocky Mountain provided numerous proposals, technical studies, and other information to EPA to resolve this matter so that it can expand its business. These proposals included removing over half of the 1.3 acres filled together with mitigation in the form of a monetary donation to significant off-site projects around the Great Salt Lake, or enhancement of 30 to 50 acres of wetlands along the Great Salt Lake.

All of these proposals have been rejected by the EPA. Instead, the agency has demanded that Rocky Mountain remove 2.9 acres from its 5-acre site, which would far exceed the amount filled in 1985–86, effectively rendering the property unusable and putting the company out of business at its present location.

In response to Rocky Mountain's proposal to provide compensatory mitigation through a financial contribution to the $3.5 million offset wetland enhancement project contemplated by the Audubon Society around the Great Salt Lake, EPA officials verbally responded that any such proposal would require Rocky Mountain to contribute the entire $3.5 million cost of the project. Only that would be acceptable.

Well, $3.5 million for 1.3 acres in industrial north Salt Lake? Boy, I would love to be the landlord that got that kind of a price for selling that sort of land. It is unbelievable. But this is the best EPA can do after costs of over $100,000 to the citizen who did nothing beyond working on his own land for 5 years.

Mr. President, this is an example—we have had many of them here on this floor—of this kind of regulatory overkill.

I believe in this bill. I intend to vote for this bill, and I urge all of my colleagues to vote for this bill.

This bill will not get at the core of the problem. I hope it is a good first step toward the core of the problem, but it will not get at the core of the problem. The core of the problem, Mr. President, is this, as more and more regulators themselves are discovering: It has to do with the cultural attitude of a regulatory agency.

I ran a business. I know how important culture is to a business. The most important culture you can establish in a business is this one: The customer comes first. We exist to serve the customer. Whatever the customer asks for, whatever the customer needs, we will do everything we can to provide it. If you can get that culture in the minds of your employees and maintain it by the way you run your business, you are almost certain to have a successful business. In a regulatory agency, the culture is: The customer is lying; or, The customer is cheating; or, The customer must have done something wrong or I would not be here in this agency.

I have never dealt with a regulatory agency who came in with the notion: "I am going to conduct an investigation, and I accept as one of the possibilities the possibility that you have not done anything wrong." No, that is not in the regulatory culture.

If we could get that notion in the culture of regulatory agencies, that alone would take care of most of these horror stories, if the person doing the regulating were to say, "OK, somebody is complaining. Someone has suggested there is something wrong here. But I am here to find out the facts. That is the culture of my regulatory agency, and I come in with the understanding that you may not have done anything wrong. I am here to find out the facts."

I do not know how we pass legislation to change culture in an agency. I do not know how we accomplish this goal. But I do know that we do not get the goal accomplished if we do not start talking about it.

So that is why I have decided to add to this horror story that particular conversation. I intend, Mr. President, whenever a regulatory agency comes before any subcommittee on the Appropriations Committee on which I sit to raise this issue with them. What is the culture in your agency? Is it a culture of let us go find the facts, or is it a culture of if I am here, there must be something wrong?

Indeed, some agencies are afraid to come back from an investigation and say, "There was nothing wrong," for fear the culture in the management of the agency will say, "Well, if you could not find anything wrong with that circumstance, there must be something wrong with you as an investigator. Now go back and find something that you can fine them for. Find something you can attack them for."

In that kind of a culture, of course, you get the sense of us versus them that seems to dominate the regulatory field in this country.

So, Mr. President, as I say, I intend to vote for this bill. I urge all of my colleagues to vote for this bill. I raise horror stories like the one that I have recited, but I think the long-term solution with which all of us must be concerned must be geared at changing the corporate culture, if you will, in regulatory agencies and getting people who are working for the Government to begin to understand that taxpayers must be treated like customers. There must be a presumption that the taxpayer, that the individual citizen, that the person being investigated may just be completely innocent of any wrongdoing. That possibility must be clearly in the minds of regulators when they go out. They must not be punished if they find that that is, indeed, the case. If they come back and say, "We have conducted this investigation, and this company, this individual, we discovered has done nothing wrong," there must be no cultural opprobrium attached to that result on the part of the management of the regulatory agency. That is the most ephemeral kind of change, the most subtle kind of change, the one most difficult to accomplish but ultimately the one that must take place.

Mr. President, S. 343 will not accomplish that. We need a lot more conversation and a lot more change of attitudes throughout the entire Federal establishment to accomplish that. But S. 343 will at least send a message throughout the Federal establishment that we here in the Congress are aware of the need for those kinds of changes and we are willing to pass legislation that will move in that direction. It is for that reason I support the legislation and urge its passage.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. INHOFE. I have two announcements. First, I announce that, if I had been present and voting yesterday on rollcall vote No. 297 to this bill, I would have voted "yea." Second, if present and voting on vote No. 298, I would have voted "yea."

The PRESIDING OFFICER. The RECORD will so reflect.

Mr. INHOFE. Mr. President, what we have been talking about today is a very significant thing. It is something that we are concerned about to the extent that those of us who ran for reelection last time can tell you that this is on the minds of the American people, not just large and small businesses but individuals as well. This issue is probably the most critical issue to come before the Congress in the minds of the American public. It will redesign the regulatory process of the Federal Government.

One of the distinctions, for those of us who have served in both bodies, that is most noticeable is that over here on this side you only run every 6 years. The drawback to that is you sometimes lose contact with what people are thinking. For those of us who went through an election, Mr. President, this last time, I can assure you there are two mandates that went with that election which have to be ranked No. 1 and No. 2, and I am not sure in which order they would be.

One, of course, is doing something about the deficit, and the other is doing something about the abusive bureaucracy and the overregulation that we find in our lives. I have had this fortified since the election in that I have had 77 townhall meetings since January, and it always comes up.

The Senator from Utah was talking about the horror stories. Let me assure you there are a lot of horror stories. We have heard a lot today, and we will have heard a lot more. But I have categorized about six things that have come out of these townhall meetings which were prominent in the minds of Americans during the last elections.

They are: First, the American public wants a smaller Federal Government. Second, the public demands fewer Government regulations. Third, people want regulations that are cost effective. Fourth, they want Federal bureaucracies to quit invading their lives. Fifth, small businesses need regulatory relief to survive and create jobs. Sixth, people want the Government to use common sense in developing new regulations.

When debating and discussing this issue, most people focus on the direct cost of regulations on businesses and on the general public, which is enormous. Over $6,000 is the cost each year for each American family because of the cost of regulation. For each senseless and burdensome regulation, we have Government bureaucracies and agencies proposing, writing, enacting, and enforcing these needless regulations, and this actually drives up the national debt.

This is something that has not been discussed, and I wish to give credit to a professor from Clemson University, Prof. Bruce Yandle, who made quite a discovery. He discovered that there is a direct relationship between the deficit each year and the number of regulations.

Our Federal Register is the document in which we find the listing of the regulations. The discovery that Professor Yandle made is portrayed on this chart. This is kind of interesting because the red line designates the number of pages in the Federal Register. In other words, we are talking about the red line which goes up like this. And this out here is the peak of the Carter administration when we were trying to get as many regulations on the books before they changed guard after Ronald Reagan was the designee for President of the United States.

Now, the yellow columns here designate in billions of dollars the Federal deficit for that given year. Now, look at this; it is really remarkable. You have this line that is trailing this line going across almost exactly at the

same rate. In other words, in those years when we have a higher Federal deficit, we also have more pages of regulations.

And so I would contend to you that the best way we can address the deficit problem is to do something about the overregulation, do something to cut down the number of regulations in our society.

The bill under consideration today, the Comprehensive Regulatory Reform Act of 1995, will go a long way to meeting the concerns of the American public on needless and burdensome Federal regulations. And, as the Senator from Utah said, I would like to have this bill stronger. I think it should be stronger. But this is a compromise bill. This is one that many people on the other side of the aisle who really do not feel we are overburdened with regulation think is probably a good compromise. I would prefer to have it stronger, but it is a compromise, and it is the best we could hope for now.

I would like to outline a few of the key components of the bill, because I think we have kind of lost track of what it actually does, and then give some examples of the types of regulations that we are exposed to. As the Senator from Utah, I spent 35 years of my life in the private sector so I have been on the receiving end of these regulations. I know the costs of these regulations.

An economist the other day said, with all this talk about Japan, if you want to be competitive with Japan, export our regulations to Japan and we will be competitive.

One section of the bill is cost-benefit analysis. The bill will require the use of cost-benefit analysis for major rules, those which have gross annual effects on the economy of $50 million or more, requiring that the benefits of the rule justify the costs of the rule.

This is not the more stringent language we talked about at one time back in January of the benefits outweighing the costs, which I would prefer, but a much more neutral compromise. This is a commonsense approach to costs and benefits. If you are going to buy something for yourself at the store, you do not want to pay more than the benefits you receive from it. It is like buying a 32 cent stamp for 50 cents. You just do not do it. It is like throwing away your laptop computer at the end of each day. Smart shoppers want their money's worth, and I think the American public is entitled to get their money's worth by having some way to measure the value of these regulations.

The second area that is addressed is risk assessment. The bill would require a standardized risk assessment process for all rules which protect human health, safety, or the environment. It will require "rational and informed risk management decisions and informed public input into the process of making agency decisions." I do not see how anyone can be against making informed decisions.

This section will require the "best reasonably available scientific data" to be used and the risk involved to be characterized in a descriptive manner, and the final risk assessment will be reviewed by a panel of peers.

These are not outrageous requirements but basic justifications which should be met by the Government before it imposes costly regulations on businesses costing them millions of dollars and on American families costing them thousands of dollars.

The third area is that of the regulatory review and petition process. The bill will require each agency to review its regulations every 5 years to determine if the rule is still necessary. You know, there are a lot of agencies that are not necessary.

I can remember a very famous speech that was made one time by a man back in 1965 who later on became President of the United States. He observed in that speech, which I think should be in the textbooks of Americans today—it was called A Rendezvous With Destiny—he said there is nothing closer to immortality on the face of the Earth than a government agency. That is the way it is with regulations. They impose the regulations. Maybe the problem goes away or someone takes away that problem, but the regulations stay in. So this would require that every 5 years they look and review to see if they are still needed. If the agency decides not to rewrite a particular regulation, then members of the regulated community—those are the people that are paying taxes for all this fun we are having up here—can petition the agency to have the rule reconsidered.

Now, this will allow the public to draw attention to the needless regulations that help put Government back in the hands of the American people. Nothing unreasonable about that at all.

Then the fourth area is that of judicial review. The bill will also allow for judicial review of these new regulatory requirements. This is important because the regulated community must have some redress for poorly designed or arbitrary regulations. It is no good to require regulatory agencies to change their process if there is no one watching over to make sure that they comply with this.

I realize President Clinton and his regulatory agency heads are dead set against the provision. They did not mind that they look over everybody else's shoulders enforcing the regulatory nightmares on private citizens and the companies that are paying for all these taxes, but they do not want the judicial process to oversee them. So overall the bill will go a long way toward preventing needless and overly burdensome regulations from taking effect.

Unfortunately, there are many examples of existing regulations which have not followed this new process to help stop stupid regulation from being enacted. I would like to just highlight a couple of these, one having to do with the wetlands regulations.

The EPA and the Army Corps of Engineers have promulgated regulations which broadly define the definition of what constitutes a wetland. Under the 1989 definition, land could be dry for 350 days a year and still be classified as wetlands. And to add to some of the examples that have been made here on the floor today:

Mr. Wayne Hage, a Nevada rancher, hired someone to clear scrub brush from irrigation ditches along his property and faces up to a 5-year sentence under the Clean Water Act because it redirected streams.

Another example: Mr. John Pozsgai, a 60-year-old truck mechanic in Philadelphia, filled in an old dump on his property that contained abandoned tires, rusty cars, and had to serve nearly 2 years in jail because he did not get a wetlands permit.

James and Mary Mills of Broad Channel, NY, were fined $30,000 for building a deck on their house which cast a shadow on a wetland.

Endangered species. The Endangered Species Act has infringed upon the property rights of property owners all over the country. When 14-year-old Eagle Scout Robert Graham was lost for 2 days in the New Mexico Santa Fe National Forest, the Forest Service denied a rescue helicopter to land and pick up the Scout where he was spotted from the air because it was a wilderness area.

Mr. Michael Rowe of California wanted to use his land to build on, but it was located in a known habitat of the Kangaroo rat. In order to build, he was told—keep in mind this is his land that he owns—he was told to hire a biologist for $5,000 to survey the land. If no rats were found, he could then build only if he paid the Government $1,950 an acre in development mitigation fees. If even one rat was found, he could not build at all. This is his property, property he bought long before this thing was in effect.

Here we have the Constitution with the 5th amendment and the 14th amendment that are supposed to protect property rights without due process.

Here is Marj and Roger Krueger who spent $53,000 on a lot for their dreamhouse in the Texas hill country. But they could not build on the land because the golden-cheeked warbler had been found in the canyon adjacent to their lands.

And OSHA regulations. I remember when OSHA regulations first came out. At that time I was in business. Of

course, I was a part-time legislator in the State of Oklahoma. I was in the State Senate. I used to make speeches and take the manual that is about that thick, the OSHA Manual of Regulations to which all manufacturers had to comply, and I would speak to manufacturers' organizations. And I said, "I can close anybody in the room down." I would be challenged. "No. We run a good clean shop. You cannot close us." I would find regulations that if you were the type of inspector that would walk in, if you wanted to, you could close someone down.

You know, Mr. President, this is one of the problems we have. Years ago I was mayor of the city of Tulsa. We had about 5,000 uniformed police officers. Most of them were great. Now, you have someone who cannot handle the authority that is vested in them by law. The same is true when you get out in the field. It can happen in any bureaucracy, whether it is the EPA, the OSHA regulators, inspectors, or FAA, anyone else, certainly IRS and FDA, and the rest of them.

Anyway, the Occupational Safety and Health Administration is supposed to protect safety and health for workers. But too often the regulators at OSHA have gone overboard, costing jobs and imposing fines.

For example, OSHA regulations have put the tooth fairy out of business, requiring dentists to dispose of teeth in the same manner as human tissue in a closed container for disposal.

In Florida, the owner of a three-person silk-screening company was fined by OSHA for not having a hazardous communications program for his two employees.

Two employees of DeBest, Inc., a plumbing company in Idaho, jumped into the trench to save the life of a coworker who had been buried alive. The company was fined $7,875 because the two workers were not wearing the proper head gear when they jumped into the trench.

Mr. President, I could just go on and on as they have today with example after example of abuses that have taken place. And they are abusing the very people who are paying the taxes.

Last, let me reemphasize, this chart speaks for itself because there is a direct relationship between the deficits that we have experienced every year and the number of pages in the Federal Register which indicates the number of regulations that are in effect.

I thank the President for his time.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in support of S. 343, and appreciate the comments of my friend from Oklahoma who talked a lot about the details that are very important here, the reason for this bill. We have talked about it now for a good long time, as almost is always the case here. Nearly everything has been said, I suppose, in terms of the detail, in terms of the bill. But I would like to talk just a little bit about the fact that it is so important for us to deal with this question of regulation, overregulation.

Clearly, at least in my constituency in Wyoming, the notion of regulation and the overregulation, and the cost of regulation and the interference of regulation, is the item most often mentioned by constituents that I talk to. There is no question, of course, that we need regulation. There will continue to be regulation. And, indeed, there should be regulation. Obviously that is one of the functions of Government.

The question is not whether we have regulation or not. And I wish to comment a little, one of our associates this afternoon rose and indicated that in his view the idea of having some kind of cost-benefit analysis meant that we would no longer have clean water, that we would no longer have clean air. I disagree with that thoroughly.

I do not even think that is the issue. The issue of regulation, the issue of laws, the issue of having a clean environment, a safe workplace is not the issue. Too often we get off on that notion that somehow this bill will do away with regulation. Not so at all. We had an amendment today that said it would be a supplement to the laws and the statutes that exist and the regulations that exist.

It is designed to work in process. It deals with the process of the things that are taken into account as the regulations are developed and as the regulations are applied. So the notion that somehow the good things that have come about as a result of regulation—and, indeed, there have been and our friend cited the idea that we have a cleaner environment in many areas, that we have better water than we have had in years. That is true. That is not the issue. We are not talking about doing away with those regulations.

So I think, Mr. President, we really ought to examine what we are doing here, and the fact is we are looking for a way to apply regulations with more common sense. We are looking for a way to apply regulations with less cost. We are looking for a way to accomplish what regulations are designed to accomplish more efficiently. That is what it is all about.

I understand that there are different views. I understand that there are those who do not choose to take issues like cost-benefit ratios into account. There are those, of course, as has been the case in almost all the issues we have undertaken this year, who prefer the status quo.

But I suggest to you, if there was anything that was loudly spoken in November of 1994 it was that the Federal Government is too big, it costs too much, and there is too much regulation in our lives, intrusive in our lives, that it has to do with economy, it has to do with cost.

We already mentioned cost. Some say it ranges from $400 billion a year, more than all of the personal income tax combined, and I believe that is the case.

But we need to concentrate on what we are seeking to do, and we are seeking to make regulation a more efficient, a more useful tool.

There is a notion from time-to-time that those who seek the status quo are more compassionate, are more caring than those who want change. I suggest that is not the slightest bit in keeping with the flavor of this bill; that, indeed, we are seeking to find a way to do it better.

So, Mr. President, the 1994 elections were about change. The American people, I think, are demanding a change, demanding a regulatory system that works for us as citizens and not against us. I think there is a message that the status quo is not good enough.

For the first time in many years, frankly, the first time in years I observed Congress, certainly in the 6 years I was in the House, we have not really taken a look at the programs that are there. If programs seemed not to be effective, if they were not accomplishing much, what did we do? We put more money into it or increased the bureaucracy. We did not really take a look at ways to improve the outcome, to improve the effect to see if, indeed, there is a better way to do it. So we need meaningful and enforceable regulatory reform.

There has been a great deal of misinformation about this bill, some of it on purpose, some of it just as a matter of not fully understanding. Most of it you see on TV and talk shows, that it does not have the regulatory protection. Not true, not true. Clean water, clean air, and safe food are not negotiable. That is not the issue. This bill specifically exempts potential emergency situations from cost-benefit, and it will strengthen sound regulations by allocating the resources more wisely.

I cannot imagine anything that makes more sense, that makes more common sense than as a regulation is developed that you take a look at what you are seeking to do, how you do it, what it will cost, and what the benefits will be and seek the alternatives that are there. That is what it is all about.

It also provides an opportunity for this body, for the Congress to take a look at regulations as they are prepared by the agencies. We did this in our Wyoming Legislature. It was a routine: The statutes were passed, the agencies developed regulations to carry them out, and there was an oversight function before those regulations were put into place to see if, indeed, they carried out the spirit of the statute, to see if, indeed, they were doing what

they were designed to do. Unfortunately, there, too, we did not have a real analysis of the cost-benefit ratio, and I think that is terribly important.

So we talk about compassion, and sometimes those who want to leave things as they are accuse those who want change of not caring. It seems to me that when overregulation puts someone out of work, that is not very compassionate. When we put a lid on the growth of the economy, that is not very compassionate. When we take people's property without proper remuneration, that is not very compassionate.

So we are designed here to do some of those things. It seems to me we have particular interest in the West where 50 percent of our State, for example, is managed and owned by the Federal Government. So we find ourselves in nearly everything we do, whether it be recreation, whether it be grazing, whether it be mining and oil, with a great deal of regulation that comes with Federal ownership.

Much of it is not simply oriented in business. We talked a lot about business because I suppose, on balance, they are the largest recipients of overregulation. Let me tell you, the small towns are also very much affected. We had several instances recently in the town of Buffalo, WY, where they are seeking to develop a water system, in one instance, on forest lands. So they have to deal with the Forest Service to begin with, and then they have to deal with the EPA, and then they have to deal with the Corps of Engineers and finally are turned down entirely and have to start over—millions of dollars of costs to a small town.

It has nothing to do with whether they are going to have a clean water supply. It has to do with whether or not there can be a cost-benefit ratio of what is going on, whether there is a risk assessment, and that is what this is designed to do.

So, Mr. President, our effort here, I think, is a laudable one. I am excited about it. I think we can finally do some things that have needed to be done for a very long time and, I think, do them in a sensible way and preserve the reason for regulation, preserve the environment, preserve the water quality, and do it in a way that is more effective, more cost-effective, more user friendly than in the past.

I rise in strong support of this bill and, frankly, hope we can move to a speedy, successful conclusion.

Mrs. BOXER. Mr. President, one of the primary functions of Government is to protect the public's health and safety. The purpose of the Federal regulatory process is to improve and protect the high quality of life that we enjoy in our country. Every day, the people of our Nation enjoy the benefits of almost a century of progress in Federal laws and regulations that reduce the threat of illness, injury, and death from consumer products, workplace hazards, and environmental toxins.

As the year 2000 approaches, Americans can look back with immense pride in the progress we have achieved in protections of our health and safety.

The economic benefits derived from Federal safeguards such as the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA], the Food, Drug and Cosmetic Act, and the National Highway and Traffic Safety Act, are incalculable.

The National Highway and Traffic Safety Administration and the Federal Highway Administration estimate that Federal safety rules have resulted in a net gain to the economy of $412 billion between 1966 and 1990. According to the Department of Labor, workerplace safety regulations have saved at least 140,000 lives since 1970. The Consumer Product Safety Commission estimates that standards in four product categories alone save at least $2.5 billion a year in emergency room visits.

While I recognize the tremendous benefits and value of our health and safety laws, I also recognize many instances where Federal agencies have ignored the costs of regulation on businesses, State and local governments, and individuals, who as a result feel that they are being put upon—and rightly so.

This is why we need regulatory reform.

WE NEED REGULATORY REFORM

Mr. President, I firmly believe we need regulatory reform. I believe that all Senators on both sides of the aisle feel very strongly about the need for regulatory reform. Not one of us in the Senate wants the status quo. Regulatory reform is not a partisan issue. At issue this week will be what kind of reform we achieve. We need regulatory reform that will create a regulatory process that is less burdensome, more effective, and more flexible. We need regulatory reform that provides reasonable, logical, and appropriate changes in the regulatory process that will eliminate unnecessary burdens on businesses, State and local governments, and individuals. We need regulatory reform that maintains our Federal Government's ability to protect the health and safety of the American people.

Mr. President, I am committed to the goal of purging regulations that have outlined their usefulness, that are unnecessarily burdensome, or that create needless redtape and bureaucracy.

I believe that Federal agencies should issue only those rules that will protect or improve the well-being of the American people and I am committed to regulatory reform that will ensure this.

For these reasons I am an original cosponsor of the Glenn-Chaffee bill S. 1001, the Regulatory Procedures Reform Act of 1995.

EXAMPLES OF THE KIND OF REGULATORY REFORM WE NEED

Last year, I pushed a bill through the Senate to allow the city of San Diego to apply for a waiver from certain Clean Water Act regulations.

Scientists at the National Academy of Sciences and the Scripps Institute of Oceanography informed us that the regulations mandating that the city treat its sewage to full secondary level were unnecessary to protect the city's coastal waters.

Compliance with those regulations, put in place to protect inland lakes, rivers, and streams, would do little to protect the marine environment but would cost San Diego over $1 billion.

My bill allowed the city to seek a waiver which is not available under current law, giving San Diego the flexibility it needs to protect the marine environment and to focus its resources on other environmental priorities.

The Environment and Public Works Committee, of which I am a member, is currently working on the reauthorization of the Safe Drinking Water Act, the Clean Water Act, other environmental statutes and we are very aware that we need to be mindful of situations like San Diego's—situations where a regulation that makes sense in one place makes little or no sense in another.

For example, under the current Safe Drinking Water Act, EPA may have to issue a rule on radon in drinking water. Radon is a known carcinogen and should be regulated. But in the case of a city like Fresno, CA, the costs of compliance with such a regulation could be staggering. Unlike many cities which have a single drinking water treatment plant, Fresno relies on water from over 200 wells, each of which would require its own Radon treatment facility.

Meeting the EPA's proposed Radon rule could cost the city of Fresno several times what it would cost other cities—over $300 million, an amount the city tells me is simply not available. We will, therefore, work to come up with a solution that protects public health, but doesn't drive cities like Fresno to bankruptcy.

Mr. President, it is our job to fix these problems, to make changes to eliminate the unintended consequences of good laws. The best way to avoid unnecessary, costly, and burdensome regulations is to ensure that the agency analysis of the proposed regulation is based on sound science and reasonable policy assumptions. An agency must consider the costs and the benefits of a regulation, and the possibility for alternative regulatory solutions or no regulation at all.

With this in mind, President Clinton issued Executive Order 12866 in September 1993. The Executive order emphasizes that while regulation plays an

important role in protecting the health safety and environment of the American people, the Federal Government has a basic responsibility to govern wisely and carefully, regulating only when necessary and only in the most cost-effective manner.

Can risk assessment and cost-benefit analysis be useful tools to make our regulations more efficient and less burdensome? Yes; and under President Clinton's September 1993 Executive order on regulatory planning and review, the Federal Government is using these tools appropriately and responsibly. Unlike the Dole bill, the President's Executive order does not mistake a sometimes useful tool for the whole tool-box.

As former Senator Robert Stafford—the chairman of the Environment and Public Works Committee when Republicans controlled the Senate in the 1980's—put it:

> We did not abolish slavery after a cost-benefit analysis, nor prohibit child labor after a risk assessment. We did those things because money was only one way of expressing value—and sometimes it is the least important.

When money becomes the only measure of value—as it would under the Dole bill—we are in danger of losing the things in life that really matter. You can't put a price on saving lives, preventing birth defects, avoiding learning disabilities, preserving national parks, or saving the ozone layer. Under the Dole-Johnston bill, the ability of our laws to protect public health and safety would depend upon a bureaucrat's estimate of the dollar value of a child's learning disability, the pain of cancer, or the loss of a life in an aircraft accident.

Mr. President, ultimately our responsibility as legislators is to improve the lives of all the American people, not just the bottom line of the corporations.

THE DOLE BILL IS NOT A RESPONSIBLE REGULATORY REFORM BILL

Republicans know they can't risk the potential political consequences of an open attack on our environmental health and safety laws. One of their own pollsters, Luntz Research and Strategic Services, recently completed a poll on regulatory reform that asked: Which should be Congress' higher priority: cut regulations or do more to protect the environment? Twenty-nine percent said cut regulations. Sixty-two percent said protect the environment. The pollster goes on to comment:

> This question is here as a warning . . . The public may not like or admire regulations, may not think more are necessary, but puts environmental protection as a higher priority than cutting regulations.

They have come up with an ideal back-door solution: This week we will spend many hours debating the proposal forwarded to the Senate by the majority leader, Senator DOLE, that will, in the name of regulatory reform, seriously undermine existing health, safety, and environmental laws and seriously weaken our ability to respond to current and future health, safety, and environmental problems. Supporters of the Dole-Johnston bill are clearly not listening to the American people.

Unfortunately, Mr. President, the Republican proposal before us today is unashamedly aimed at our public health and safety and environmental laws in the name of special interests.

It is a direct attack by the Republican majority on the laws and regulations that protect America's natural resources, including those we take most for granted—laws that protect our clean air and water and safe drinking water. It is a direct attack on the laws and regulations that protect the health and safety of the food and the medicines we buy every day, the toys we give to our children, the cars we drive, the places where we work.

Supporters of Dole-Johnston will claim again and again over the course of this week, that it is only aimed at stopping regulatory excesses and at making the Federal Government justify the costs of the regulations it imposes. They will say that the Dole-Johnston bill is aimed at restoring common sense to the regulatory process. All this bill does, they will say, is make the Government responsible by making agencies consider the costs as well as the benefits of regulations. To be opposed to this bill they will say is to defend inefficient, irrational agency decisions.

Mr. President, the Dole-Johnston bill is not regulatory reform in the name of efficiency and good government, it is regulatory gridlock in the name of special interests and corporate polluters.

Republicans insist this bill is revolutionary regulatory reform. The title of the Dole/Johnston bill is the Regulatory Reform Act of 1995. I think we should rename it for what it is—the Lets Put Special Interest Profits Before Health and Safety Act, or The Regulatory Gridlock Act, or The Polluters Protection Act, or The Special Interest Litigation Act.

I support regulatory reform that will create a regulatory process that is less burdensome, more effective, and more flexible. I support regulatory reform that provides reasonable, logical, and appropriate changes in the regulatory process that will eliminate unnecessary burdens on businesses, state and local governments, and individuals. I support regulatory reform that maintains our Federal Government's ability to protect the health and safety of the American people.

Unfortunately, the Dole/Johnston bill does not achieve these goals.

The Dole/Johnston bill's definition of major rule to mean a rule—or a group of closely related rules—that is likely to have a gross annual effect on the economy of $50 million or more in reasonably qualitifiable direct or indirect costs will greatly increase the burden of our agencies. Just about any rule can be made out to have a $50 million gross effect on the economy in reasonably qualitifiable—direct and indirect—increased costs. I seriously question whether the enormous number of regulations that could be swept in under this standard will benefit, and whether resources spent on the cost-benefit analysis will be well spent. Perhaps we should subject the provisions of the Dole bill to a cost-benefit analysis.

With its petition process and look back provisions, the Dole bill will allow any well financed bad actor to paralyze an agency by flooding it with petitions. This would prevent the agency from spending resources on developing new rules, and from reviewing old rules—forcing a stay on enforcement and the eventual sunset of rules.

Its provisions on so called supplemental decision criteria create a supermandate. Supporters of Dole/Johnston deny this claim. They insist that the intent is not to supersede but to supplement the decisional criteria in other statutes. However, the bill clearly overrides other statutes including our health, safety, and environmental laws because the supplementary standards would still have to be met. The Dole bill goes well beyond sensible reform by establishing a goal that is absolutely at odds with our responsibility to improve the well-being of all the American people. It says that we should protect only those values that can be measured in dollars and cents—it is a corporate bean-counter's dream. Forget about saving lives, forget about getting poison out of our air and water, forget about preventing birth defects, infertility, and cancer—if it you can't put a pricetag on it, it doesn't count.

Its provisions on the toxic release inventory will significantly undermine a community's right to know who is polluting and what kind of toxics are being released into the air. TRI is an effective cost-saving tool: Public scrutiny as a result of the information released under the 1986 Emergency Planning and Community Right to Know Act has often prompted industry to lower pollution levels without the need for new Government regulations.

All in all, Mr. President, the Dole/Johnston bill is a prescription for no Government protection. It does exactly the opposite of what's advertised.

Another key aspect of the Dole/Johnston bill is how it will affect our ability to respond quickly to public health, safety, and the environment.

The Dole bill will further delay the rulemaking procedures of the agencies of the Department of Transportation, particularly their ability to respond

promptly with new safety requirements.

Many of the safety rules, particularly at FAA, already take too long. As the FAA clearly knows, I have been concerned about air cabin safety since a 1991 crash at Los Angeles airport when 21 passengers died in a fire while trying to exit the aircraft. We urged the FAA to require that the seat rows at the overwing exist be widened. The agency had known since a 1985 crash in England that this was a problem, but it was not until 1992, 7 years after the crash in England and nearly 1 ½ years following the Los Angeles tragedy did the agency issue a final rule.

If these bills had been in law then, I would not be surprised to still be waiting for the completion of the risk assessment and cost-benefit analysis for this rulemaking. And the families of 21 passengers who died in the Los Angeles crash would still be waiting to know if any good had come out of their tragedy.

Mr. President, we currently have critically important regulations on e-coli, cryptosporidium, and mammograms that will grant the American people much needed health and safety protection. The Dole/Johnston bill would delay and possibly prevent the issuance of these regulations.

As the bill now stands, only those rules which represent an emergency or health or safety threat that is likely to result in significant harm to the public or natural resources would be exempt from the new requirements.

There is no definition of the terms "significant" or "likely" in the bill, making it unclear whether existing environmental and health regulations qualify for an exemption.

The Dole/Johnston bill has an exemption for health and safety regulations that protect the public from significant harm, but it does not define the term "significant."

If one child dies as a result of eating contaminated meat, does that pose a significant harm to the public? It's certainly significant to the child's parents and to others who ate at the same restaurant or bought meat at the same grocery store.

If a person with a weakened immune system—for example, a cancer patient, an organ transplant recipient, an individual born with genetic immune deficiencies, or a person infected with HIV becomes ill and dies from drinking water infected with cryptosporidium. Will the Dole bill let our agencies determine that cryptosporidium poses a significant harm, to the public? What if 104 die as they did in 1993 in Milwaukee?

If a woman has her mammogram read by someone who is poorly trained in mammography, is it of significant harm to the public? It's certainly significant to the woman if that person fails to detect a cancerous lump and to other women who have mammograms at that facility.

E-COLI

According to the Centers for Disease Control, E-coli in food makes 20,000 people severely ill every year and causes 500 deaths; that's more than one death every day. Young children and the elderly are particularly vulnerable. There is clearly an urgent need for additional protection.

In January 1995, the U.S. Department of Agriculture proposed a new rule that will modernize our food safety inspection system for the first time since 1906 by requiring the use of scientific testing to directly target and reduce harmful bacteria.

Currently, meat inspectors do just as they did in 1906 to check for bad meat—they poke and sniff. No scientific sampling is required. Handling meat safely once we purchase it is not enough.

The proposed regulation would require keeping meat refrigerated at more steps during its processing, better procedures to prevent fecal contamination, and testing to be sure that pathogens like e-coli are controlled.

What are the estimated benefits of this legislation? The preliminary impact analysis by the USDA concluded that health benefits to the public would total $1 billion to $3.7 billion. The estimated cost of implementation of the regulation would be $250 million per year for the first 3 years. I am aware of the concerns of small business about the potential impact of this regulation and I would urge the USDA to do everything possible to mitigate the potential impact as effectively as possible rather than delay the rule.

The USDA held 11 public meetings, two 3-day conferences, and received detailed comments from the National Advisory Group for Microbiological Criteria in Food.

The Dole/Johnston bill would, among other things, require a new peer review process which would cause a 6-month delay. Add to this that fact that the Dole/Johnston peer review panel would not exclude individuals who have a conflict of interest.

CRYPTOSPORIDIUM—SAFE DRINKING WATER

We have to ensure that one of the most fundamental needs of any society—safe drinking water—is available to all Americans.

Public health continues to be threatened by contaminated drinking water. Under the current law that is being criticized as overly costly and burdensome—a law approved by a Republican controlled EPW Committee, passed by a vote of 94–0 on the Senate floor and signed into law by President Ronald Reagan—people all across America have been getting sick and even dying from drinking tap water.

In 1987, 13,000 people became ill in Carrollton, GA as a result of bacterial contamination in their drinking water. In 1990, 243 people became ill and 4 died as a result of E-coli bacteria in the drinking water in Cabool, MO. In 1992, 15,000 people were sickened by contaminated drinking water in Jackson County, OR. And 1 year ago, 400,000 people in Milwaukee became ill and 104 died as a result of drinking the water from their taps which was infected with cryptosporidium.

A recent study completed by the Natural Resources Defense Council "You Are What You Drink" found that from a sampling of fewer than 100 utilities that responded to their inquiries, over 45 million Americans drank water supplied by systems that found the unregulated contaminant Cryptosporidium in their raw or treated water.

The solution? According to a Wall Street Journal article by Tim Ferguson on June 27 titled "Drinking-Water Option Comes in a Bottle", the solution is for the American people to drink bottled water. He says:

> Sellers (of bottled water) * * * have taken water quality to a new level in a far more efficient manner than a Washington bureaucracy is likely to do. Let us unscrew our bottle caps and drink to the refreshment of choice.

On June 15, 1995, two Federal agencies, the Environmental Protection Agency and the Centers for Disease Control and Prevention [CDC] warned that drinking tap water could be fatal to Americans with weakened immune systems and suggested that they take the precaution of boiling water before consuming it.

Dennis Juranek, associate director of the division of parasitic diseases at the Centers for Disease Control and Prevention said: "We don't know if the level of (cryptosporidium) in the water poses a public health threat, but we cannot rule out that there will be low level transmission of the bacteria" to people who consume the water directly from the tap.

The CDC estimates that up to 6 million Americans could be affected because they have weakened immune systems: 3 to 5 million cancer patients, organ transplant recipients and individuals born with genetic immune deficiencies, and 1 million persons infected with HIV.

EPA is working on new regulations called the Enhanced Surface Water Treatment Rule to better protect the public's drinking water against cryptosporidium.

The Dole/Johnston bill would delay and possibly prevent the issuance of the Enhanced Surface Water Treatment rule—it would restrict risk assessment to consideration of a best estimate of risk, defined as the average impacts on the population. It would ignore the potential health effects of drinking water contaminants upon children, infants, pregnant women, the elderly, chronically ill people, and other persons who have particularly

high susceptibility to drinking water contaminants.

According to the EPA, the Dole bill could preclude the timely data-gathering necessary to support the new proposed regulation. It could force EPA into a catch-22, in which data gathering cannot proceed without a cost-benefit analysis that in the Dole bill requires up-front, the very data the EPA would need to collect. Even if the EPA was allowed to proceed with data collection, the Dole bill's elaborate, inflexible, time consuming risk assessment and cost-benefit analysis procedures would further hamper the EPA from taking effective and timely action with which the regulated community concurs, through negotiated rulemaking, to address the emergent threats of newly recognized waterborne diseases.

MAMMOGRAPHY REGULATIONS

The Mammography Quality Standards Act [MQSA] is an example of a good and necessary regulation which would be seriously delayed and undermined by the Dole bill.

MQSA establishes national quality standards for mammography facilities, including the quality of films produced, training for clinic personnel, record-keeping and equipment.

The law was passed to address a wide range of problems at mammography facilities: poor quality equipment, poorly trained technicians and physicians, false representation of accreditation, and the lack of inspections or governmental oversight.

One in nine women are at risk of being diagnosed with breast cancer in her lifetime. Breast cancer is the most common form of cancer in American women and the leading killer of women between the ages of 35 and 52. In 1995, an estimated 182,000 new cases of breast cancer will be diagnosed, and 46,000 women will die of the disease. Breast self-examination and mammography are the only tools women have to detect breast cancer early, when it can be treated with the least disfigurement and when chances for survival are highest.

The quality of a mammogram can mean the difference between life or death. If the procedure is done incorrectly, and a bad picture is taken, then a radiologist reading the x-ray may miss seeing potentially cancerous lumps. Conversely, a bad picture can show lumps where none exist and a women will have to undergo the trauma of being told she may have cancer—a situation known as a false positive.

To get a good quality mammogram you need the right film and the proper equipment. To protect women undergoing the procedure, you also need the correct radiation dose.

In 1992, Congress passed the Mammography Quality Standards Act in order to establish national quality standards for mammography facilities. At the time, both the GAO and the American College of Radiology testified before Congress that the former patchwork of Federal, State, and private standards were inadequate to protect women.

There were a number of problems at mammography facilities: poor quality equipment, poorly trained technicians and physicians, a lack of regular inspections, and facilities which told women they were accredited when in fact they were not.

The Mammography Quality Standards Act was passed to address these serious problems. Women's health and lives are at stake with this procedure. Quality standards are needed to ensure that they are getting the best care possible. Final regulations for the Mammography Quality Standards Act are expected in October. If the Dole bill passes, such regulations could be delayed for years. Women would see their health care diminished. Ten years ago a survey by the Food and Drug Administration found that over one-third of the x-ray machines used for mammography produced substandard results. We cannot go back. It is time for national quality standards.

CONCLUSION

Mr. President, I would like to conclude my remarks by saying again that supporters of the Dole/Johnston bill are clearly not listening to the American people. The Dole/Johnston bill is a back door attack on our existing health, safety and environmental laws and will seriously weaken our ability to respond to current and future health, safety and environmental problems.

The American people want regulatory reform that will create a regulatory process that is less burdensome, more effective, and more flexible. The American people want regulatory reform that provides reasonable, logical, and appropriate changes in the regulatory process that will eliminate unnecessary burdens on businesses, State, and local governments and individuals. The American people want regulatory reform that maintains our Federal Government's ability to protect the health and safety of the American people.

In summary Mr. President, the American people want the passage of the Glenn/Chafee regulatory reform bill.

## MORNING BUSINESS

Mr. DOLE. Mr. President, I ask there now be a period for routine morning business with Members permitted to speak for not more than 10 minutes each.

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

Mr. BIDEN addressed the Chair.

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

Mr. BIDEN. Mr. President, I ask unanimous consent that I be allowed 12 minutes in morning business.

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

## THE FALL OF SREBRENICA

Mr. BIDEN. Mr. President, I rise tonight to deplore the fall of the Bosnian town of Srebrenica.

Almost 2 years ago, when Srebrenica was under siege in the despicable policy of ethnic cleansing, instigated by President Milosevic of Serbia and executed by General Mladic and the leader of the Bosnian Serbs, Mr. Karadzic, I met with Mr. Milosevic to attempt to get into Srebrenica. I was unable to do that and went on up to Tuzla where hundreds, eventually thousands, of Bosnian Muslims and Croats were fleeing for their lives with all of their possessions on their back and their families in tow.

I met in Tuzla with a man and a woman in their early forties who told me they had to make a very difficult decision as they fled over the mountains into Tuzla from Srebrenica, because they could not get back in. And I was wondering what that terrible decision was they were about to tell me. They pointed out they had left to die on the mountain top in the snow the man's elderly mother who was 81. They had to choose between taking their kids, or their mother-in-law, or no one making it.

The Bosnian Serb aggression and Serbian aggression—I know I sound like a broken record, I have been speaking about this for 2 years—seem to cause very little concern in this country and the world.

Mr. President, I think it is time for an immediate and fundamental change in our policy in the former Yugoslavia. Mr. President, the news this morning that the Bosnian Serbs have overrun, finally, Srebrenica, one of the United Nations' so-called safe areas, puts the final nail in the coffin of a bankrupt policy in the former Yugoslavia, begun by the Bush administration and continued with only minor adjustments by the Clinton administration.

Given the feckless performance of the United Nations in Bosnia, it is no surprise that the Bosnian Serbs continue to violate several United Nations resolutions, and do it with impunity, and then thumb their nose at the entire world and the peacekeeping force there.

In Srebrenica, the United Nations first disarmed the Bosnian Government military. I want to remind everybody of that. The Bosnian Government military was in Srebrenica, as in other safe areas, fighting the onslaught of Serbs who were employing heavy artillery. The solution put forward by the United Nations, after having imposed an embargo on the Bosnian Government, was

to go in and take the weapons from the Bosnian Serbs, the Bosnian military in Srebrenica, in return for a guarantee of protection for six safe areas. That was the deal.

It was supposed to be putting the city and the surrounding areas under the protection of the United Nations. Then the United Nations, of course, did not live up to its half of the bargain. Its blue-helmeted peacekeepers were kept lightly armed and, as a consequence, unable to withstand a Bosnian Serb onslaught. NATO air strikes were called for by the Dutch blue helmets. The United Nations concluded that this was not a good time to do that. NATO air strikes were eventually called in too late to have any effect. The safe area of Srebrenica proved to be safe only for Serbian aggressors.

Srebrenica was filled with thousands of Muslim refugees from elsewhere in eastern Bosnia, the victims of the vile Serbian practice that they refer to as ethnic cleansing, the very people the United Nations pledged to protect in return for them giving up what few weapons they had. The United Nations defaulted on its honor. It has disgraced itself. And these pathetic souls, already once driven from their ancestral homes, are now reportedly fleeing Srebrenica to an uncertain fate in undetermined locations, and I expect many will meet the fate of that family I visited in Tuzla a year and a half ago.

Could the United Nations have saved Srebrenica? Of course it could have, if it only allowed NATO to do its job promptly and fully. Perhaps the most frustrating and maddening aspect of the entire catastrophe is the fact that the Bosnian Serbs were able to defy NATO, which has been hobbled by being tied to the timorous U.N. civilian command, led by Mr. Akashi.

Mr. President, we must immediately change the course of our policy in the former Yugoslavia. First of all, as I and others have been saying in this Chamber for more than 2 years, we must lift the illegal and immoral arms embargo on the Government of Bosnia and Herzegovina. A resolution to that effect, which I am cosponsoring, will be introduced next week. I am confident that it will pass with a comfortable majority.

Mr. President, the fall of Srebrenica has given the lie to pundits in the United States—but especially in Western Europe—who have ceaselessly issued dire warnings that if the United States would unilaterally lift the arms embargo, the Bosnian Serbs would then overrun the eastern enclaves.

Well, Mr. President, apparently, someone forgot to explain this causal relationship to the Serbs. I suppose the apostles of appeasement will now say that if we lift the embargo, the Bosnian Serbs will overrun the remaining two enclaves, or maybe Sarajevo, or maybe Western Europe. After all, Mr. President, we have been led to believe that we are facing a juggernaut. That is nonsense. We are talking about a third-rate, poorly motivated, middle-aged force that has to dragoon its reserves from the cafes of Belgrade to fight.

In reality, of course, this tiresome rhetoric has been a smokescreen for doing nothing, for sitting back and watching this vile ethnic cleansing, mass rapes, cowardly sniping at children, and other military tactics at which the Bosnian Serbs excel. "How regrettable," the appeasers say publicly. "But as long as these quarrelsome south Slavs contain their feuding to Bosnia," they add, "then it is nothing to get too exercised about."

Well, Mr. President, it is something to get exercised about. The geostrategic reality of the 21st century is that the primary danger to peace will most likely come from regional ethnic crises. We must not allow cold-blooded aggressors like Karadzic and Milosevic to get away with their terrorism. Europe, unfortunately, has other potential Karadzics and Milosevics.

After we lift the arms embargo on Bosnia and Herzegovina, we should immediately put into place a program to train Bosnian Government troops, probably in Croatia.

We should make clear that we are not neutral parties in this conflict, we are on the side of the aggrieved party, the Bosnian Government.

This does not require a single American soldier to set foot in Bosnia and Herzegovina. I have been told time and again that these folks cannot defend themselves. Well, of course they cannot defend themselves, they have no weapons.

We should make it clear, Mr. President, that we are no longer signing on to this incredible policy that has been promoted in Europe.

We should call an emergency session of the North Atlantic Council and tell our allies that NATO must immediately remove itself from the U.N. chain of command in the former Yugoslavia. The conflict there already constitutes a clear and present danger to the European members of the alliance. NATO does not need the blessing of the United Nations to protect its members' vital interests.

Furthermore, we should restate to our NATO allies who have peacekeeping troops in Bosnia and Croatia that we will stand by President Clinton's commitment to extricate them, but only if the entire operation is under the command of the Supreme Allied Commander in Europe, a United States general, and only if the operation is fully conducted under NATO rules of engagement.

We should give immediate public warning to the Bosnian Serbs and their patrons in Belgrade that any further locking-on of radar to American planes flying over Bosnia will be cause for total destruction of the Bosnian Serb radar facilities, which is fully, totally within our capacity to do. Serbia should be given fair warning that if it tries to intervene, it, too, will receive immediate and disproportionate attacks on Serbia proper.

There is no reason why our British, French, Dutch, and other NATO allies should object to this policy. If, however, Mr. President, they do not wish to follow our lead, then we should remind them that four years ago they wanted to handle this southern European problem themselves. And we should say, "Well, good luck, it is now your problem, handle it."

I do not think for a minute, Mr. President, they will take on that responsibility. It is about time this President and this administration understands that we either should do it our way or get out.

Mr. President, nothing good can come out of this latest fiasco in Bosnia. The United Nations has been definitively discredited. NATO has been defied. As usual, defenseless and blameless Bosnian Muslims have been brutalized.

This madness must stop, Mr. President. We must change our policy immediately. Tomorrow is not soon enough.

I yield the floor.

Mr. THOMPSON. Mr. President, I want to join in the comments of my distinguished colleague from Delaware. I could not agree with him more concerning the events of recent hours, and as far as our policies are concerned concerning those events in that part of the country.

What concerns me most about all of this is the credibility of the United States of America. I am beginning to wonder if we have any credibility in any part of the world anymore.

Following the disastrous U.N. lead, and to a certain extent the NATO lead there, not getting them to go along with sound policies and lifting the arms embargo with their cooperation, one sad tale after another, we have gone down a road of totally participating in the discrediting of the United Nations, of NATO, and our own country.

I think that the first step toward rectifying that certainly is not putting our own troops in there, but letting the people defend themselves, which is all they say they want to do, lifting that arms embargo, stepping back and saying, "It is your problem. You solve it. You take care of it."

That is what they deserve to do. We cannot afford to stand by, through our policies, and let this murderous activity go on, and say to the world that we, the strongest power in the world, supposedly are going to countenance that sort of thing and not use the many resources, short of troops on the ground,

that we have, to do something about such terrible activities.

## COMPREHENSIVE REGULATORY REFORM ACT

Mr. THOMPSON. Mr. President, I rise tonight in support of S. 343, the Comprehensive Regulatory Reform Act of 1995. This bill is an essential part of our effort to make the Federal Government run more efficiently and effectively, and curtail its ability to impose unnecessary burdens on the American people.

We have already enacted laws that will reduce unfunded mandates and the burdens of paperwork on State and local governments, as well as the average citizen. We are moving decision-making back to the States in many important areas, because the States are closer to the people and to the problems that need to be solved. We are making real progress toward eliminating Federal departments and agencies that no longer serve a useful purpose. Most importantly, we are well on our way to requiring that the Federal Government live within its means in the form of a balanced budget.

This bill is the next logical step in this process of rethinking the role of the Federal Government in everyday life. This bill's message is very simple. It says: let Members make sure that the Federal Government adequately protects the health and safety of every American. But, also make sure that, when agencies develop regulations to provide that protection, those regulations are founded in good, common sense. Get out of the mindset that the Federal Government needs to regulate everything in this country. And, set priorities, so that the Federal Government addresses the most important problems citizens face.

How does this bill accomplish these goals? Well, the bill requires agencies to make accurate determinations about the good a potential regulation can bring about. In other words, how much disease or premature death can be avoided? Or, how much less dangerous can a situation be made? In answering these questions, the Federal agency must be as precise as possible, using the most carefully prepared and up-to-date scientific information.

Then, the agency needs to look at the negative impact that very same regulation may have on Americans. For example, how much more will the average American have to pay for a particular product? Will some Americans lose their jobs? Will some products no longer be available to American people at all? Will citizens have to spend a greater amount of their leisure time complying with Government mandates? Will preventing one disease cause an increase in some other equally dangerous disease?

Once all of these important questions have been asked and answered, S. 343 requires the Federal agency to put all of this information together and ask the central question: Do the benefits of this rule outweigh the costs? Or, in more simple terms: Does this rule produce enough good things for our citizens to make the negative impacts tolerable?

Mr. President, what I have just laid out is S. 343's approach to developing and issuing Federal rules. I think the American people would say that this approach is based in ordinary common sense. This is how they make decisions on countless questions that come up in their own lives every single day. Do I spend money for a newer, safer car, or keep my old one? Do I put money aside for retirement or do I spend it now? Americans make calculations about the costs and benefits of their behavior all the time.

And now, Americans are asking that the Federal Government approach problems in this way too. They are asking regulators to make decisions as if they were sitting around the kitchen table. They understand that the Federal Government deals with complicated problems. What they don't understand is why the answers to these problems cannot be developed from the same process that they use at home.

Mr. President, so far, I have described the method S. 343 lays out for determining the costs and benefits of Federal regulations. Some of our colleagues believe that S. 343 would be a pretty good bill if it just stopped right there. In my view, if we could trust the agencies to do the right thing, we could stop there. Unfortunately, recent history tells us that the agencies sometime need more encouragement to actually do what is right.

Since the early 1970's, Presidents have asked Federal agencies to analyze the costs and benefits of a regulation before issuing it. On September 30, 1993, President Clinton continued that long-standing tradition by putting in place an Executive order. The philosophy and principles contained in S. 343 largely mirror those in the Executive order of President Clinton. That is where the similarity stops. As with all Executive orders, President Clinton's specifically precludes judicial review as a way of forcing agencies to consider costs and benefits before issuing rules.

If Federal agencies were complying with the Executive order, we would not be here on the Senate floor tonight. The fact is that they are not. When the whim suits them, Federal agencies comply with the Executive order. When it does not, they do not. In most cases, agencies are not making careful assessments of the positive and negative impacts of their regulations.

That is why, in my view, the judicial review provisions of S. 343 are so important—in fact, vital—to this legislation. We must provide judicial review if the legal protections we enact in this bill are to have any significance. Only the availability of judicial review will ensure that agencies will analyze the costs and benefits of major rules, as this bill requires.

Mr. President, S. 343's judicial review provisions provide an essential tool for citizens to hold their Government—and in particular unelected regulators—accountable. But, the bill does not—as its opponents charge—create new causes of action that will clog the courts. This bill merely directs courts, reviewing otherwise reviewable agency action, to consider the compliance of the agency with the requirements of this legislation.

Mr. President, I will have more to say on the important subject of judicial review as this debate goes forward.

S. 343 contains two other provisions that will force Federal regulators to produce sensible regulations also. The first of these provisions, in my view is most important, that is chapter 8 of S. 343, which authorizes congressional review of regulations. My colleagues will recall that this language is virtually identical to the congressional review bill that the Senate passed earlier this year in the place of a 1-year moratorium on regulations.

Section 801 gives the Congress 60 days to review a final rule before that rule actually becomes effective. During that time, Congress can determine whether the rule is consistent with the law Congress passed in the first place. Perhaps more importantly, Congress can look at the rule to see if it makes good sense. I think that this process will not only hold the regulators' feet to the fire, but it will also keep Congress from passing laws that do not work or are too costly.

S. 343 also makes Federal agencies accountable by requiring them to review periodically the rules that they put on the books. Some rules that addressed important needs a long time ago are no longer necessary. Some may just need rethinking. In my view, this is a healthy process for agencies to be engaged in on a regular basis.

Mr. President, if all of this common sense is still not enough to get some of my colleagues to support this legislation, perhaps a few statistics on the cost of Federal regulation will illustrate the need to reign them in. After all, Federal regulations operate as a hidden tax on every American.

It has been estimated that the total cost of Federal regulations is about equal to the Federal tax burden on the American people—a cost of more than $10,000 per household. One estimate of the direct cost imposed by Federal regulations on the private sector and on State and local governments in 1992 was $564 billion; another estimate put the cost at $857 billion.

When the total Federal regulatory burden is broken down into parts, we find several staggering statistics. Economic regulations—imposed largely on

the communications, trucking, and banking industries—cost over $200 billion a year. Paperwork costs—the cost to merely collect, report, and maintain information for Federal regulators—add another $200 billion a year and consume over 64 billion person hours per year in the private sector. This figure does not include the massive number of hours Federal employees spend on processing and evaluating information.

Environmental regulation is estimated to cost $122 billion, which represents approximately 2 percent of the gross domestic product. And finally, in 1992, safety and other social regulations imposed costs ranging from $29 billion to $42 billion in 1992.

The numbers reflect the high costs of regulation to the private sector—and I should remind my colleagues that those costs must be borne by small businesses as well as the larger ones. As we all know, a good portion of those costs are passed through to all of us in the form of higher prices. But we also pay for the Government's costs to administer these regulations, and those costs are soaring too.

Measured in constant 1987 dollars, Federal regulatory spending grew from $8.8 billion in 1980 to $11.3 billion by 1992. In addition, by 1992, the Federal Government employed 124,994 employees to issue and enforce regulations—an all-time high.

Higher prices and taxes are not the only result of government regulation. A recent study done for the U.S. Census Bureau found a strong correlation between regulation and reduced productivity. The study found that plants with a significant regulatory burden have substantially lower productivity rates than less regulated plants. And that is one of the factors that I think is missing in our balanced budget debate so often, Mr. President.

We talk about spending. We talk about taxes, as we must and as is proper. But we do not talk enough about the need for growth and the need for productivity. Unless we have productivity in this country, unless we continue to grow in this country, we will never balance the budget. We will never balance the budget. And in order to have that growth in productivity we must have investment. In order to have investment we must have savings. In order to have savings we must get a handle on a ridiculous tax structure that we have in this country. We must get a handle on the national debt. And we must do something about this regulatory burden. It all goes in together and it all finds itself in the bottom line of productivity. So we are really talking about a budgetary matter here, in my estimation, as much as anything else.

Given all of these statistics, you might assume that President Clinton would cut back on Federal regulations. This is what the American people have been asking for. And, indeed, it is what President Clinton promised in his National Performance Review. In that review, the President promised to "end the proliferation of unnecessary and unproductive rules."

Instead of keeping that promise, President Clinton and his administration have gone in the opposite direction. For each of the first 2 years of the Clinton administration, the number of pages of actual regulations and notices published in the Federal Register exceeded any year since the Carter administration. Despite his rhetoric, President Clinton has increased, not decreased, the number of regulations.

The statistics I have just reviewed make a sufficiently compelling case for regulatory reform. But there is still more evidence to support the case for S. 343. Some of my colleagues have already described many examples of the existing regulations that defy common sense. There are many more stories that could be told. I would only like to add a couple to the growing list.

One example of regulation gone wild can be found in the Environmental Protection Agency's implementation of the Federal Superfund Program. As the Members of this body well know, the Superfund law requires the cleanup of some 1,200 toxic waste sites around the Nation. Under this program, the EPA and private parties have spent billions of dollars with very little to show in the way of results. Few sites have actually been cleaned up. Of the ones that have been cleaned up, many have been restored to a level of cleanliness that far exceeds any real health risks to humans.

A March 21, 1993, article from the New York Times, describes the unrealistic level of cleanup EPA required at one site.

> EPA officials said they wanted to make the site safe enough to be used for any purpose—including houses—though no one was propose to build anything there. With that as the agency goal, the agency wanted to make sure children could play in the dirt, even eat it, without risk. And since a chemical in the dirt had been shown to cause cancer in rats, the agency set a limit low enough that a child could eat half a teaspoon of dirt every month for 70 years and not get cancer. Last month, the EPA officials acknowledged that at least half of the $14 billion the nation has spent on Superfund clean-ups was used to comply with similar "dirt-eating rules," as they call them.

Mr. President, in conclusion, burdensome Federal regulations are also imposed on small businesses. Dry cleaners, in particular, must clear a large number of hurdles just to begin operating. According to the National Federation of Independent Businesses, as of 1991, the Federal Government required a new dry cleaner to fill out and comply with nearly 100 forms and manuals before it could open for business.

Yesterday, the Senate approved two important amendments to address the special problems that all small businesses, including dry cleaners, face. As amended, S. 343 now requires regulatory agencies to review regulations imposed on small entities for cost effectiveness.

Mr. President, I think the evidence is clear that our Federal regulatory system has become unreasonable and misguided. S. 343 will put it back on the right track and, therefore, I urge its passage by my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very glad to follow the Senator from Tennessee. I think he made some very good points, and I think it is important that the people of America see some of the things that are happening in this country that we have to fix. The buck stops right here, and only we can do it because we have passed these laws, and the regulators have gone far beyond what Congress ever intended.

I am the cochair of the Republican Task Force on Regulatory Reform. Because of that, I have heard from literally hundreds of employers, from Texas as well as small business people all over our country. I have heard dozens of absurd, even silly, examples of the impact of the Federal regulatory excess in our daily lives.

Senator HATCH from Utah, who has been managing the bill, has started talking about the 10 most absurd regulations of the day. He is now up to 20, and I am sure he is going to have 10 more tomorrow, that will just make people wonder what in the world is in the water up in Washington, DC.

It is going to be a good question, and I have a few myself that I want to share, to show the importance of passing this bill, to try to take the harassment off the small business people of our country.

The many egregious stories about the enforcement of some of these regulations have become legendary, and the people are asking us to say, "timeout." We are not the All Star baseball game tonight, but we know what timeout is, at least for baseball, and this timeout is to get the regulatory train back on the track.

Common law has relied on a reasonable person approach. The standard behind our laws should be: What would a reasonable person do under these circumstances? But many of our Federal regulations seem to be designed to dictate the way in which a person, reasonable or otherwise, must act in every single situation. You know that is impossible. You cannot anticipate every single situation that might come up and write a regulation to cover that. What happens is you have too many regulations and people do not know what is really important. What are the regulators going to really enforce? And what is just trying to get to some bit

of minutia? We have really taken the reasonableness out of the equation, and we have failed to allow for the application of good, old-fashioned common sense. For that reason, this debate is dominated by examples of Government out of control.

Let me give you a few. They may not rival Senator HATCH's, but these are stories that have been related to me. Take the case of a plumbing company in Dayton, TX, cited for not posting emergency phone numbers at a construction site. The construction site was three acres of empty field being developed for low-income housing. OSHA shuts the site down for 3 days until the company constructs a freestanding wall in order to meet the OSHA requirement to post emergency phone numbers on a wall.

There is a roofing company in San Antonio, TX, cited for not providing disposable drinking cups to their workers despite the fact that the company went to the additional expense of providing sports drinks free to their employees in glass containers which the employees in turn used for drinking water. In this case you have a company that went the extra mile, went beyond just paper cups and water. They gave them the sports drink because that gets into the bloodstream faster. They did not meet the lesser standard and, therefore, were cited by OSHA.

Then there is the case of Mrs. Clay Espy, a rancher from Fort Davis, TX. She allowed a student from Texas A&M to do research on the plants on her ranch. He discovered a plant which he thought to be endangered and reported his finding. The Department of the Interior subsequently told Mrs. Espy that she could no longer graze the cattle on her family land. They had been grazing cattle there for over 100 years. But they were afraid that her cattle might eat this weed. Yes; eat the weed. It took a lawsuit and an expenditure of over $10,000 by Mrs. Espy before the Department reversed its ruling and declared that the weed was not, in fact, endangered.

Even more absurd, if you can believe it, is the Texas small businessman who happened to have painted his office the day before an OSHA inspection, and he was cited for not having a material safety data sheet on his half-empty can of Sherwin-Williams paint.

Then there is the employer cited at a job site, in which a hot roofing kettle was in use, because the job foreman was not wearing a long-sleeved shirt. The foreman was wearing a long-sleeved shirt but he rolled up his sleeves between his wrists and his elbows because of the weather.

Recently OSHA contacted a parent company of a chain of convenience stores in Texas threatening to conduct compliance inspection after OSHA learned two employees had gotten into an argument and someone had thrown a punch and struck the other. Well, in Texas, that is not a big, unusual event, I have to say. But it was unusual to the OSHA representative who demanded a complete report of the incident and threatened to follow up with a compliance inspection if the report was not completely satisfactory and timely.

Mr. President, these numerous horror stories which have come forward since we began our efforts for regulatory reform provide convincing, I hope, evidence of a Government regulatory process that is out of control. It demonstrates the need to introduce common sense and reasonableness into a system where these qualities seem to be sorely lacking.

These cases also highlight the way the regulatory excess has been allowed to drift into absurdity. When was it decided and by whom that the Federal Government should become the national nanny? Indeed, the absurd is becoming the norm as millions of Americans who operate small businesses and work for a living know and understand. It is Congress that has refused to acknowledge how long overdue are the fundamental reforms that we need to bring common sense into the equation. We must recognize that the Federal Government cannot issue a rule that will fix every problem which involves human behavior.

That is why one of the messages sent by the American people in 1992, and again in 1994, was, "We have had enough, and you had better fix it."

Mr. President, that is what we are trying to do with this bill. It is one of the most important pieces of legislation that we will take up this year in the reform that the people asked us to make last year. Have we heard the message? That is really the question. I am not sure that everyone in Washington really understands. I am a small business person and I know what it is like to live with the regulations and the taxes that we have put on the small business people of our country.

We must reverse this trend. Our Government must be put to the test. We must put our financial house in order, and we must decrease the size of the Federal Government and return many of these programs to the States.

The 10th amendment says that the Federal Government will have certain specific powers, and everything not specifically reserved to the Federal Government will be left to the States and to the people. Somehow we have lost track of the 10th amendment, and we aim to get it back. And this bill, the Comprehensive Regulatory Reform Act of 1995, is one way that we are going to get this country back on track and put the Government that is closest to the people down there in charge and to get the Washington bureaucrats—who have never been in small business, who really do not understand what it is like to meet a payroll, to worry about your employees, to not be sure if you are going to be able to feed the families that work for you—we are going to make sure that the Federal bureaucrats that do not understand that are no longer in control.

If we are going to be able to compete in the global marketplace, we have to change the regulatory environment. We passed this year GATT and NAFTA last year. We did that to open markets. We wanted to open free trade in the world so that we would be able to export more. We will import more, too, but we will export more. But we have told American business, yes, we are going to give you free trade, but we are going to make you compete with one arm tied behind your back. We are going to put so many regulatory excesses on you that we are going to drive up the prices and the costs, and you are not going to be able to compete in this global economy that we have created for you.

Let us put in perspective just how much this costs the businesses of our country. The businesses are the working people. The cost of complying with current Federal regulations is estimated at between $600 and $800 billion a year.

That is about the cost of the income tax. Corporate and individual taxes totaled almost $700 billion in 1994. So if you put the stealth tax of regulation, $600 to $800 billion a year on top of the income taxes that you pay, you can just double the checks that you wrote on April 15. You can double it because that is the stealth tax, the cost of Federal regulatory compliance.

We need fundamental change to the current regulatory process. The Regulatory Reform Act of 1995 is what will make this happen.

Businesses, especially small businesses, are finding it increasingly difficult to exist in this current regulatory environment—the same small business sector that is the engine of the economic growth of America. Government is not the economic engine of America. It is the small business people of this country that are the economic engine, and sometimes they think the Federal Government is trying to keep them from growing and prospering and creating the new jobs that keep this economy vital, so that we can absorb the new people into the system, the young people graduating from college, the immigrants that are coming to our shores for new opportunities. We have to make sure that those opportunities are there for our future generations.

We have the responsibility to make sure that the regulators are doing what Congress intends for them to do. The Regulatory Reform Act of 1995 is the way to restore congressional intent and hopefully, Mr. President, common sense. That is the mission that we must have this year, so that the people

of America know we heard their voices last year and we are going to make the changes, however hard it may be, they asked us to make.

So, Mr. President, regulatory reform is a very important step that we must take. We must balance the budget. We must have regulatory reform. We must have a fair taxation system. We must not raise taxes, but, in fact, we will lower taxes and give the people back the money they rightfully earn and should be able to spend for themselves.

Mr. President, I thank you for helping us lead this country and do the right thing for the working people who are trying so hard to raise their families and do a little better for their families than maybe they were able to get as they were growing up.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## TRIBUTE TO DAVID H. SAWYER—1936–1995

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to David H. Sawyer, a pioneer in the field of political consulting, a brilliant analyst, and a dear friend. David died on July 2, 1995, in New York City. His presence will be sorely missed by all those who knew him.

"A pioneer in the ways to cope with the weaker party machines of the 1970s," according to the New York Times. In an interview he once defined his work this way, "I don't manipulate voters, because I can't—they're too sophisticated. I'm much more interested in the nature of communication itself. How do you create a dialogue with the electorate? How do you control the dynamic of the campaign? Set the agenda for discussion? Answer an opponent's charges? Those are my issues. You have to get way inside a campaign before you can resolve them, too."

His firm, D.H. Sawyer and Associates, later renamed the Sawyer-Miller Group, took some of the mystery out of how to succeed in today's complicated electoral process. David brought a dynamic and insightful approach to political campaigns. He was able to understand and connect with voters, and to deliver his candidate's message in a simple but absorbing manner. I came to know David during my 1982 re-election campaign, and he has been a loyal and trusted advisor on every campaign since.

David helped to open up the governments of Eastern Europe and Latin America by introducing mass communication into their electoral processes. In an interview with the Los Angeles Times he described this concept as "electronic democracy," and went on to say: "Because of mass communications and the legacy of the '60s, people now speak out, people can and will be heard. Eastern Europe in 1989 and 1990 happened because information had gotten through. What people think about their institutions is crucial to the institutions' ability to govern."

David leaves his wife, Nell; a son, Luke; two stepsons, Andrew and Gavin; his mother Mrs. Edward Brewer; his brother Edward; and a sister Penny. He will be greatly missed by those who love him.

I ask unaminous consent that the full text of the article from the New York Times be printed in the RECORD.

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

[From the New York Times, July 4, 1995]

DAVID H. SAWYER DIES AT 59; INNOVATOR IN POLITICAL STRATEGY

(By David Binder)

WASHINGTON, July 3.—David H. Sawyer, a pioneer in the field of political consulting that burgeoned in the 1970's and 1980's as party machines lost their clout in choosing electoral candidates, died on Sunday in New York Hospital. He was 59 and lived in Manhattan.

He had been under treatment for several weeks for a brain tumor, his family said.

By 1988, Mr. Sawyer's clients included four Senators, Daniel Patrick Moynihan, John D. Rockefeller 4th, Edward M. Kennedy and John Glenn, six Governors as well as leading politicians in the Philippines and Israel.

One notable turnaround engineered by his firm, D. H. Sawyer & Associates (later the Sawyer-Miller Group) was in the 1987 gubernatorial primary in Kentucky, where his client, Wallace Wilkinson, started out with about 5 percent in the polls and went on to win against two strong contenders.

Mr. Sawyer based his strategy then and later on polling studies of the electorate. In the case of Kentucky voters, both major opponents of Mr. Wilkinson had advocated tax increases and attacked each other bitterly. In place of higher taxes, the Sawyer-Wilkinson strategy advocated a state lottery.

In a 1984 interview for the Inc. Publishing Company, Mr. Sawyer defined his work this way: "I don't manipulate voters, because I can't—they're too sophisticated. I'm much more interested in the nature of communication itself. How do you create a dialogue with the electorate? How do you control the dynamic of the campaign? Set the agenda for discussion? Answer an opponent's charges? Those are my issues. You have to get way inside a campaign before you can resolve them, too."

A Democrat, Mr. Sawyer worked only for Democratic candidates, but he had no problem dispensing advice to big corporate clients, including Coca-Cola, Apple Computer, Goldman Sachs, Time Warner and Resorts International.

Colleagues, headed by Scott Miller, bought out Mr. Sawyer's ownership interest in his firm, which had a staff of 40, in 1993. In that same year he opened a political-economic consulting firm called the G.7 Group. By this time there were more than 200 political consulting firms across the country and more than 3,000 people working in the field.

David Haskell Sawyer was born June 13, 1936, in Boston. After earning a bachelor of arts degree at Princeton University in 1959, he made documentary films, working in the cinema verité genre with Frederick Wiseman and Richard Leacock. One film dealt with rural poverty in Maine. Another feature, "Other Voices," about mental health patients, was nominated in 1970 for an Academy Award for best documentary. He was drawn into political consulting in the early 1970's in Illinois, where he did some film work for an elected official.

He is survived by his wife, the former Nell Michel; a son, Luke, and two stepsons, Andrew and Gavin McFarland, all of New York; his mother, Mrs. Edward Brewer of Hartford; a brother, Edward of Cleveland, and a sister, Penny Sawyer, of New York.

## REPORT ON THE EMIGRATION LAWS AND POLICIES OF ROMANIA—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

*To the Congress of the United States:*

On May 19, 1995, I determined and reported to the Congress that Romania is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Romania and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of Romania. You will find that the report indicates continued Romanian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1995.*

## 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–1140. A communication from the Director of the Standards Conduct Office, Department of Defense, transmitting, pursuant to law, a report relative to DD Form 1787; to the Committee on Armed Services.

EC–1141. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to provide for alternative means of acquiring and improving housing and supporting facilities for unaccompanied members of the Armed Forces; to the Committee on Armed Services.

EC–1142. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the financial statement of the

Resolution Trust Corporation for 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–1143. A communication from the First Vice President and Vice Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving U.S. exports to Colombia; to the Committee on Banking, Housing and Urban Affairs.

EC–1144. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1145. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Food Stamp Act of 1977, as amended; to the Committee on Agriculture, Nutrition and Forestry.

EC–1146. A communication from the Under Secretary of Defense, Acquisition and Technology and the Director of Operational Test and Evaluation, transmitting, pursuant to law, a report relative to fire testing of the New Attack Submarine; to the Committee on Armed Services.

EC–1147. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend section 404 of title 37, United States Code, to eliminate the requirement that travel mileage tables be prepared under the direction of the Secretary of Defense; to the Committee on Armed Services.

EC–1148. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Commitee on Banking, Housing and Urban Affairs.

EC–1149. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report of the Oversight Board for calendar year 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–1150. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report of the Resolution Funding Corporation for calendar year 1994; to the Committee on Banking, Housing and Urban Affairs.

EC–1151. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report relative to the status of the nonprofit housing sector; to the Committee on Banking, Housing and Urban Affairs.

EC–1152. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "International Energy Outlook 1995"; to the Committee on Energy and Natural Resources.

EC–1153. A communication from the Chairman of the United States Enrichment Corporation, transmitting, a draft of proposed legislation to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation; to the Committee on Energy and Natural Resources.

EC–1154. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to foreign direct investment in U.S. energy; to the Committee on Energy and Natural Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 92. A bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System (Rept. No. 104–102).

S. 283. A bill to extend the deadlines under the Federal Power Act applicable to two hydroelectric projects in Pennsylvania, and for other purposes (Rept. No. 104–103).

S. 468. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes (Rept. No. 104–104).

S. 543. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes (Rept. No. 104–105).

S. 547. A bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes (Rept. No. 104–106).

S. 552. A bill to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes (Rept. No. 104–107).

S. 595. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia (Rept. No. 104–108).

S. 611. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license (Rept. No. 104–109).

S. 801. A bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes (Rept. No. 104–110).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

David C. Litt, of Florida, 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 United Arab Emirates.

(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.)

Nomineee: David C. Litt.

Post: United Arab Emirates.

Contributions, Amount, Date, and Donee:

1. Self: David C. Litt, none.

2. Spouse: Beatrice Litt, none.

3. Children and Spouses: Barbara Litt, and Giorgio Litt, none.

4. Parents: Girard Litt (deceased) and Shirley Litt, none.

5. Grandparents: Louis Litt (deceased), Anna Litt (deceased), Henry Suloway (deceased), and Fanny Suloway (deceased).

6. Brothers and Spouses: none.

7. Sisters and Spouses: Leslie Klein (divorced), none; Bonnie Litt, none; and James Paddack, none.

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Patrick Nickolas Theros, of the District of Columbia, 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 State of Qatar.

(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.)

Nominee: Patrick Nickolas Theros.

Post: Ambassador to Qatar.

Contributions, Amount, Date, and Donee:

1. Self, $250, September 26, 1994, Senator Sarbanes and $75, October 6, 1994, Senator Snowe.

2. Spouse: Aspasia (none).

3. Children and age: Nickolas, 17 (none); Marika, 15 (none); and Helene, 13 (none).

4. Parents: Father: Nickolas (deceased 1976) and Mother: Marika (deceased 1956).

5. Grandparents: Paternal grandfather: Patrikios (deceased, 1910); paternal grandmother: Chrysse (deceased, 1949); maternal grandfather: Michael Condoleon (deceased, 1942); and maternal grandmother: Paraskevi Condoleon (deceased, 1929).

6. Brothers and spouses: (None—I am an only child).

7. Sisters and spouses: (None—I am an only child).

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David L. Hobbs, 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 Co-operative Republic of Guyana.

(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.)

Nominee: David L. Hobbs.

Post: Guyana.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Thomas and Priscilla Hobbs, none.

4. Parents: Albert and Frances Hobbs, none.

5. Grandparents: Deceased.

6. Brothers and Spouses: James Hobbs, none.

7. Sisters and Spouses: Jean McKeever, none; Linda and Steven McLure, none; Anna and Michael Citrino, none; and Sandra and Brad Bach, none.

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William J. Hughes, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

(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.)

Nominee: William J. Hughes.

Post: Ambassador to Panama.

Nominated: February 2, 1995.

Contributions, Amount, Date, and Donee.

1. Self: William J. Hughes, $500 November 8, 1994, Magazzu for Congress.

2. Spouse: Nancy L. Hughes, none.

3. Children and spouses: Nancy L. Hughes and Douglas Walker, none. Barbara A. Sullivan and Barry K. Sullivan: $25.00, 9/22/94, Ben Jones; $25.00, 10/26/94, Richard Gephardt; $25.00, 8/04/93, Richard Gephardt; $25.00, 6/24/92, Richard Gephardt; $25.00, 9/8/92, DNC Fed'l Acc't. Tama B. Hughes, Dante A. Ceniccola, Jr., and William J. Hughes, Jr., none.

4. Parents: William W. Hughes (deceased) and Pauline Hughes Menaffey (deceased).

5. Grandparents: John Hughes (deceased), Belinda Hughes (deceased), Joseph Neicen (deceased), and Mary Neicen (deceased).

6. Brothers and spouses: Daniel V. and Sue D. Hughes, none.

7. Sisters and spouses: Charlotte and Bernie Keiffer, none; Paula and Arnold Green, none.

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Michael William Cotter, of the District of Columbia, 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 Turkmenistan.

(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.)

Nominee: Michael William Cotter.

Post: Ambassador to Turkmenistan.

Contributions, Amount, Date, and Donee:

1. Self: Michael W. Cotter, none.

2. Spouse: Joanne M. Cotter, none.

3. Children and spouses: none.

4. Parents: Patrick W. Cotter: $35, 2/15/90, RNC; $25, 5/7/90, Sensenbrenner for Congress Committee; $35, 7/27/90, RNC; $35, 12/26/90, RNC; $35, 1/30/91, RNC of Wisconsin; $35, 1/30/91, RNC; $35, 12/28/91, RNC; $35, 2/2/92, RNC; $25, 5/28/92, RNC; $50, 6/9/90, Moody for Congress Cmte.; $25, 7/16/92, Kasten for Senate Cmte.; $50, 8/12/92, Marotta for Congress Cmte.; $50, 9/17/92, RNC; $25, 9/30/92, Sensenbrenner for Congress Cmte.; $35, 1/28/93, RNC; $50, 2/11/93, Republican Majority Campaign; $35, 4/22/93, RNC of Wisconsin; $40, 1/27/94, RNC; $25, 7/28/94, RNC; $25, 7/28/94, Newman for Congress Cmte.; $25, 9/29/94, Newman for Congress Cmte. Lois K. Cotter, none.

5. Grandparents: William and Clara Cotter (deceased); George and Eleanora Schaus (deceased).

6. Brothers and spouses: Timothy and Laura Cotter, none; Patrick S. Cotter, none.

7. Sisters and spouses: none.

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Victor Jackovich, of Iowa, 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 Slovenia.

(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.)

Nominee: Victor Jackovich.

Post: Ambassador of Slovenia.

*Contributions, Amount, Date, and Donee:*

1. Self: None.

2. Spouse: Radmila Jackovich, None.

3. Children and spouses: Jacob Jackovich, None.

4. Parents: Victor Jackovich and Mary Jackovich, None.

5. Grandparents (deceased).

6. Brothers and spouses: no brothers.

7. Sisters and spouses: Janet and Sam Clark, $10, monthly (1992), employees' PAC; $50, 1992, Ron Staskiewicz (R) for U.S. House of Representatives; $750, 1994, Jean Stence (R) for Governor of Nebraska.

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A. Elizabeth Jones, of Maryland, 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 Kazakhstan.

(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.)

Nominee: A. Elizabeth Jones.

Post: Almaty, Kazakhstan.

*Contributions, Amount, Date, and Donee:*

1. Self: A. Elizabeth Jones, none.

2. Spouse: Thomas A. Homan, none.

3. Children and Spouses: Todd W. Homan-Jones and Courtney A. Homan-Jones, none.

4. Parents: William C. Jones III, none; Sara F. Jones: $30, 1993, Ntl. Democratic Cmt.; $50, 1994, Sen. Robb Campaign; $50, 1994, Dem. Senator Campaign Committee.

5. Grandparents: Richard B. and Mabel C. Ferris, deceased; Clyde C. and Eunice E. Jones, deceased.

6. Brothers and spouses: none.

7. Sisters and Spouses: Kathleen F. Jones, none; Don Perovich, none; Sara M. Jones, none; Robert Rooy, none; Diana J. Thomas, none; and Brett Thomas, none.

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John K. Menzies, of Virginia, 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 Bosnia and Herzegovina.

(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.)

Nominee: John Karl Menzies.

Post: Ambassador to Bosnia.

Contributions, amount, date, and donee:

1. Self: John K. Menzies, None.

2. Spouse: Elizabeth A. McNamara, None.

3. Children: Lauren, Alexandra, and Morgan Menzies: None.

4. Parents: James S. and Iridell A Menzies, None.

5. Grandparents: William and Florence H. Menzies, deceased; Frederick and Mabel W. Fisher, deceased.

6. Brothers and spouses: James F. and Bente N. Menzies, None.

7. Sisters and spouses: None.

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John Todd Stewart, 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 Moldova.

(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 donee:

1. Self and 2. Spouse: My wife Georgia E. Stewart and I jointly contributed $50 on April 16, 1992, to the campaign of Dixon Arnett, a candidate in the Republican primary in the 14th Congressional District of California.

3. Children and spouses: Names: John Andrew Stewart and wife, Kristin, none; Frederick R. Stewart, none; and Elizabeth W. Stribling (stepdaughter), none.

4. Parents: John Harvey Stewart and Eleanor R. Stewart, both deceased.

5. Grandparents: John Harvey Stewart, Sr. and Anne M. Stewart, both deceased; Morris W. Robinson and Ada T. Robinson, both deceased.

6. Brothers and spouses: None.

7. Sisters and spouses: None.

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Peggy Blackford, of New Jersey, 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 Guinea-Bissau.

(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 the knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Not applicable.

3. Children and spouses: Not applicable.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brother and Spouse: Names: Barry and Francis Lefkowitz, $250, August 25, 1991, Nader for Presidential; $50, January 28, 1992, Feinstein for Senate; $250, August 26, 1992, Friends of Congressman Chris Smith; $250, October 13, 1992, Friends of Congressman James Saxton; $35, October 13, 1992, Roma for Congress; $50, October 28, 1992, Kyrillos for Congress; $35, October 30, 1992, LoBiondo for Congress; $500, October 6, 1993, Marks for Senate; $500, December 20, 1993, Haytaian for Senate; $13, January 8, 1994, Congressman Andrews Breakfast Club; $100, February 11, 1994, Cape May Country Dem. Organization; $80, February 23, 1994, Friends of Cardinale; $100, April 15, 1994, LoBiondo for Congress; $150, May 10, 1994, Andrews for Congress; $200, May 21, 1994, Gallo for Congress; $250, May 21, 1994, Lowe for Congress; $224, August 15, 1994, Lowe for Congress; and $200, August 21, 1994, Haytaian—US Senate.

7. Sisters and Spouses: Not applicable.

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Edward Brynn, of Vermont, 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 Ghana.

(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 donee:

1. Self: None.

2. Spouse: Jane E.C. Brynn, none.

3. Children and spouses: Names: Sarah, Edward, Kiernan, Anne, and Justin, none.

4. Parents: Names: Walter Brynn and Mary C. Brynn (deceased).

5. Grandparents: Names: Soeren and Agnes Brynn (deceased); Names: Laurence and Ellen Callahan (deceased).

6. Brothers and Spouses: Names: Thomas and Claudia Brynn, none; David and Louise Brynn, none; and Lawrence and Heather Brynn, none.

7. Sisters and Spouses: Names: Katherine and Charles Walther, none; and Mary Anne and Terence O'Brien, none.

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John L. Hirsch, 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 Republic of Sierra Leone.

(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 donee:

1. Self: None.

2. Spouse; Rita V., none.

3. Children and spouses: Names: None.

4. Parents: Names: William P. Hirsch, deceased; Elizabeth I. Hirsch, deceased.

5. Grandparents: Names: Joseph Hirsch, deceased; Clementine Hirsch, deceased; and Ella Rosenschein, deceased.

6. Brothers and spouses: Names: Max Rosenschein, deceased.

7. Sisters and spouses: Names: Susan E. Hirsch, not married, none.

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Vicky J. Huddleston, of Arizona, 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 Democratic Republic of Madagascar.

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.

Nominee: Vicky Huddleston.

Post: Antananarivo.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Robert W. Huddleston, none.

3. Children and spouses: Names: Robert S. Huddleston, none, and Alexandra D. Huddleston, none.

4. Parents: Howard S. Latham, $10, April 1992, Republican National Senate Campaign Committee, and Duane L. Latham, none.

5. Grandparents: Names: Marion and Pauline Latham, deceased, and Edward and Mary Dickinson, deceased.

6. Brothers and spouses: Names: Gary and Louise Latham, none; Jeff Latham, none; and Steve and Dana Latham, none.

7. Sisters and spouses: none.

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Elizabeth Raspolic, of Virginia, 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 Gabonese Republic and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

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.

Nominee: Elizabeth Raspolic.

Post: Gabon.

Contributions, amount, date, and donee:

1. Self: $500, (estimate), 1992–94, Emily's List (PAC) and suggested candidates.

2. Spouse: Not applicable.

3. Children and spouses: Not applicable.

4. Parents: Names: Anton Raspolic, deceased and Mildred Raspolic, deceased.

5. Grandparents: Names: Joseph Raynovic, deceased and Edward and Lillian Raynovic, deceased.

6. Brothers Name: Anthony Raspolic, declines to provide information for reason of privacy.

7. Sisters and spouses: Not applicable.

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John M. Yates, of Washington, 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 Benin.

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.

Nominee: John M. Yates.

Post: Ambassador to Benin.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses: Names; Catherine, none; John S. none; Maureen, none; Paul, none; and Leon Greg, none.

4. Parents: Names: Leon G. Yates (deceased 1992) and Violet M. Yates, $25.00, 1990 and 1991, Republican Party; $10.00, 1994, Republican Party.

5. Grandparents: All deceased more than 25 years.

6. Brothers and spouses: Names: Leon James and Delphine Yates, none; David Arthur and Dolly Yates, none; Robert Loren Yates, none; Wilbur Allen and Karen Yates, (1) one percent of salary (approximately $400/$500 annually) to Carpenters Legislative Improvement Committee; (2) $50, 1990, 1992, and 1994, Representative Tom Foley; (3) $25, 1992, Representative Maria Cantwell; Dale Morris and Sandy Yates, none; and Larry Bruce and Linda Yates, none.

7. Sisters and spouses: Names: Pearl and Paul Wiechmann, none; Ruth and Earl Enos, $10, 1992 and 1994, Democratic Party; and Marilee and George Martin, none.

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Daniel Howard Simpson, of Ohio, 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 Zaire.

(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.)

Nominee: Daniel H. Simpson.

Post: Ambassador to Zaire.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Elizabeth D. Simpson, none.

3. Children and spouses names: Andrew D. Simpson, none—no spouse; Mark H. Simpson, none—no spouse; Michael J. Simpson, none—no spouse; and Holly A. Simpson, none—no spouse.

4. Parents names: Howard A. Simpson, deceased; and Gladys E. Simpson, none.

5. Grandparents names: Maternal: Clarence and Emma Potts, both deceased; paternal: William and Wilhelmina Simpson, both deceased.

6. Brothers and spouses: No brothers.

7. Sisters and spouses: No sisters.

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James E. Goodby, of the District of Columbia, for the rank of Ambassador during his tenure of service as Principal Negotiator and Special Representative of the President for Nuclear Safety and Dismantlement.

(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 a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of June 26, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination 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 RECORD of June 26, 1995 at the end of the Senate proceedings.)

The following-named Career Member of the Foreign Service for promotion into the Senior Foreign Service to the class stated, and for the appointment as Consular Officer and Secretary as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor; and Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

John H. Wyss, of Texas.

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

David J. Murphy, of Massachusetts.

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Janice A. Corbett, of Ohio.

Michael P. Keaveny, of California.

Gregory D. Loose, of California.

Rebecca L. Mann, of Florida.

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Donald G. Nay, of Colorado.

DEPARTMENT OF STATE

Anne Marie Kremidas Aguilera, of New Hampshire.

Jake Cosmos Aller, of Washington.

Melissa Buchanan Arkley, of Texas.

Barbara L. Armstrong, of Georgia.

Brian David Bachman, of Virginia.
Carolyn R. Bargeron, of Maryland.
Mary Monica Barnicle, of Illinois.
Erica J. Barks, of Virginia.
Russell Alton Baum, Jr., of California.
Keith Dermont Bennett, of Washington.
Donald Scott Boy, of Massachusetts.
Jeremy Beckley Brenner, of Connecticut.
David Kerry Brown, of Washington.
Ravi S. Candadai, of Washington.
Lisa G. Conner, of California.
David Francis Cowhig, Jr., of Virginia.
Theodore J. Craig, of Virginia.
Jeffrey R. Dafler, of Ohio.
Jason Davis, of Alaska.
Grant Christian Deyoe, of Maryland.
Benjamin Beardsley Dille, of Minnesota.
James Edward Donegan, of New York.
Elizabeth Ann Fritschle Duffy, of Missouri.
Thomas M. Duffy, of California.
Liisa Ecola, of Illinois.
Andrew S.E. Erickson, of California.
Sarah J. Eskandar, of Tennessee.
Oscar R. Estrada, of Florida.
Katherine E. Farrell, of Indiana.
Tamara K. Fitzgerald, of Colorado.
Recebba L. Gaghen, of Montana.
Kira Maria Glover, of California.
Ruth W. Godfrey, of Florida.
Steven Arthur Goodwin, of Arizona.
Elizabeth Perry Gourlay, of South Carolina.
Peter D. Haas, of Illinois.
Matthew T. Harrington, of Georgia.
Andrew B. Haviland, of Iowa.
Margaret Deirdre Hawthorne, of Illinois.
James William Herman, of Washington.
Lawrence Lee Hess, of Washington.
Debra Lendiewicz Hevia, of New York.
Jack Hinden, of California.
Richard Holtzapple, of California.
Natalie Ann Johnson, of Arizona.
Marion Louise Johnston, of California.
Keith C. Jordan, of Ohio.
Richard M. Kaminski, of Nevada.
Anne Katsas, of Massachusetts.
Jonathan Stuart Kessler, of Texas.
Pamela Francis Kiehl, Pennsylvania.
Karin Margaret King, of Ohio.
John C. Kmetz, of Kansas.
Michael B. Koplovsky, of Massachusetts.
Samuel David Kotis, of New York.
Marnix Robert Andrew Koumans, of New Hampshire.
Steven Herbert Kraft, of Virginia.
Kamala Shirin Lakhdhir, of Connecticut.
John M. Lipinski, of Pennsylvania.
Gayle Waggoner Lopes, of Nebraska.
Donald Lu, of California.
Pamela J. Mansfield, of Illinois.
Dubravka Ana Maric, of Connecticut.
William John Martin, of California.
Williams Swift Martin, IV, of the District of Columbia.
John J. Meakem, III, of New York.
Carlos Medina, of New York.
Alexander Jacob Meerovich, of Pennsylvania.
Mario Ernesto Merida, of Colorado.
James P. Merz, of Maryland.
Andrew Thomas Miller, of Michigan.
Keith W. Mines, of Colorado.
Gregg Morrow, of New Hampshire.
Edward R. Munson, of Utah.
Joyce Winchel Namde, of California.
Robert S. Needham, of Florida.
Stacy R. Nichols, of Tennessee.
Joseph L. Novak, of Pennsylvania.
Stephen Patrick O'Dowd, of Virginia.
Sandra Springer Oudkirk, of Florida.
Nedra A. Overall, of California.
Susan Page, of Washington.
Mark A. Patrick, of New Mexico.
Mary Catherine Phee, of the District of Columbia.
Brian Hawthorne Phipps, of Florida.
Theodore Stuart Pierce, of New York.
Jeffrey D. Rathke, of Pennsylvania.
Whitney A. Reitz, of Florida.
Timothy P. Roche, of Virginia.
Daniel A. Rochman, of Nebraska.
Daniel Edmund Ross, of Texas.
Nicole D. Rothstein, of California.
Kristina Luise Scott, of Iowa.
Brian K. Self, of California.
Dorothy Camille Shea, of Oregon.
Apar Singh Sidhu, of California.
John Christopher Stevens, of California.
Leilani Straw, of New York.
Mona K. Sutphen, of Texas.
Landon R. Taylor, of Virginia.
Alaina B. Teplitz, of Missouri.
James Paul Theis, of South Dakota.
Michael David Thomas, of Virginia.
Gregory Dean Thome, of Wisconsin.
Susan Ashton Thornton, of Tennessee.
Leslie Meredith Tsou, of Virginia.
Thomas L. Vajda, of Tennessee.
Chever Xena Voltmer, of Texas.
Eva Weigold-Hanson, of Minnesota.
Matthew Alan Weiller, of New York.
Colwell Cullum Whitney, of the District of Columbia.
David C. Wolfe, of Texas.
Anthony C. Woods, of Texas.
Thomas K. Yadgerdi, of Florida.
Joseph M. Young, of Pennsylvania.
Marta Costanzo Youth, of New Jersey.

The following-named Members of the Foreign Service of the Departments of State and Commerce and the United States Information Agency to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Vicki Adair, of Washington.
Stephen E. Alley, of the District of Columbia.
Victoria Alvarado, of California.
Travis E. Anderson, of Virginia.
Patricia Olivares Attkisson, of Virginia.
Courtney E. Austrian, of the District of Columbia.
Barbara S. Aycock, of the District of Columbia.
Douglas Michael Bell, of California.
Robert Gerald Bentley, of California.
Jerald S. Bosse, of Virginia.
Bradley D. Bourland, of Virginia.
Steven Frank Brault, of Washington.
Eric Scott Cohan, of Virginia.
Luisa M. Colon, of Virginia.
Patricia Ann Comella, of Maryland.
Clayton F. Creamer, of Maryland.
Thomas Edward Daley, of Illinois.
Mark Kristen Draper, of Washington.
Jeanne M. Eble, of Maryland.
Eric Alan Flohr, of Maryland.
David William Franz, of Illinois.
Justin Paul Freidman, of Virginia.
Stacey L. Fulton, of Virginia.
Susan Herthum Garrison, of Florida.
William Robert Gill, Jr., of Virginia.
Carolyn B. Glassman, of Illinois.
David L. Gossack, of Washington.
Theresa Ann Grencik, of Pennsylvania.
Richard Spencer Daddow Hawkins, of New Hampshire.
Catherine B. Jazynka, of the Mariana Islands.
Richard M. Johannsen, of Alaska.
Arturo M. Johnson, of Florida.
Joanne Joria-Hooper, of South Carolina.
Natalie Joshi, of Virginia.
Erica Jennifer Judge, of New York.
Jacquelyn Janet Kalhammer, of Virginia.
Kimberly Christine Kelly, of Texas.
Robert C. Kerr, of New York.
Farnaz Khadem, of California.
Helen D. Lee, of Virginia.
Nancy D. LeRoy, of the District of Columbia.
Gregory Paul Macris, of Florida.
Arthur H. Marquardt, of Michigan.
Charles M. Martin, of Virginia.
Joel Forest Maybury, of California.
Sean Ian McCormack, of Maine.
Heather D. McCullough, of Arkansas.
Julie A. Nickles, of Florida.
Patricia D. Norland, of the District of Columbia.
Elizabeth Anne Noseworthy, of Delaware.
Barry Clifton Nutter, of Virginia.
Wayne M. Ondiak, of Virginia.
Patrick Raymond O'Reilly, of Connecticut.
Dale K. Parmer, Jr., of Virginia.
Kay Elizabeth Payne, of Virginia.
Terence J. Quinn, of Virginia.
Timothy Meade Richardson, of Virginia.
Edwina Sagitto, of Missouri.
Mark Andrew Shaheen, of Maryland.
Ann G. Soraghan, of Virginia.
Ronald L. Soriano, of Connecticut.
Karen K. Squires, of Illinois.
Cynthia A. Stockman, of Maryland.
James F. Sullivan, of Florida.
Wilfredo A. Torres, of Virginia.
Horacio Antonio Ureta, of Florida.
Miguel Valls, Jr., of Virginia.
Javier C. Villarreal, of Virginia.
Lesley Moore Vossen, of Maryland.
Philip G. Wasielewski, of Virginia.
Joel D. Wilkinson, of Idaho.

Secretary in the Diplomatic Service of the United States of America:

Sean D. Murphy, of Maryland.

The following-named individual for promotion in the Senior Foreign Service to the class indicated, effective October 6, 1991:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

James J. Blystone, of Virginia.

## 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 Mrs. HUTCHISON:

S. 1021. A bill to amend the Clean Air Act to extend the primary standard attainment date for moderate ozone nonattainment areas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1022. A bill to amend the Internal Revenue Code of 1986 to eliminate the percentage depletion allowance for certain minerals, and for other purposes; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 1021. A bill to amend the Clean Air Act to extend the primary standard attainment date for moderate ozone nonattainment areas, and for other purposes; to the Committee on Environment and Public Works.

THE CLEAN AIR ACT MODERATE NONATTAINMENT EXTENSION ACT

Mrs. HUTCHISON. Mr. President, I am committed to improving our air

quality, but we can't expect cities to meet arbitrary deadlines for air quality attainment if the EPA is going to hamper rather than help their efforts.

The EPA required, as part of its enhanced monitoring program, an emissions testing system that was expensive, burdensome, and ineffective. Even though the Clean Air Act itself does not mandate centralized testing, the EPA decided that, to prevent fraud, all cars would have to be tested at a State facility. It cost Texas over $100 million, but has been found to cause little or no additional reduction in emissions.

Tests have found auto emissions virtually unchanged when similar centralized programs were initiated in other metropolitan areas. Decentralized testing is far less burdensome on drivers; instead of centralized testing at State-supervised facilities, private repair stations and remote sensing could be used at far less cost without loss of effectiveness.

The fewer than 10 percent of the vehicles that account for more than half of all emissions do not emit the same amount of pollutants from day to day. They often escape penalties by failing tests on one day, and then passing on the next. Testing should focus on identifying and repairing these vehicles first, and reducing the burden on everyone else.

Cities with a high portion of their emissions from cars and trucks—such as Dallas/Fort Worth in Texas—have been unable to reduce their emissions because of the EPA's mishandling of the Clean Air Act's automobile emissions testing requirements. They deserve adequate notice of what will be expected; an effective, low-cost, and efficient plan; and sufficient time to comply.

The choice by the 1990 Clean Air Act Amendments of a 1996 attainment date for moderate areas requires attainment before implementation plans can be put in place, and air quality improvements shown. Today I am introducing a bill to give moderate nonattainment 2 additional years to meet the attainment date for air quality.

An extension of the deadline gives Dallas/Fort Worth, and other moderate nonattainment areas throughout the United States, a chance to prove themselves without being reclassified as serious non-attainment areas. It will give cities time to implement plans next year and still have 2 more years to meet the 3-consecutive-year requirement for air quality attainment. The 2-year extension also will give the EPA time to overhaul its Clean Air Act automobile inspection and maintenance program and administer it fairly across the country.

Dallas/Fort Worth has worked hard to improve its air quality, as I am sure other moderate nonattainment cities have, too. With the exception of enhanced monitoring, Dallas/Fort Worth has improved air quality; almost half of the 145 tons per day emission reduction requirement to achieve attainment under the computer model are in place today. Many of the largest employers have implemented voluntary employee trip reduction programs. In order to provide moderate areas with the flexibility necessary for the proper implementation of the Clean Air Act, and to take into account Federal mistakes in administering this program, I urge the Senate to enact this change as soon as possible.

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By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1022. A bill to amend the Internal Revenue Code of 1986 to eliminate the percentage depletion allowance for certain minerals, and for other purposes; to the Committee on Finance.

ELIMINATION OF THE PERCENTAGE DEPLETION ALLOWANCE

Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 1022, legislation to eliminate percentage depletion allowances for four mined substances—asbestos, lead, mercury, and uranium—from the Federal Tax Code. This measure is based on language passed as part of the Energy Policy Act of 1992 by the other body during the 102d Congress. I am joined in introducing this legislation by my colleague from New Jersey, Mr. BRADLEY, and my colleague from Minnesota, Mr. WELLSTONE.

Analysis by the Joint Committee on Taxation on the similar legislation that passed the House estimated that, under that bill, income to the Federal Treasury from the elimination of percentage depletion allowances in just these four mined commodities would total $83 million over 5 years, $20 million in this year alone. These savings are calculated as the excess amount of Federal revenues above what would be collected if depletion allowances were limited to sunk costs in capital investments. These four allowances are only a few of the percentage depletion allowances contained in the Tax Code for extracted fuel, minerals, metal, and other mined commodities—with a combined value, according to 1994 estimates by the Joint Committee on Taxation, of $4.8 billion.

Mr. President, these percentage depletion allowances were initiated by the Corporation Excise Act of 1909. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the Tax Code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration, and output. However, percentage depletion also makes it possible to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of their capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment—the costs of discovering, purchasing, and developing a mineral reserve—over the period which the reserve produces income. Using cost depletion, a company would deduct a portion of their original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

However, under percentage depletion, the deduction for recovery of a company's investment is a fixed percentage of gross income—namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, Mr. President, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the United States Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent—which is the rate used for all uranium and domestic deposits of asbestos, lead, and mercury. Lead and mercury produced outside of the United States are eligible for a percentage depletion at a rate of 14 percent. Asbestos produced in other countries by U.S. companies is eligible for a 10-percent allowance.

Mr. President, in today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? Given that we face significant budget deficits, these subsidies are simply a tax expenditure that raise the deficit for all citizens or shift a greater tax burden to other taxpayers to compensate for the special tax breaks provided to some industries.

Mr. President, the measure I am introducing, despite the fact that taxes seem complicated, is fairly straightforward. It eliminates the percentage depletion allowance for asbestos, lead, mercury, and uranium while continuing to allow companies to recover reasonable cost depletion.

Though at one time there may have been an appropriate role for a Government-driven incentives for enhanced mineral production, there is now a sufficiently large budget deficit which justifies a more reasonable depletion allowance that is consistent with those given to other businesses.

Moreover, Mr. President, these four commodities covered by my bill are among some of the most environmentally adverse. The percentage depletion allowance makes a mockery of conservation efforts. The subsidy effectively encourages mining regardless of the true economic value of the resource. The effects of such mines on U.S. lands, both public and private, has been significant—with tailings piles, scarred earth, toxic byproducts, and disturbed habitats to prove it.

Ironically, as my earlier description highlights, the more toxic the commodity, the greater the percentage depletion received by the producer. Mercury, lead, uranium, and asbestos receive the highest percentage depletion allowance, while less toxic substances receive lower rates.

Particularly in the case of the four commodities covered by my bill, these tax breaks create absurd contradictions in Government policy. The bulk of the tax break shared by these four commodities goes to support lead production. Federal public health and environmental agencies are struggling to come to grips with a vast children's health crisis caused by lead poisoning. Nearly 9 percent of U.S. preschoolers, 1.7 million children, have levels of lead in their blood higher than the generally accepted safety standard. Federal agencies spend millions each year to prevent lead poisoning, test young children, and research solutions. At the same time, the percentage depletion allowance subsidizes the mining of lead with a 22-percent depletion allowance. Lest we think that our nearly 15-year-old ban on lead in paint, or the end of the widespread use of lead in gasoline has solved our lead problems, exposure problems still exist. In 1993, 390 million tons of lead were produced in this country, with a value of $275 million, according to the U.S. Bureau of Mines. Some 82 percent of the production came from 29 plants with annual capacities of more than 6,000 tons. There continue to be major uses of lead in the production of storage batteries, gasoline additives and other chemicals, ammunition, and solder. Even more ironic, Mr. President, though the recovery and recycling of lead from scrap batteries was approximately 780 tons—twice the newly mined production—the recycling industry received no such tax subsidy.

To cite another example, hardly any individual in this body has not been acutely aware of the public health problem posed by asbestos. These compounds were extensively used in building trades and have resulted in tens of thousands of cases of lung cancer and fibrous disease in asbestos workers. As many as 15 million school children and 3 million school workers have the potential to be exposed because of the installation of asbestos containing materials in public buildings between 1945 and 1978. The EPA has already banned the use of asbestos in many building and flame retardant products, and will phase out all other uses over the next 5 years. Asbestos fibers are released at all stages of mining, use, and disposal of asbestos products. The EPA estimates that approximately 700 tons per year are released into the air during mining and milling operations. It certainly seems quite peculiar to this Senator, that a commodity, the use of which the Federal Government will effectively ban before the year 2000, continues to receive a hearty tax subsidy.

Mr. President, the time has come for the Federal Government to get out of the business of subsidizing business in ways it can no longer afford—both financially and for the health of its citizens. This legislation is one step in that direction.

Mr. President, in our efforts to reduce the Federal deficit and achieve a balanced budget, it is critical that we look at tax expenditures that provide special subsidies to particular groups, such as those proposed to be eliminated in this legislation. Tax expenditures are among the fastest growing parts of the Federal budget. According to the General Accounting Office, these tax expenditures already account for some $400 billion each year. GAO has recommended that Congress begin scrutinizing these areas of the budget as closely as we do direct spending programs. Earlier this year, the Senator from Minnesota [Mr. WELLSTONE] and I introduced a sense-of-the-Senate resolution calling for imposing the same kind of fiscal discipline in the area of tax expenditures that we do for other areas of the Federal budget, an issue that the Senator from New Jersey [Mr. BRADLEY] has championed for some time as well. I am particularly pleased to have the Senator from New Jersey and the Senator from Minnesota join me in this effort today. As GAO noted in its report last year, "Tax Policy: Tax Expenditures Deserve More Scrutiny", many of these special tax provisions are never subjected to reauthorization or any type of systematic review. Once enacted, they become enshrined in the Tax Codes and are difficult to dislodge.

Of the 124 tax expenditures identified by the Joint Tax Committee in 1993, about half were enacted before 1950—nearly half a century ago. Clearly, in this case, the economic conditions which may have once justified a special tax subsidy have dramatically changed. Eliminating these kinds of special tax preferences is long overdue.

Mr. President, in 1992 I developed an 82+point plan to eliminate the Federal deficit and have continued to work on implementation of the elements of that plan since that time. Elimination of special tax preferences for mining companies was part of that 82-plus-point plan. Achievement of a balanced budget will require that these kinds of special taxpayer subsidies to particular industries must be curtailed, just as many direct spending programs are being cut back.

Finally, Mr. President, in conclusion I want to pay tribute to several elected officials from Milwaukee, Mayor John Norquist, State Representative Spencer Coggs, and Milwaukee Alderman Michael Murphy, who have brought to my attention the incongruity of the Federal Government continuing to provide taxpayer subsidies for the production of toxic substances like lead while our inner cities are struggling to remove lead-based paint from older homes and buildings where children may be exposed to this hazardous material. I deeply appreciate their support and encouragement for my efforts in this area.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1022

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CERTAIN MINERALS NOT ELIGIBLE FOR PERCENTAGE DEPLETION.**

(A) GENERAL RULE.—

(1) Paragraph (1) of section 613(b) of the Internal Revenue Code of 1986 (relating to percentage depletion rates) is amended—

(A) by striking "and uranium" in subparagraph (A), and

(B) by striking "asbestos,", "lead,", and "mercury," in subparagraph (B).

(2) Subparagraph (A) of section 613(b)(3) of such Code is amended by inserting "other than lead, mercury, or uranium" after "metal mines".

(3) Paragraph (4) of section 613(b) of such Code is amended by striking "asbestos (if paragraph (1)(B) does not apply),".

(4) Paragraph (7) of section 613(b) of such Code is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) mercury, uranium, lead, and asbestos."

(b) CONFORMING AMENDMENTS.—Subparagraph (D) of section 613(c)(4) of such Code is amended by striking "lead," and "uranium,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Mr. WELLSTONE. Mr. President, I am very pleased to be able today to speak on behalf of the bill that the distinguished Senator from Wisconsin has introduced and that I am co-sponsoring; a bill that I believe takes a crucial

step toward returning some standard of fairness to our Nation's Tax Code.

Mr. President, I believe I can speak for a large majority of middle-income families in this country when I say that there are major problems with our tax system. When the American people send their checks to Washington every April 15, they want to know that their money is being used wisely and that everyone in the country is carrying his or her share of the load. They want to know that just because they don't have their own personal lobbyist up on the Hill and that there is a standard of basic economic fairness that is applied in our tax system—that the super-wealthy can and should pay more than those who are struggling.

But the American people are angry—they are angry at Washington because they feel in their hearts that there is no standard of fairness being applied in our tax system anymore. And do you know what Mr. President? They are right. Over the years our national Tax Code has become riddled with corporate tax breaks, loopholes, and outright giveaways, costing the Federal Government over $400 billion each year; Mr. President—talk about the gift that keeps on giving. These are tax dollars that we forego—money that has to be made up somewhere, and all too often ends up costing American families of modest means even more.

These tax loopholes and corporate giveaways are like trying to fill up a bucket with water, but the bucket has hundreds of holes that let the water dribble out from every corner. You can turn on the spigot and put more and more and more water into the bucket, but until the holes are plugged you'll never keep the water where it belongs.

That's what this bill does; it begins to plug some of the tax holes. This bill removes a special tax break that only a very few businesses have in this country—companies that mine lead, mercury, uranium, and asbestos. It's called the special percentage depletion allowance, and it allows mining companies to deduct 22 percent of their profits from their income each and every year for each and every mine they operate. Twenty-two percent, Mr. President. Now I know of lots of small business operators in Minnesota who would love to have that kind of special allowance for their business—but they don't have it. Those who mine these minerals have it.

A twenty-two percent tax break—and for what? So miners can dig hazardous heavy metals like lead and mercury out of the ground? Do we give tax breaks to companies that take these dangerous metals out of our environment and recycle them? Why are we giving a tax break to companies that mine asbestos to encourage them to dig more out of the ground when in just a few years the use of asbestos will be banned altogether? Why give a 22-percent tax credit to a company that mines uranium and not to a company that produces ethanol, or solar panels, or geothermal power?

Mr. President, this 22-percent tax deduction is not free—it costs the American public. The Joint Committee on Taxation said that eliminating this deduction for these minerals would save the Government $83 million over the next 5 years. If corporations do not pay their fair share of taxes, middle-class people have to pay more; the American public is in effect underwriting this tax dodge for these companies. That is not right, it is not fair, and it should be stopped.

This bill takes a bold step, and I applaud its author, my good friend the distinguished Senator from Wisconsin for bringing it to the floor. And, I would say to the people of this country, and to my colleagues, that I see this bill as a beginning. I hope it will be the beginning of an all-out effort to reform what I and others have called corporate entitlements; an effort to cut back on what are spending programs by fiat, programs that, unlike regular spending programs, never come up for review in Congress or by the public at large. It is an effort to return some standard of fairness to our tax system, and rebalance the tax scales to ensure that corporations will pay more of their fair share—and the American public will no longer be forced to underwrite multinational corporations.

## ADDITIONAL COSPONSORS

S. 254

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. THOMAS] 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 U.S. merchant marine during World War II.

S. 354

At the request of Mr. BREAUX, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 354, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing.

S. 426

At the request of Mr. WARNER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 426, a bill to authorize the alpha phi alpha fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare program for individuals with diabetes.

S. 628

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. LUGAR] 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. 743

At the request of Mr. THURMOND, his name was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 885

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], the Senator from Colorado [Mr. BROWN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 885, a bill to establish U.S. commemorative coin programs, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 905

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 905, a bill to provide for the management of the airplane over units of the National Park System, and for other purposes.

S. 939

At the request of Mr. SMITH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 957

At the request of Mr. BURNS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 957, a bill to terminate the Office of the Surgeon General of the Public Health Service.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. SMITH, the name of the Senator from Texas [Mrs. HUTCHISON] 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 U.S. Government, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. THOMAS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

## AMENDMENTS SUBMITTED

### COMPREHENSIVE REGULATORY REFORM ACT OF 1995

#### DOLE AMENDMENT NO. 1492

Mr. DOLE proposed an amendment to amendment No. 1487, proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes, as follows:

On page 25, delete lines 7–15, and insert the following in lieu thereof:

"(f) HEALTH, SAFETY, OR FOODSAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) A major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an energency, or health or safety threat or a foodsafety threat, (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources; and".

#### DOLE AMENDMENT NO 1493

Mr. DOLE proposed an amendment to amendment No. 1493, proposed by Mr. DOLE to amendment No. 1492 to the bill, S. 343, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

"(f) HEALTH, SAFETY, OR FOODSAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) Effective on the day after the date of enactment, a major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat, or a foodsafety threat (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources; and".

#### DOLE AMENDMENT NO. 1494

Mr. DOLE proposed an amendment to the bill, S. 343, supra; as follows:

Strike the word "analysis" in the bill and insert the following: "Analysis.

"( ) HEALTH, SAFETY, OR FOODSAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) A major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat or a foodsafety threat, (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources."

#### DOLE AMENDMENT NO. 1495

Mr. DOLE proposed an amendment to amendment No. 1494, proposed by Mr. DOLE to the bill, S. 343, supra; as follows:

In lieu of the language proposed to be inserted, insert the following analysis.

"( ) HEALTH, SAFETY, OR FOOD SAFETY OR EMERGENCY EXEMPTION FROM COST-BENEFIT ANALYSIS.—(1) Effective on the day after the date of enactment, a major rule may be adopted and may become effective without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency, or health or safety threat (or a food safety threat including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources;".

#### DOLE (AND OTHERS) AMENDMENT NO. 1496

Mr. DOLE (for himself, Mr. LEVIN, Mr. JOHNSTON, Mr. ROTH, and Mr. HATCH) proposed an amendment to amendment No. 1487, proposed by Mr. DOLE to the bill, S. 343, supra; as follows;

On page 35, line 10, Delete lines 10–13 and insert in lieu thereof:

"(A) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. Nothing in this section shall be construed to override any statutory requirement, including health, safety, and environmental requirements."

#### JOHNSTON AMENDMENT NO. 1497

Mr. JOHNSTON proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill, S. 343, supra; as follows:

On page 14, line 4, strike out subsection (5)(A) and insert in lieu thereof the following new subsection:

"(A) a rule or set of closely related rules that the agency proposing the rule, the Director, or a designee of the President determines is likely to have a gross annual effect on the economy of $100,000,000 or more in reasonably quantifiable increased costs (and this limit may be adjusted periodically by the Director, at his sole discretion, to account for inflation); or".

## NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ROTH. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings regarding abuses in Federal student grant programs proprietary school abuses.

This hearing will take place on Wednesday, July 12, 1995, in room 342 of the Dirksen Senate Office Building. For further information, please contact Harold Damelin of the subcommittee staff at 224–3721.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, July 11, 1995, session of the Senate for the purpose of conducting a hearing on international aviation and beyond rights.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 11, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to review the Secretary of Energy's strategic realignment and downsizing proposal and other alternatives to the existing structure of the Department of Energy.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Tuesday, July 11, 1995, at 10 a.m., to consider an original bill regarding uniform discharge standards for U.S.

Armed Forces vessels under the Clean Water Act and an original bill waiving the local matching funds requirement for the fiscal years 1995 and 1996 District of Columbia highway program.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 11, 1995, beginning at 2:30 p.m. in room SD–225, to conduct a hearing on the taxation of U.S. citizens who expatriate.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 1995, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs hold a hearing to consider options for compliance with budget resolution instructions and administration budget proposals relating to veterans' programs. The hearing will be held on July 11, 1995, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on Tuesday, July 11, 1995, at 10 a.m. to consider State sovereignty and the role of the Federal Government.

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

SUBCOMMITTEE ON DISABILITY POLICY

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Disability Policy of the Committee on Labor and Human Resources be authorized to meet for a hearing on the student discipline in IDEA, during the session of the Senate on Tuesday, July 11, 1995, at 2 p.m.

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 30, 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 20, 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, July 10, 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 30, 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 16, 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 | 4,843.4 | −121.7 |
| 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 30, 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 | 738,096 | 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 | |
| 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.•

### CONTINUE FUNDING FOR THE OFFICE OF TECHNOLOGY ASSESSMENT

• Mr. INOUYE. Mr. President, I rise today in support of continuing the funding for the Office of Technology Assessment [OTA] of the U.S. Congress. I believe that if more of my distinguished colleagues, as well as the public, knew what the elimination of the OTA would mean to our deliberative processes, they, too, would support this invaluable congressional resource.

Mr. President, there is considerable dedication among my colleagues to reduce the Federal budget deficit and to streamline Federal agencies. This Congress deserves to be commended for bringing the budget deficit, and its burden on future generations, to the attention of the American people more dramatically than ever before. I, too, support the reduction of Federal spending, but only where it makes good sense to do so.

However, I ask, what positive affect will the elimination of the OTA—a 143-person, $20-million-a-year agency that

performs a great service to the Congress and that potentially saves billions of dollars—have on reducing the budget deficit?

Mr. President, many of my colleagues know that the OTA does valuable work and that it is well-managed. However, some argue that the OTA is a luxury that the Congress and the country can no longer afford. Mr. President, I submit that the OTA is not an indulgence, but rather a necessity for the Congress and the Nation.

I have frequently turned to the OTA for analysis and information. For example, in 1986, the OTA provided an invaluable service to the Congress and the American Indian community by taking an unprecedented in-depth look at native American health and health care. We learned an enormous amount about both the inadequacies of information technology and the health care delivery systems in the Federal agencies that are charged with implementing our nation-to-nation treaty agreements. As a result of the OTA's study, the Congress will now enjoy a much higher degree of accuracy in reports on the status of Indian health.

Let me give you another example of how the OTA has responded to my requests to deliver impartial information. I was one of the first primary requesters of Adolescent Health—OTA, 1991—the first extensive national examination of the scientific evidence on the efficacy of prevention and treatment interventions directed toward improving the health of our Nation's adolescent population. The OTA clearly gave the authorizing and appropriating committees the message that we should not trick ourselves into thinking that by simply labeling Federal initiatives as "prevention" of adolescent substance abuse, delinquency, AIDS, or pregnancy, the programs were effective. In fact, many of us on both sides of the aisle were disturbed when the OTA concluded that there was very little evidence of success from the prevention efforts that we had promoted. However, the requesters soon came to realize how valuable it was to receive an open-minded and impartial review from the OTA. And, as the OTA was charged to do, its report went well beyond just giving us the bad news. Because its role is to provide useful information to the Congress, the OTA provided sufficient analysis for us to see where our federally funded prevention efforts were going wrong, and provided guidance to the executive branch on how to better target Federal dollars for adolescent health.

I can give you numerous other examples of the OTA's rigorous approach in winnowing through cloudy data in order to provide us with information that is both accurate and useful. For example, since the late 1970's, the OTA has been an often lonely voice in the health care wilderness, carefully assessing whether the country is investing sufficiently in evidence-gathering on health care treatments. Valid information about what works and what doesn't work is critical to the public and private sectors of the health care industry, which represents one-seventh of the Nation's gross domestic product. Senators and staffers need this information as they consider budget requests from the U.S. Department of Health and Human Services, including the upcoming reauthorization for the National Institutes of Health, and proposed reforms to Medicaid, Medicare, and the private insurance market. For example, policymakers need to know the extent to which consumers have sufficient information to choose insurance plans, health facilities, and individual treatments. Just recently, the OTA, reexamined how we know what works by looking at new health assessment technologies—OTA, Identifying Health Technologies That Work: Searching for Evidence, September 1994. I recommend that report to all of my colleagues and to their constituents in the health care business.

As another example, a health technology study by the OTA in December 1988, Nurse Practitioners, Physician Assistants, and Certified Nurse Midwives: A Policy Analysis, concluded that nonphysician providers were "especially valuable in improving access to primary and supplemental care in rural areas and * * * for the poor, minorities and people without insurance." This information was very helpful in developing health care systems enhanced by the utilization of nonphysician care providers for our underserved populations.

Similar, hard-hitting, tell-it-like-it-is analyses have been done by the OTA on subjects ranging from ground water to space. These include classic assessments of polygraph testing, DNA analysis, police body armor, seismic verification of nuclear test ban treaties and other work on weapons of mass destruction, and on risk assessment methods, all of which were greeted with accolades from Members. Right now, the OTA has work under way in areas as important and diverse as earthquake damage prevention, advanced automotive technologies, renewable energy, wireless communications, and Arctic impacts of Soviet nuclear contamination.

Some of my colleagues have suggested that we don't need an OTA—that is, our own group of experts in the legislative branch capable of providing us with these highly technical analyses needed for developing legislation. How many of us are able to fully grasp and synthesize highly scientific information and identify the relevant questions that need to be addressed?

The OTA was created to provide the Congress with its own source of information on highly technical matters. Who else but a scientifically oriented agency, composed of technical experts, governed by a bipartisan board of congressional overseers, and seeking information directly under congressional auspices, and given the Congress and the country accurate and essential information on new technologies?

Can other congressional support agencies and staff provide the information we need? I am second to none in my high regard for these agencies, but each has its own distinct role. The U.S. General Accounting Office is an effective organization of auditors and accountants, not scientists. The Congressional Research Service is busy responding to the requests of members for information and research. The Congressional Budget Office provides the Congress with budget data and with analyses of alternative fiscal and budgetary impacts of legislation. Furthermore, each of these agencies is likely to have its budget reduced, or to be asked to take on more responsibilities, or both, and would find it extremely difficult to take on the kinds of specialized work that OTA has contributed.

I hope that the Congress does not become a body that ignores common sense. If it is to remain the world's greatest deliberative body—possible only because of access to the best and most accurate and impartial information and analysis—the Congress must retain the OTA.●

## ERRATA IN CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 67

● Mr. DOMENICI. Mr. President, due to a printing error, the table in the conference report on House Concurrent Resolution 67 setting forth the budget authority and outlay allocations for Senate committees incorrectly shows a budget authority allocation of $1,400 million to the Senate Veterans' Affairs Committee for 1996.

The 1996 budget authority allocation to the Senate Veterans' Affairs Committee is actually $1,440 million. Therefore, the Veterans' Affairs allocation for fiscal year 1996 is as follows:

[In millions of dollars]

| Committee | Direct spending jurisdiction | | Entitlements funded in annual appropriations | |
|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays |
| Veterans' Affairs | 1,440 | 1,423 | 19,235 | 17,686 |

●

## RECOGNIZING RECIPIENT OF THE GIRL SCOUT GOLD AWARD FROM THE STATE OF MARYLAND

● Ms. MIKULSKI. Mr. President, each year an elite group of young women rise above the ranks of their peers and

confront the challenge of attaining the Girl Scouts of the United States of America's highest rank in scouting, the Girl Scout Gold Award.

It is with great pleasure that I recognize and applaud Kerri Marsteller of Monkton, MD, who is one of this year's recipients of this most prestigious and time honored award.

Kerri is to be commended on her extraordinary commitment and dedication to her family, friends, community, and to the Girl Scouts of the United States of America.

The qualities of character, perseverance, and leadership which enabled her to reach this goal will also help her to meet the challenges of the future. She is our inspiration for today and our promise for tomorrow.

I am honored to ask my colleagues to join me in congratulating Kerri Marsteller. She is one of the best and the brightest and serves as an example of character and moral strength for us all to imitate and follow.

Finally, I wish to salute the families and Scout leaders who have provided Kerri and other young women with continued support and encouragement.

It is with great pride that I congratulate Kerri Marsteller on this achievement.●

## RESTORATION OF DIPLOMATIC RELATIONS WITH VIETNAM

● Mr. McCAIN. Mr. President, I support the President's decision today to restore full diplomatic relations with Vietnam. This would not be an easy decision for any President to make. President Clinton has shown courage and honor in his resolve to do so.

President Clinton, like Presidents Bush and Reagan before him, took very seriously his pledge to the American people that the first priority in our relationship with Vietnam would be the accounting for Americans missing in action in Vietnam.

Given the importance of that commitment, President Clinton insisted that Vietnam cooperate with our accounting efforts to such an extent that normalization was clearly justified and that tangible progress toward the fullest possible accounting be clear enough to assure us that the prospects for continued cooperation were excellent.

Vietnam has shown that level of cooperation. The President has kept his commitment. Normalizing relations with our former enemy is the right thing to do.

In 1991, President Bush proposed a roadmap for improving our relations with Vietnam. Under its provisions, Vietnam was required to take unilateral, bilateral, and multilateral steps to help us account for our missing. Vietnam's cooperation has been excellent for some time now, and has increased since the President lifted our trade embargo against Vietnam in 1994.

That view is shared by virtually every American official, military and civilian, involved in the accounting process, from the commander in chief of U.S. Forces in the Pacific to the enlisted man excavating crash sites in remote Vietnamese jungles. It is also shared by Gen. John Vessey who served three Presidents as Special Emissary to Vietnam for POW/MIA Affairs, as capable and honorable a man as has ever worn the uniform of the United States.

It is mostly my faith in the service of these good men and women that has convinced me that Vietnam's cooperation warrants the normalization of our relations under the terms of the roadmap. It would be injurious to the credibility of the United States and beneath the dignity of a great nation to evade commitments which we freely undertook.

I should also note that Adm. Jeremiah Denton, my acting senior ranking officer at the Hanoi Hilton and a courageous resister, as well as my dear friend, Ev Alvarez, the longest held POW in Vietnam, join me and many other former POW's in supporting the restoration of diplomatic relations.

Other factors make the case for full diplomatic relations even stronger. Increasingly, the United States and Vietnam have a shared strategic concern that can be better addressed by an improvement in our relations.

I am not advocating the containment of China. Nor do I think such an ambitious and complex strategic goal could be achieved simply by normalizing relations with Vietnam. But Vietnam, which will become a full member of ASEAN later this month, is an increasingly responsible player in Southeast Asian affairs. An economically viable Vietnam, acting in concert with its neighbors, will help the region resist dominance by any one power. That is a development which is clearly in the best interests of the United States.

Human rights progress in Vietnam should also be better served by restoring relations with that country. The Vietnamese have already developed complex relations with the rest of the free world. Instead of vainly trying to isolate Vietnam, the United States should test the proposition that greater exposure to Americans will render Vietnam more susceptible to the influence of our values.

Vietnam's human rights record needs substantial improvement. We should make good use of better relations with the Vietnamese to help advance in that country a decent respect for the rights of man.

Finally, the people of Arizona expect me to act in the best interests of the Nation. We have looked back in anger at Vietnam for too long. I cannot allow whatever resentments I incurred during my time in Vietnam to hold me from doing what is so clearly my duty. I believe it is my duty to encourage this country to build from the losses and the hopes of our tragic war in Vietnam a better peace for both the American and the Vietnamese people. By his action today, the President has helped bring us closer to that worthy goal. I strongly commend him for having done so.●

## THE HIGHWAY BILL

● Mr. ABRAHAM. Mr. President, I want to take a few months to explain several of my votes concerning S. 440, the highway bill. I voted in favor of final passage of the bill because it would meet Federal transportation responsibilities while returning to the States much of their rightful authority to manage their own roadways.

Many of the amendments offered to the bill concerned the question of whether the States should be required to enact various highway safety laws. Although the debate on these amendments focused to a large extent on the wisdom of the safety laws at issue, my votes on the amendments turned more on the threshold question of whether the States should retain the power to decide for themselves whether to enact those laws. As a general matter, I think the Federal Government should decide only those issues that, by their very nature, demand a uniform resolution throughout the Nation. On issues like these, a resolution of the issue at the State level would itself be harmful, no matter how wisely the State legislatures exercise their power. National defense is one such example; the need for central direction and economies of scale preclude a satisfactory resolution of the issue at the State level. But our laws in other areas should in the main be left to the discretion of the States, so that they can be tailored to the respective circumstances and values prevalent in each State.

These principles led me to oppose the Reid amendment to set a national speed limit for trucks, the Lautenberg amendment to set a national speed limit for all motor vehicles, and the Dorgan amendment to prohibit open containers of alcohol in motor vehicles. They likewise explain my support for the Smith amendment to repeal Federal seatbelt and motorcycle helmet law mandates, and the Snowe amendment to repeal the Federal motorcycle-helmet law mandate. None of these issues demands a single resolution across the Nation. I further note that my home State of Michigan already has a seatbelt law, which only underscores the fact that my votes on these amendments turned not on my views as to whether States should have seatbelt and helmet laws, but rather on my belief that States ought to be able to decide these issues for themselves.

Similarly, I opposed the Hutchinson amendment to retain the Federal motorcycle-helmet law mandate with respect to States that do not assume the

cost of treating injuries attributable to a person's failure to wear a helmet while riding a motorcycle. This amendment was presented as an attempt to marry States' responsibility with States' rights. And it is true that the Federal Government assumes certain medical costs through its Medicaid and Medicare programs. But that does not mean the Federal Government should be able to mandate motorcycle-helmet laws. For if it did, the Federal Government could likewise mandate laws prohibiting other activities—say, smoking or mountain climbing—that involve an appreciable risk of physical harm. The Hutchison amendment in fact would have been a Trojan Horse for increasing the power of the Federal Government at the expense of not only the prerogatives of the States, but also of the liberties of the people.

My support of the Byrd amendment to encourage a national blood-alcohol standard for minor drivers was bottomed on these same principles. No one argues that kids should be able to drink and drive. To the contrary, everyone agrees that teenage drinking and driving is a danger that must be addressed. When there is this kind of overwhelming national consensus with respect to an issue, the question of whether the issue should be decided at the State level in fact becomes merely theoretical. Under these circumstances, the existence of a Federal rule is not likely to frustrate the desire of a State to enact a contrary rule. Such is the case with teenage drinking and driving. In cases like these, the practical, administrative benefits of a uniform Federal rule outweigh theoretical concerns related to federalism.●

## THE 125th ANNIVERSARY OF LIBRARY OF CONGRESS COPYRIGHT SERVICE

● Mr. HATFIELD. Mr. President, as Chairman of the Joint Committee on the Library of Congress, it is my pleasure to acknowledge the 125th anniversary of the statute which centralized our Nation's copyright registration and deposit system in the Library. This law, signed by President Ulysses S. Grant on July 8, 1870, was the single most important factor in ensuring that Congress' library would eventually become the Nation's library and, in fact, the greatest repository of knowledge in the world.

Today, Dr. James Billington, our Librarian of Congress, will recognize the role of the copyright in building the Library's unsurpassed collection over the past 125 years in a program being held in the Jefferson Building's Great Hall. I join with Dr. Billington in celebrating the anniversary of this important statute.

The act required both that all works be registered in the Library and that the Library be the repository of these copies. The Library could hold the copy of the work as a record of the copyright registration, but it also had the opportunity to make the work available as a resource for others. The joining of copyright and the Library was, and continues to be, a mutually beneficial arrangement. Then-Librarian of Congress Ainsworth Spofford believed that bringing copyright to the Library could help it become a great library, and he strongly urged passage of the 1870 legislation. However, I think even he could not have foreseen that the Library of Congress would become the great institution it is today.

It is hard to overemphasize the importance of copyright deposits to the collections of the Library and the resulting growth of the institution. Within a decade after the 1870 statute, the Library's collections tripled. When foreign works were granted U.S. copyright protection in 1891, many works from other countries were brought into the Library through copyright deposit.

Among the works the Library has received through copyright deposit are: the first edition of a Dvorak opera; an unpublished composition by the 14 year-old Aaron Copland; all the network news programs since the 1960's; rare performances by artists such as Martha Graham captured on videotape; and important Civil War and Spanish-American War photographs.

The importance of the copyright deposits to the Library continues today. Some of the Library's most heavily used collections, such as the local history and genealogy collection, would hardly exist were it not for copyright deposit. In fiscal year 1994, the value of works received through copyright deposit was estimated at more than $15 million. The acquisition of these works could not have been accomplished through purchasing and gifts.

Mr. President, the Library of Congress provides valuable and unique services to the Congress and the Nation. Copyright continues to play an important role in the Library's work and I once again join in commemorating the 125th anniversary of the act which brought our national copyright system to the Library of Congress.●

## RESTORING DIPLOMATIC RELATIONS WITH VIETNAM

● Mr. BINGAMAN. Mr. President, I feel that it is important that the Members of this Chamber move history forward and support the President's decision to normalize diplomatic relations with Vietnam.

Over the last 17 months, the Vietnamese Government has helped to resolve many cases of Americans who were missing in action or held as prisoners of war. I strongly feel that our responsibility to the families of courageous, patriotic Americans who fought in the Vietnam conflict, and who are still missing, will never end until the status of their fate is resolved.

But important progress is being made. As President Clinton stated this afternoon, 29 families have received the remains of their loved ones with the assistance of the Vietnamese Government. Important documents have been passed on to our Government to help shed light on the fate of other missing Americans. And the number of discrepancy cases of Americans thought to be alive after they were lost has been reduced to 55.

Mr. President, we must continue serious efforts to secure information about our lost soldiers, and this effort can be greatly enhanced by coordinating and working with the Vietnamese Government and its people. Normalizing relations will help our cause and further our national interest.

Mr. President, those who have argued against normalization seem more comfortable with the past and have little vision of the future. We were engaged in serious conflict in Vietnam, and much of our military presence in Asia derived from the needs and requirements of that conflict. But who has benefited from American sacrifice? Not many in this country.

Japan has just emerged as the largest foreign investor in Vietnam. During the first half of this year, Japan won 30 major infrastructure projects worth $755 million. Of Vietnam's intake of $3.58 billion for these first 6 months, Taiwan, South Korea, and Singapore followed behind Japan in investment. The United States ranked sixth in this major new growth market in the Asia Pacific region.

Although the United States dropped its trade embargo with Vietnam last year, America's failure to restore diplomatic relations has meant that the Ex-Im Bank could not finance trade, that the Overseas Private Investment Corporation could not insure American firms' commerce with Vietnam, and that our Nation could not develop trade treaties with what many consider to be the most important, new, big-emerging market. Without the ability to establish a treaty and grant MFN status with Vietnam, it is unlikely that the Vietnamese will earn money to purchase American products.

Mr. President, last year in the Washington Post, Alan Tonelson of the Economic Strategy Institute wrote about a 104-page Mitsubishi Corp. report entitled: "Master Plan for the Automobile Industry in Vietnam." He noted that this Japanese trading firm had already organized its efforts and meticulously established a framework to build a Vietnamese automotive industry, dependent on Japanese support. For once, America needs to get ahead of the curve, to support U.S. firms entering new markets, instead of having to elbow in after others have wrapped up the market.

Mr. President, America—more than any other nation in the Asian region—should be the beneficiary of Vietnam's economic development. We have an important duty to determine the fate of our lost and missing. But this effort will best be served by restoring diplomatic relations and recognizing Vietnam's Government. We must understand that our national economic interests are eroding each day that we allow other countries to push forward into this emerging economy and leave U.S. firms and American workers behind.

The time has come, Mr. President, for us to engage Vietnam and to build a future with this Government and its people that helps us deal with our wounds and helps our citizens into a new era.●

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 104–14

Mrs. HUTCHISON. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the Investment Treaty with Trinidad and Tobago (Treaty Document No. 104–14), transmitted to the Senate by the President on July 11, 1995; that the treaty be considered as having been read for the first time, referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The President's message is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Trinidad and Tobago Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on September 26, 1994. I transmit also for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment Treaty (BIT) with Trinidad and Tobago is the third such treaty between the United States and a member of the Caribbean Community (CARICOM). The Treaty will protect U.S. investment and assist the Republic of Trinidad and Tobago in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds related to investments; freedom of investments from performance requirements; fair, equitable, and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1995.*

## ORDERS FOR WEDNESDAY, JULY 12, 1995

Mrs. HUTCHISON. Mr. President, 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, July 12, 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 there be a period for the transaction of morning business until the hour of 9:45 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator SANTORUM, 10 minutes; Senator MURKOWSKI, 10 minutes; Senator SIMPSON, 15 minutes; Senator DORGAN, 10 minutes. Further, that at the hour of 9:45 a.m., the Senate resume consideration of S. 343, the regulatory reform bill.

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

## PROGRAM

Mrs. HUTCHISON. For the information of all Senators, the Senate will resume consideration of the regulatory reform bill tomorrow at 9:45 a.m. Further amendments are expected to the bill. Therefore, Senators should expect rollcall votes throughout the day tomorrow and into the evening in order to make progress on the bill.

## RECESS UNTIL 9 A.M. TOMORROW

Mrs. HUTCHISON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:46 p.m., recessed until Wednesday, July 12, 1995, at 9 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, July 11, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*July 11, 1995.*

I hereby designate the Honorable GEORGE P. RADANOVICH 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, but in no event shall exceed beyond 9:50 a.m.

## WHY FORMAL RECOGNITION OF COMMUNIST VIETNAM IS WRONG

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized during morning business for 1 minute.

Mr. FUNDERBURK. Mr. Speaker, today President Clinton will formally recognize Communist Vietnam. While American diplomats toast the brutal Hanoi regime, this White House ignores the wishes of hundreds of POW/MIA families and thousands of Vietnamese-Americans who fled their country to escape Communist tyranny.

In 1992, candidate Clinton promised never to lift the trade embargo on the Hanoi communists unless and until there was a full accounting of American servicemen. Mr. Clinton then turned his back on our POW/MIA families claiming that Hanoi had changed. What change? Vietnam is one of the world's worst human rights abusers. Thousands are imprisoned for political and religious beliefs and Buddhist monks are once again threatening to immolate themselves on the streets. Hanoi continues to torture our POW/MIA families with the slow and selective release of information about their husbands and fathers.

Mr. President, if you want to know why you are wrong listen to what my colleague SAM JOHNSON—7 years a prisoner of Hanoi—told the Washington Post about Vietnamese communists: "They have always lied to us, and they are still lying to us. I see normalization as an attempt on their part to get access to American markets. They are not to be trusted." Mr. President, is breaking faith with hundreds of brave American families really worth the profits of the big multinationals bankrolling your reelection campaign?

## OSHA'S NEW ATTITUDE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I am holding a copy of the administration's newest initiative regarding OSHA. It is bound in red, white, and blue, and is filled with lots of rhetoric about changing the way OSHA thinks.

In past Congresses I, and many of my colleagues have criticized many of OSHA's ridiculous regulations.

We watch OSHA deny the regulations exist at the same time they are scrambling to change them.

I want to believe this is an honest attempt at reform. I would like to believe that OSHA tuned in to C-SPAN one day and said, "By golly, those Republicans are right. We've got to change our emphasis."

But I do not think that is how it happened.

November 8 happened.

For OSHA, this document is a matter of self preservation.

I brought another document to the floor with me today.

This is the one the administration would like you to forget.

In the 103d Congress, the administration's idea of OSHA reform was H.R. 1280.

OSHA supported the Comprehensive OSHA Reform Act of 1994.

The legislation which increased penalties, regulation, and paperwork.

This is dated October 3, 1994.

Let's compare these documents:

In 1994, OSHA wanted to impose $62 billion in new costs on the private sector. In 1995 OSHA is backing down from strict new standards on ergonomics.

In 1994, OSHA wanted to redefine occupational safety health standards in order to justify costly new mandates. In 1995, OSHA plans to "improve, update, and eliminate confusing and out of date standards."

In 1994, OSHA wanted to mandate even more paperwork requirements on even more businesses. In 1995 OSHA wants to decrease redtape and paperwork.

In 1994, OSHA was willing to put their ideas into law. In 1995 OSHA is not so willing.

These two documents represent one of the great flip-flops of this administration.

If the administration wants to change OSHA's approach, why don't they put the change into law?

OSHA's new approach means nothing if we leave them the ability to change back to their old gestapo attitude whenever the political climate will tolerate it.

Meanwhile, OSHA's absurdities continue:

We heard about the specially designed rubber gloves used by Secret Service officials at the White House.

It was OSHA which cited serious violations of workers safety at Secret Service guard stations.

In speaking with over 15 guards at our own capitol buildings, I failed to find a single officer who had ever been cut or injured, or that had ever heard of an officer being cut or injured, while searching someone's belongings.

They do have rubber gloves, but are allowed to use them at their discretion.

But that's not all. Back in my home district, a dental office was recently cited with 11 violations, all of them serious and most of them for paperwork violations.

One violation included the office's written hazard communication.

The office took the OSHA approved guidelines from another dental office and used them.

OSHA cited them because they had scratched out the name of the dentist that originated the booklet and wrote in their office name.

To come into OSHA compliance the office had to retype the 65 page document, word for word.

In other citations, OSHA took the word of a disgruntled employee and made citations based on her accusations.

The dentist was cited for bloodying gloves while working on one patient, and then using the same gloves, still bloodied, on another patient.

It is difficult to believe that any dentist, or any patient for that matter, would allow that to happen.

He was also cited for putting used gloves in the same container as new gloves, even though OSHA found no evidence of either of these practices actually occurring.

It's time for OSHA to use a little common sense. It's time for real, permanent, and radical OSHA reform.

## THE VIOLENCE AGAINST WOMEN ACT IS BEING DERAILED

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. Mr. Speaker, as time evolves we are seeing more and more about how things look and how things really are. I must say, as one of the people who has been very concerned about the Violence Against Women Act, because I think living rooms in America and kitchens in America are the classrooms of violence for many of our young people, I was so proud when this body passed the Violence Against Women Act, and what did it pass by? It passed by 411 to 0, and you really cannot do any better than that. So, after 200-and-some years of this Republic, we finally decided that we would go right to the core of where a lot of this violence was starting, in the home, and we also realized that, if children see every single dispute solved, every single dispute solved with violence at home, they are not going to be able to be given a conflict-resolution course for a couple of hours in school to change their behavior. So, going in and really saying for the first time this country was going to take this seriously I thought was marvelous.

Well, now we see that, while we passed the bill, apparently they are taking all the money out. There was to be $161 million appropriated for such things as shelters for victims of domestic violence, for families; a hotline for the very first time. We have never had a national hotline on this issue. Also for rape crisis centers $161 million was to go out this year to begin those things, and, believe me, that money is really needed because to say to the victims of these kinds of acts that you have to privatize it or you are going to have to pay for it yourself, good luck. Part of the reason they have not been able to get out of the violence at home, or whatever, has been because of the economic dependence they have on the batterer, whether it be male or female, so that is very essential.

Well, what happened? It appears, it appears that $161 million is now $1 million, that they took $61 million out. Now that is an outrage. At that point we ought to just say the act has been canceled. I say to my colleague, "Let's be real honest about this. Don't brag about your vote if you vote to absolutely gut this."

There was also $100 million put into the crime trust fund for this, and that was to help train police and judges and to do more aid in the States and localities to get their laws tougher and so forth. I say to my colleagues, "Well, guess what? If that's all zeroed out, don't brag that you voted for the Violence Against Women Act because obviously that didn't happen."

Now there will be people saying, "Oh, well, it is just women." No, it is not. It is men and women; let me make that perfectly clear. Violence against men or violence against women in the home is wrong. Violence against children in the home is wrong. Instead you see everybody now moving to say that Government should back out of all of that and we should just again go back; the home is totally off limits, and you can batter children, batter spouses, do whatever.

Mr. Speaker, it looks like we are doing something, but we are not because we take all the money away. I hope that people in this country wake up and realize that because, if we ever want to get crime on the streets under control, we are not going to do it until we go to the source. We have had study after study showing that, if a person grows up in this violence, they are going to be violent.

Second, imagine the horror for the many, many Americans living in this type of situation. If you are afraid to be on the street because of crime, but you cannot even go home because you are also afraid to be there, what a nightmare.

So what a wonderful feeling it was a year ago when we all came together in a huge, bipartisan manner, and we voted that out, and we got the bill signed, and we got the details in order, and we really thought the train was moving, and now we find the whole train has been derailed, and they are going to drop a little token, $1 million, in the box and say "Isn't that wonderful? Look what we have done."

Let me tell you what you have done. You have done nothing. You have done absolutely nothing, and we will be back to business as usual on one of the most important crime generators and violence generators in this country.

And let us be perfectly clear about this. It is easy to tell you about other things, but the most important thing is the home and the family, and if the home and the family is the roots of violence, if the home and the family is absolutely torn asunder, then you are never going to get off square one when it comes to fighting crime.

## THE MEDICARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. ALLARD] is recognized during morning business for 5 minutes.

Mr. ALLARD. Mr. Speaker, the most important act of this Congress over the next 3 months will be the reform of Medicare. I would like to take a few minutes this morning to talk about what is at stake for America's seniors.

The Medicare Program is in trouble. In April, the trustees of the Social Security and Medicare trust funds issued an alarming report. The report concluded that next year the trust fund that finances Medicare will begin spending more than it takes in and will be bankrupt in 7 years. This will put the health care of 36 million Americans in jeopardy.

Remarkably, this report received almost no coverage by the media. Uncomfortable as it might be, the trustee's report cannot be ignored. The trustees include the Secretaries of Health and Human Services, Labor, and Treasury, as well as the Social Security Commissioner and two other public trustees, one Republican and one Democrat.

The reason for the crisis is clear. Medicare spending is growing at an alarming rate. This year alone, it will increase from $176 billion to $196 billion, a growth of 11 percent. This will be nearly three times the level of spending in 1986. It is obvious that any Federal program that triples its level of spending in a decade is headed for trouble.

Doing nothing might be the easiest course politically, but in my view that is not an option. The crisis must be addressed now. If Medicare goes bankrupt, by law, no payments can be made for hospital care for Medicare beneficiaries or for any other trust fund-paid services. This means that anyone age 58 or older today will be immediately impacted in 2002. And if the system is not then made solvent, millions of Americans who are much younger will be hurt.

Medicare can be fixed right now. And if we do it now, we can make the trust fund solvent without reducing current Medicare expenditures.

Those who oppose reform will make wild charges of draconian cuts. But when you hear those charges ask yourself what opponents of reform are proposing as a solution. The only other options are to either postpone the crisis a few more years, or substantially raise payroll taxes.

While three members of the President's Cabinet are Medicare trustees and signed onto the trustees report, the President's first budget included no reforms. The only response the President and his Democrat colleagues gave to this problem was criticism. However, the new Clinton budget has changed all that.

President Clinton has admitted that a balanced budget is best for our Nation—though his budget falls close to $1 trillion short of the amount actually needed to achieve a balanced budget.

But most importantly for our seniors and soon-to-be seniors, the President admits that Medicare must be reformed and saved from bankruptcy. Still, even with this, many of his Democrat colleagues still only criticize.

In order to reform the Medicare system, we have slowed the rate of growth from over 10 percent to 6.5 percent a year—a rate that will still exceed private-sector health care spending increases and inflation rate increases. Even with this level of reform, the country's annual Medicare spending will still rise from the current $4,700 per beneficiary to $6,400 per beneficiary in 7 years. Similarly, in my own State of Colorado, overall Medicare spending between 1995 and 2002 will increase 60 percent, which results in an increase of $1,385 per beneficiary.

Much of the reform can be accomplished with more private sector involvement in the program, and by giving seniors more choices and more power over the way their health care dollars are spent. Currently, Medicare beneficiaries are given only one option—the bureaucratic, outdated, 30-year-old, one-size-fits-all program. It is time to bring Medicare into the 1990's. No longer should the Government interfere in the relationship between patients and their doctors. We should ensure that Medicare beneficiaries and soon-to-be beneficiaries are able to continue their existing coverage—including their choice of doctors and hospitals, or choose new coverage that better fits their health care needs—such as coverage for prescription drugs, dental, or even to establish a medical savings account.

The goal is to save Medicare. It will not be easy or painless, but it will be much less painful if we do it now, rather than pass the buck one more time. My hope is that reform can be accomplished in a serious manner, without a high level of misinformation and distortion. Congress is now working carefully on a reform plan. Many organizations, such as the American Medical Association, and individuals are providing helpful proposals. The final plan will be available in early fall.

Two things in particular should be kept in mind as the debate progresses. First, no one is proposing any cuts in Medicare, only a slower rate of growth. Second, those who decry the proposed reforms should be challenged to present their solution. Strengthening Medicare is too important to be left to politics as usual. Doing nothing is not an option.

## THE MINIMUM WAGE BILL—WHAT HAS HAPPENED?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in February, the President proposed a modest increase in the minimum wage. Following the President's proposal, the Democratic leader introduced H.R. 940, the Working Wage Increase Act of 1995. Under H.R. 940, the minimum wage would be increased, in two steps, to $5.15 by Independence Day in 1996. There are currently 91 cosponsors of H.R. 940.

Nothing has happened on the minimum wage bill since its introduction. Could this be because all of the sponsors are Democrats? It should be a bipartisan effort to raise the minimum wage. It has been in times past. Both Speaker GINGRICH and Senator DOLE have supported minimum wage increases. The minimum wage needs to be increased now for two major reasons. First, to help improve the quality of life for all of our citizens.

And, second, to raise the standards of our workers so that they can keep pace with changing technologies and be better prepared for competing with workers around the world.

### WELFARE REFORM—AN UPDATE

While minimum wage is stalled, Congress is moving very fast to drive citizens off welfare. I support welfare reform, but with provisions for training and the minimum wage increase. The welfare reform bill, H.R. 4, passed the House on March 24 of this year and passed the Senate Finance Committee on May 26.

The House-passed bill would block grant cash welfare, child care, school breakfast and lunch programs, and nutrition programs for pregnant women and children. Unwed mothers under the age of 18 and repeat mothers already on welfare, would be purged from the rolls. Fortunately, the Senate bill is less radical in the changes it proposes to welfare programs. And, with passage of other bills, like the farm bill, more level thinking may prevail.

### FOREIGN TRADE—ITS IMPORTANCE

At the same time of these actions, a bill was introduced on June 7, H.R. 1756, which proposes to eliminate six programs from the Department of Commerce and to privatize or transfer into other departments, many other Commerce programs. A similar bill, S. 929, has been introduced in the Senate. The bill would eliminate the Economic Development Administration, the Minority Business Development Agency, the Office of the Secretary, General Counsel and Inspector General at Commerce, as well as several other programs under the Department. Indeed, this bill effectively dismantles the Commerce Department which has been the engine that has helped expand job opportunities in the global market.

### ANALYSIS

It is obvious to me that in our zeal to cut spending and balance the budget, we are being penny wise and pound foolish. We are putting people out of work, taking benefits from people without giving them work and keeping those who are working at poverty levels. We are creating a larger, and perhaps more permanent, underclass by these irrational actions.

This blind march toward the year 2002 fails to take into account that the best welfare reform is minimum wage reform. This irresponsible cutting of trade programs fails to take into account that foreign trade has created 274,000 jobs in my State of North Carolina alone.

I have consistently stated that I am for welfare reform. I have also consistently maintained that I support a balanced budget. The problem, however, with the direction we are taking is that we have closed our eyes to the impact of our acts. We can cut programs, refuse to raise the minimum wage and save money.

But, the money we lose by these deeds could far exceed the amount we gain. For example, while we are reducing our domestic deficit, we are ignoring our trade deficit, and our trade deficit is soaring. We may save a few billion dollars through eliminating Commerce to help reduce the deficit, but we will lose $20 billion through an increased trade deficit. What sense does it make to eliminate the very structure that assists American businesses in expanding, large and small, and helps create jobs for American workers?

### SUPPORT THE MINIMUM WAGE

The President's minimum wage proposal, combined with the earned income tax credit we passed last Congress, will go a long way in pushing millions of working Americans out of poverty. Yet, some of us are in the midst of cutting the earned income tax credit. It makes no sense. Sixty percent or 6 out of every 10 of those who are minimum wage workers are women. Many of them have children. And, most minimum wage workers are poor. Increases in the minimum wage have not kept pace with increases in the cost-of-living.

That is why a worker can work full-time, 40 hours a week, and still be below the poverty level. Surely we can increase the minimum wage for the first time since April 1991, a period during which the cost of housing, food, and clothing has greatly risen for the minimum wage worker.

The best welfare reform is a job, at a livable wage. I support this constrained request to lift millions of workers out of poverty. If we lift workers out of poverty, we will have less of a demand for welfare. If we have less of a demand for welfare, we will have less of a burden on this Nation's resources.

If we have less of a burden on this Nation's resources, we can compete more effectively in the global marketplace. And, if we compete more effectively in the global marketplace, we can reduce the trade deficit, further reduce the domestic deficit, create more jobs, put people

to work and restore America. Mr. Speaker, it makes sense to me. I cannot understand why it does not make sense to my colleagues. True vision is the art of seeing things invisible. We see what we want to see. We can keep many of our workers at low wage, unskilled jobs, or we can pay them better and train them better.

This is not 1945. The world community need not buy refrigerators from us. They can buy them almost anywhere. But, if we want to sell our refrigerators, we better have workers who can make them well. Let's reform welfare. But, let's also pass H.R. 940, the modest minimum wage bill.

## WHAT A DISGRACEFUL DAY TODAY IS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized during morning business for 5 minutes.

Mr. DORNAN. Mr. Speaker and my colleagues who may have clicked on the floor proceedings in their offices this morning, and to a handful of visitors in the gallery, and to the million or so people that track the proceedings of this, the world's greatest legislature, over C–SPAN, I rose this morning to discuss again that 11 July of 1995 is a disgraceful day in the history of our country because the Commander in Chief down at the White House in a Rose Garden ceremony—I gag on the words a Rose Garden ceremony—is going to extend the honor and the dignity of diplomatic relations to the war criminals, the Communist war criminals, who sit in power, and oppressive power, in Hanoi. The Americans that we left behind in Laos, 499 men shot down, some of them captured on the ground, Special Forces men, performing special operations, they may still be alive. There is no proof that they are not. They may be executed by this deed of infamy in the Rose Garden at midday today.

Last night I did a 1-hour special order. I had Robert Strange McNamara's evil book in my hands, this book that the New York Times has on the best seller list. Boggles my mind that people would pay money to read the words of this man who walked off the battlefield in Vietnam, blood dripping from his hands, resigned on February 29, 1968, leap year day of that year, probably a deliberate choice of day. Lyndon Johnson disgracefully gave Robert McNamara, Secretary of Defense, the choice of when he would resign. He made a speech in Canada in October 1967 saying we could not win the Vietnam war, and LBJ, instead of firing him the next day, gave him 4 or 5 more months of payroll, and that February 29 he resigned in a rainy ceremony over on the Mall, had canceled his flyby, thank you God, no Air Force veterans of that long struggle in Vietnam had to fly by and honor this disgraceful man, and then guess where Mr. McNamara went, Mr. Speaker? He went skiing at Aspen and then took a diversionary side trip in March 1968 down to the Caribbean, back for more skiing at Aspen while the hospitals in Vietnam were filled with the broken bodies of young Americans, some of them triple and double amputees, and I remember one quadruple amputee, all from that massive Tet offensive that we won, and Walter Cronkite is writing off our effort to LBJ, forcing him to resign or to say he resigned from the Presidential campaign on the 30th of March, and Bob McNamara is still skiing at Aspen.

Here is what McNamara said in his book, page 105. I am reading from last night's CONGRESSIONAL RECORD where I inserted this. He writes:

> It is a profound, enduring and universal ethical and moral dilemma: How, in times of war and crisis, can senior government officials be completely frank to their own people without giving aid and comfort to the enemy?

There is McNamara talking about Hanoi, North Vietnam calling him the enemy, and they were, and they still are, and he is talking about giving aid to the enemy in Hanoi, comfort to the enemy in Hanoi, and, less than 2 years after that, Bill Clinton was in Moscow giving aid to the people in Hanoi, giving comfort to the people in Hanoi, giving aid and comfort to the Communist forces in Hanoi, and then went down to Prague and did it some more. It is unbelievable that of all the human beings that should be in the White House, in the Oval Office, in the Rose Garden, it is a man who let three high school men go in his place. Maybe one of them was this young missing in action American, Jimmy Holt, captured February 7, 1968, disappeared into the midst of Southeast Asia the very month that McNamara is resigning, and this disgraceful book of McNamara is called "In Retrospect." Clinton said it vindicates his stand to give aid and comfort to the Communist forces in Hanoi. What a disgraceful day today is.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 30 minutes a.m.) the House stood in recess until 10 a.m.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

□ 1000

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the first hours of new life to the last rays of the Sun, from the opening of each day of grace to the final moments of our time, may we, O gracious God, not neglect our words of prayer, praise, and thanksgiving. While we know how easily we are absorbed in our tasks and our eyes miss the heavenly vision, we know too that You do not forget us; we acknowledge that our lives stray here or there, yet we know too that Your goodness and Your love sustain us all our days. For these and all Your blessings, O God, we offer these words of thanksgiving. 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. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT 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 with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

> H.R. 400. An act to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; and
>
> H.R. 716. An act to amend the Fishermen's Protective Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

> S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes; and
>
> S. 677. An act to repeal a redundant venue provision, and for other purposes.

## U.N. CONTROL OF U.S. FORCES UNCONSCIONABLE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, well, here we go again. Our President, without consulting the Congress, has allowed the United Nations to make a decision to bomb in Bosnia. It is going on as I speak. The U.S. F–

18's, according to the press, are over there bombing. U.N. control of U.S. forces is unconscionable, without resorting to consent from the Congress. We did not declare war.

If one American life is lost because of these actions, I think it is a disgrace to American integrity.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 Members from each side for 1-minute speeches.

## AFFORDABLE HOUSING MUST BE PROVIDED FOR ALL AMERICANS

(Mr. KENNEDY of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Speaker, first I might start off the morning by hoping that all of our colleagues will perhaps say a prayer today for our esteemed colleague, JOE MOAKLEY, who has just been raised from critical to serious condition in the hospital after a liver transplant in Virginia. He is a terrific fellow, as we all know, and deserves our prayers and consideration this morning.

Mr. Speaker, I rise today in strong opposition to the action taken by the Committee on Appropriations last night in their 25-percent reduction in our Nation's housing funding.

We have decimated our Nation's housing funding over the course of the last week and a half. A week ago we cut $7 billion out of the Nation's housing. Yesterday evening we cut an additional $7 billion, 25 percent of the annual budget.

We take photo ops and give sound bites in front of the worst public housing, ignoring the fact that 90 percent of the public housing in this country is in good, decent shape and providing affordable housing for the poorest, most vulnerable people in this country.

Let us stand for something in this country. Let us not conduct a war on the poor. Let us conduct a war on poverty. That is what we need, and that is where we should be headed.

## SELLING POLITICAL FAVORS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, while Republicans are working to fulfill their promise of changing business as usual in Washington, liberal Democrats have their sights set on campaign 1996.

The Clinton White House has begun campaign efforts by starting their own version of the Publisher's Clearinghouse Sweepstakes. Instead of buying chances at winning the million dollar grand prize, big Clinton campaign contributors are buying chances at winning big White House favors.

In this political game, grand prize contributors of $100,000 win two dinners with President Clinton, two receptions with Vice President AL GORE, plus, their very own spot on a foreign trade mission with business and party leaders.

They have yet to confirm if Ed McMahon will announce the winners of these special White House perks.

## UNITED STATES SHOULD RENEW DIPLOMATIC RELATIONS WITH VIETNAM

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, today the President will announce the renewal of diplomatic relations to Vietnam. I applaud these efforts. It is time.

For the record, I spent 6½ years as a POW in Vietnam. I know about as much about Vietnam as anyone in the House. I am convinced that these efforts will enhance our search for the fate of the missing MIA's. We have made significant progress over the last 4 years in our joint efforts with the Vietnamese, searching all over Vietnam, with access to prisons, access to virtually anyone on the street, and certainly access to their archives. We have sincere, trustworthy, and competent people working together in Vietnam in this effort.

But now we are at a point if we do not renew diplomatic relations, the Vietnamese could unilaterally just say get out of here, we quit. We do not want to lose the progress we have made. It is time for diplomatic relations. It is time to move on, with the world bringing Vietnam into the League of Nations.

## ADMINISTRATION'S NEW VIETNAM POLICY IS WRONG

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, today is a very, very sad day for America, but it is an even sadder day for American families who are waiting word on loved ones that have been designated as MIA's or POW's in Vietnam. The policy of normalizing relations with Vietnam, which will be announced today by the President of the United States, is a slap in the face at those families who are waiting word on their loved ones.

This is not a correct policy, this is a wrong policy, and until the Government of Vietnam comes forward and accounts for all of those who have been missing in action or designated as POW's, we should not normalize relations with Vietnam. We should not do it for economic reasons. That is the worst reason to do it. What we should be saying to them is "give us a full accounting." We owe it to the people who have lost their loved ones.

Mr. Speaker, I hope that all Americans will speak out against this.

## A FEDERAL INVESTIGATION OF WACO FIASCO NEEDED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, the fiasco of Waco, TX, commando raids, machine guns, tear gas, bulldozers, loud music, the recorded screams of dying rabbits all night, young children, 90 dead. And any Federal agent could honestly testify that David Koresh could have been arrested without incident, without harm, without force, any morning he jogged outside that camp, every single morning.

The truth is, the Federal agencies wanted a media milestone. The Federal agencies instead ended up with a media massacre. Yes, there must be a congressional investigation. There must be. Waco screams out louder than the recorded screams of those dying rabbits for a congressional investigation. The Federal agencies earned it, they deserve it.

Mr. Speaker, let us get on with our business.

## CHANGING THE STATUS QUO

(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, since taking control of Congress, the Republican Party has stayed focused on the commitment we made with the American people—to change the status quo. While the Democrats are playing politics by creating a "buyers market" for the White House, we are trying to save and protect Medicare for senior citizens and for future generations.

Our plan abolishes the one-size-fits-all plan, designed over 30 years ago. We replace it with a program that allows senior citizens to have the same health care choices as other Americans.

Also, the well-documented waste and fraud of the Medicare system, will be rooted out allowing for a 54-percent spending increase—the spending per senior will increase from $4,800 to more than $6,700.

Bottom line, the Republicans stand for change and the Democrats stand for the status quo. It is time to put aside political games and address the concerns of the American people.

## MEDICARE

(Ms. VELÁZQUEZ asked and was given permission to address the House

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for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise to take strong exception to the Republican budget resolution that will drastically slash Medicare payments to senior citizens.

Instead of wasting less on weapons and military spending, the Republicans want to balance the budget on the backs of the elderly. This plan will slash $270 billion from future Medicare spending, the largest cut in history.

Large reductions in Medicare payments will mean that Seniors will have to pay more for health care out of their own pockets.

Republicans are cutting Medicare in order to give $240 billion to wealthy corporations.

Balancing the budget is a worthy goal, but it should be done more fairly, and not at the expense of the health and well-being of our Nation's elderly.

Senior citizens have worked hard and contributed all their lives to this country. Let's end these shameless cuts and choose an equitable path to a balanced budget. Less for guns and corporate welfare; more for children, working families and seniors.

## A MAN OF CHANGE?

(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, recently House Democrats have been posting signs outside their offices that read "Not For Sale." I guess their reasoning for doing so is to distance themselves from the current administration. Democrats might argue that it's in reference to their blatant hypocrisy over a committee seat, but since the White House has begun selling access to the open ear of the executive branch, I think it's because it looks bad back home. The reason it looks bad, is because it is bad. This administration claims to be the party of the poor and working class. Mr. Speaker, I ask how many factory workers, teachers or civil servants you know who could afford to spend $100,000 for a couple of meals at the White House. This administration has claimed to be the party of change and I guess it's true because $100,000 is a lot of change.

## TRIBUTE TO FOSTER FURCOLO, FORMER MASSACHUSETTS CONGRESSMAN AND GOVERNOR

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in this Chamber to pay tribute to a former member of this institution, who has represented the Second Congressional District of Massachusetts, who passed away this past Wednesday.

A distinguished Italian-American from western Massachusetts, Foster Furcolo served as a Member of the 81st and 82d Congresses from 1949 to 1952, where he was known as a moderate Democrat. Five years after serving in this House, Foster Furcolo became Massachusetts' 60th Governor.

A product of Yale University undergrad and law school, educational achievement was on the forefront of Furcolo's political agenda. His proudest achievement in Massachusetts was the establishment of the community college system. He also expanded the University of Massachusetts and sponsored growth in loan and scholarship programs. He strengthened programs for the elderly, and outlawed housing discrimination.

Hailing from Longmeadow, MA, Foster Furcolo was a mentor to those of us from the western part of the State who were interested in public service and government. His contributions to Massachusetts will not be forgotten.

## MEDICARE AT A CROSSROADS

(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 Medicare system is at a crossroads. The Medicare Board of Trustees have said, and I quote from page 3 of their report, "* * * The fund is projected to be exhausted in 2001 * * *." That leaves this country with two options. We can either take the path to protect, preserve, and save Medicare or we can do what the President would like to do and walk down the road to no idea land that would throw millions of Americans off needed health benefits. Everyone agrees that there is a problem but only the Republicans pose a solution. Where's your plan Mr. President? Your own trustees agree that Medicare will go broke yet you do nothing. Does that mean that you would rather stay on the political median than save Medicare from bankruptcy? The answer to that question is clear. Our President is once again absent without leadership.

## DISMANTLING MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DELAURO. Mr. Speaker, on Saturday, the Washington Times confirmed what seniors have feared about Republican plans to cut Medicare. The conservative newspaper reported that the Republican leadership's ultimate goal is to privatize Medicare.

Now, Republicans claim that their plan to privatize Medicare will offer seniors more choices in the private health care market. But, unfortunately seniors know that the only choices that privatization offers them is to pay and pay and pay.

The privatization of Medicare will mean that seniors will pay more in premiums and deductibles. Recipients who now pay $46.10 per month for Medicare part B would pay more than $110 per month, under the GOP plan.

Thirty years ago when Medicare was established, 95 percent of Republicans opposed the plan. Now, Republicans are out to achieve a 30-year goal, dismantling what they never wanted in the first place—Medicare.

## MEDICARE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. SEASTRAND. Mr. Speaker, over the last month or so, liberal Democrats have proven over and over that they have become the party of obstruction. They have no ideas, they offer no vision. More importantly, they have completely ignored reports of the impending insolvency of Medicare.

Liberal Democrats act so very concerned about Medicare. But let us ask this: Why have they not recognized the report by the Medicare Trustees saying that Medicare will go bankrupt in just 7 years? How come they have not put forth a program to save Medicare?

The differences between the parties on Medicare are all too obvious. Republicans are committed to saving Medicare from bankruptcy and preserving it for future generations. Liberal Democrats play lip service to Medicare and attempt to scare the elderly all in the name of their twisted class warfare agenda.

## COMPACT-IMPACT AID

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, in 1986 the United States flung open its borders to the three countries of the former U.S. Trust Territory of the Pacific. The Compact of Free Association, negotiated between these nations and the United States, waives all usual INS procedures allowing totally unrestricted immigration into the United States. Because of Guam's proximity to these islands, we bear the brunt of this in-migration.

The law implementing the Compact of Free Association authorized reimbursement to Guam for the impact of this policy. Today, over 8,000 foreign citizens, 6 percent of our population, now legally reside on Guam.

The Government of Guam has carried the water for this ill-conceived immigration policy since 1986 and has incurred costs in excess of $70 million. I urge my colleagues to support an amendment that I will offer to the Interior appropriations bill to restore the administration's request of $4.58 million for Guam compact-impact aid. Guam may be 10,000 miles away, but on this immigration issue, Guam will not buy the excuse that the Federal Government lost our compact-impact check in the mail.

## MEDICARE OR MEDISCARE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we have heard it again this morning. The gentlewoman from Connecticut brings it up. The only change the guardians of the old order want to make is to change the name from Medicare to Mediscare. They are intent on scaring senior citizens, despite the report of the Medicare Trustees that tell us that Medicare goes broke over the next few years if we fail to do anything.

The new majority is committed to governing this Nation, is committed to saving Medicare, and, yes, is committed to a variety of alternatives. Far be it from the fear tactics of one-size-fits-all with one type of tactic to use. We want to broaden the options, to save Medicare for future generations, because our responsibility to govern allows us to do nothing less.

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## THE V-CHIP

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, yesterday the violence chip received the endorsement of the President of the United States.

This is a watershed moment in the fight for balance between parents who feel overwhelmed by the 200-channel television world of the future, and those who believe that the first amendment denies government any role in managing television.

Parents can set their sets to block out violent shows, and the V-chip does the rest. Any show carrying a rating that the parent wants to keep out, gets blocked.

For those of you who can't program the clock on your VCR, this is easier. If you want, you can set it once and not reset it until your kids are grown.

In the meantime, a parent knows that at least in his or her living room, there is an oasis of peace and quiet, free from the guns and beatings and mayhem and sexual material that is so frequently used to attract TV audiences.

This is nothing more or less than an on-off button, modernized for today's world. Parents can't be home all day, so technology will block shows until parents get home.

It is not censorship, it is parental choice.

It is not content regulation, it is parental mobilization.

It is not big brother, it is big mother and big father.

Ninety percent of parents polled want it. Within the next couple of days the gentleman from Virginia [Mr. MORAN], the gentleman from South Carolina [Mr. SPRATT], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Arkansas [Mr. DICKEY], and I will be introducing legislation to advance this cause.

## THE FISCAL YEAR 1995 EMERGENCY SUPPLEMENTAL AND RESCISSIONS

(Mr. LUCAS asked and was given permission to address the House for 1 minute.)

Mr. LUCAS. Mr. Speaker, as H.R. 1944, the House-passed rescission and emergency supplemental bill, wallows on the other side of this Nation's Capitol, the people's business again is held captive by a tiny fragment of the makeup of the U.S. Congress.

Their opposition to making government smaller and more efficient creates collateral damage to which they seemingly turn a blind eye. They must be made aware that H.R. 1944 is not just about deficit reduction, timber salvage, or any other partisan issue. H.R. 1944 is about victims of flood, earthquake, and terror.

I represent the area of Oklahoma City that was rocked by a man-made devastation never before seen in this country. H.R. 1944 contains crucial aid to help this damaged but healing city get back on its feet. I would plead with those who oppose this measure to listen to the calls of the President, congressional leadership, and overwhelming majorities in each House to free this legislation. It's time we put closure on this issue and put the people's business above partisan politics.

## CHINA AND HUMAN RIGHTS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, my constituent, Dr. Harry Wu of Milpitas, CA, a Chinese-born American citizen, has campaigned to publicize conditions in the Chinese labor camps. He has recently been arrested and charged with espionage by the Chinese government, and he could face execution if convicted. Dr. Harry Wu's only crime is exposing the true conditions and purposes of these Chinese labor camps.

Our message, Mr. Speaker, to the Chinese Government and to the world must be crystal clear. No American citizen shall be arrested and mistreated anywhere in the world without all Americans being threatened and all Americans responding.

The Congress will soon be considering most-favored-nation trade status with China. The Chinese are currently running a $36 billion a year trade surplus with us. Without MFN, Mr. Speaker, most of its exports will cease. Let us make Dr. Wu the $36 billion man and withhold MFN from these barbaric goons.

## ACCESS TO THE PRESIDENT CAN BE PURCHASED

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, the gentleman from California [Mr. STARK] is absolutely right about Harry Wu.

I want to quote this morning in the spirit of bipartisanship from a book that President Clinton wrote in 1992 called "Putting People First":

> American politics is being held hostage by big money interests, including political action committees, lobbies and cliques of $100,000 donors who buy access to Congress and the White House.

The President actually wrote that in 1992. It is right out of "Putting People First." Well, last week we saw the culmination of what has been a rather shameless parade to the well and a spectacle of self-righteousness unequaled in history. Every day that the House is in session, liberals take to the House floor and denounce and beat their chests about the floods of special interest money. Their self-righteous whimpers can be heard for miles from here.

But we just had the disclosure that the DNC is not immune. Apparently, look what is happening. For $100,000 you can go to dinner at the White House four times, get a spot on a trade mission. For $50,000 you get a Presidential dinner plus high-level briefings.

Come on. Let us back off and get real.

## WE JUST NEED THE GUTS TO PAY FOR MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Republicans have a plan to cut $270 billion from Medicare between now and the year 2002. During that same period, they plan to cut at least $245 billion in taxes for the most affluent in our country. Does that

sound like they are concerned about the senior citizens in our country?

The Republicans claim that Democrats are engaging in scare tactics. They want the public to believe that $270 billion in Medicare cuts will be pain-free and that seniors will be better off, maybe even have more freedom. Seniors have the freedom of choice right now. They can go to their own doctor. They can go to their own hospital. Let me reiterate to my Republican colleagues, this is free enterprise.

I think the public would be a little more confident in the Republican promises if the Medicare cuts were driven by a genuine health care concern instead of the balanced budget. Medicare is not bankrupt any more than the Defense Department is bankrupt. If you want to have senior citizen health care, you have to pay for it. You have to pay for it every year just like we have to pay for the Defense Department.

The Medicare system is not bankrupt. We just need to have the guts to pay for it.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 177 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 177

*Resolved*, That during further consideration of H.R. 1868 pursuant to House Resolution 170, consideration of the bill for amendment in the Committee of the Whole House on the state of the Union shall proceed without intervening motion except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each of those amendments may be considered 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 twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, 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 further 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. Immediately after disposition of the amendments printed in the report, the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio [Mr. HALL] pending which time 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, I think before we start the proceedings this morning that we all want to be reminded of the fact that our good friend and colleague, the ranking member of the Committee on Rules, the gentleman from Massachusetts, JOE MOAKLEY, is in the hospital. We wish him Godspeed and early return and all good health.

Mr. Speaker, in the week leading up to the Fourth of July break, we witnessed one of the longest campaigns of dilatory floor tactics in the recent history of the House of Representatives. That campaign continues. Yesterday's Roll Call quotes a minority leadership aide as saying, "We are blowing up the House on Monday." Well, it is Tuesday and we are still here, and we are pleased about that.

The minority Members have made references to guerilla warfare. Mr. Speaker, these are not the sentiments of the people of the United States who are interested in working for the national interest. Unfortunately, it is clear that the minority has decided to hold the foreign operations bill and possibly other legislation hostage in order to grandstand on what is an extraneous issue and now one that I hope is behind us and resolved.

To anyone who still has questions about the matter of committee ratios, I simply urge them to look at the history of ratios in the House under Democratic rule. I think the evidence very clearly shows, as we pointed out in debate yesterday, that the Republicans indeed are more generous to the minority on the Committee on Ways and Means than we have experienced when it was the other way around. So let us end that discussion and get on with the business.

Mr. Speaker, the majority is here to do the people's business and today that business is the passage of the foreign operations appropriations bill. Reluctantly, I am here with a second rule, a rule that will enable us to finish this bill and continue the important work of considering appropriations bills. As we all know, we have many left to go before the August recess.

As Members are aware, under the rules of the House, limitation amendments to appropriation bills are subject to the majority leader's motion to rise. In fact, we could cut off all debate here and now and proceed to final passage. But at this point we choose not to do that. But it is an important point, so let me restate it. Under the rules, we could end the amending process right now. But we are not going to do that. Instead we have crafted a rule to ensure that the four pending amendments are protected and each one has adequate debate time.

To those who may rise to claim that this rule is not fair, I would point out the hours upon hours that this body has spent voting on unnecessary motions already on this appropriations bill, procedural motions, dilatory motions, time that could have been used to finish the bill under a completely open rule.

By calculations of the chairman of the Committee on Rules, if I have read his quotes right, so far 27 hours have been used in debate on this, which is 5 more than we used to debate Desert Storm in 1991, and that involved hostile open warfare.

This rule strikes an important balance between the rights of Members to offer amendments, most notably the three Democrat Members, I say the three Democrat Members who still have amendments pending are being provided for under this rule, and one other amendment as well, and the need to finish consideration of this legislation in a timely manner, which is our responsibility.

I think this is the right balance. It allows those who had amendments pending to complete the business of this bill. It does get the bill moving. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to House Resolution 177, the second rule on the foreign operations appropriations bill for fiscal year 1996. Approximately 2 weeks ago, on June 22 when we were debating the first rule on this bill, I stood here and commended my colleagues on the other side of the aisle for reporting an essentially open rule. Now, after several days of full and fair debate on many important amendments under the 5 minute rule, we are suddenly closing down the process.

Under this new rule, only the four amendments specified in the accompanying rules report may be offered. These are amendments by Mr. ENGEL, Ms. JACKSON-LEE, Mr. VOLKMER, and Mr. SMITH of New Jersey. They are debatable for only 20 minutes each, equally divided between an opponent and proponent. Members will not be able to strike the last word and continue debating the merits of these amendments. No Member may offer any other amendment, regardless of how meritorious it may be.

Mr. Speaker, this is no way to do business. I have stated before that some bills may require a structured rule, I have, in fact, supported structured rules on foreign operations appropriations bills in the past. However,

if we are going to structure a rule, it should be done from the beginning and in an upfront way. Changing the rules in the middle of the game is not fair to Members who may have been legitimately planning to draft amendments, but are now precluded from doing so. Early on we were promised an open rule on this bill and that promise should be kept.

In my opinion, we have seen some very good debate has taken place in this body over amendments which sometimes went for 2 or even 3 hours. I think that is good. I think our constituents want us to think about what we are doing with their money and to debate it fully before we act hastily. My own children's amendment to transfer $108 million in funds to the new Child Survival Fund and to include basic education activities for millions of poor children overseas was the subject of meaningful debate and drew support from both sides of the aisle. I regret that other Members may not have an equal opportunity to offer their ideas in amendment form.

I am also concerned that under this rule, Mr. FRANK will not be allowed to offer his amendment to withhold funds to Indonesia. The Frank amendment addresses a very severe human rights issue of repression against the people of East Timor. This is a subject that should certainly be addressed in the context of our country's foreign aid expenditures.

Finally, Mr. Speaker, as I indicated during the debate on the American Overseas Interests Act, the International Affairs budget represents only 1.3 percent of total Federal spending. It has already been cut by 40 percent since 1985. As this bill was reported to the floor the fund for Africa absorbed a 21-percent cut, and another 40 percent was squeezed out of development aid. Funds in these areas go for self-help, preventive programs which actually save money down the road. This is a story we need to tell the American people. And to tell our story properly we should do it in a timely and deliberative manner.

I do plan to vote "no" on this rule and I urge my colleagues to join me to oppose it.

Mr. Speaker, I include for the RECORD the following information.

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. |
| 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) od 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 to 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 |

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. 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 |
| H.R. 1868 | Foreign Operations Appropriations | H. Res. 170 | Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ). | N/A |
| H.R. 1905 | Energy & Water Appropriations | H. Res. 171 | Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority. | N/A |
| H.J. Res. 79 | Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag. | H. Res. 173 | Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr. | N/A |
| H.R. 1944 | Recissions Bill | H. Res. 175 | Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment. | N/A |
| H.R. 1868 (2nd rule). | Foreign Operations Appropriations | H. Res. 177 | Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments. | |

*Contract Bills, 67% restrictive; 33% open. **All legislation, 64% restrictive; 36% 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 reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Glens Falls, NY [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Sanibel, FL for yielding time to me.

Mr. Speaker, the gentleman who just spoke on the other side of the aisle is one of my best friends in this Congress because he is one of our most respected Members. But I just have to take some exception to a couple of things he said.

One of the things he said was that this is no way to do business. Well, he is right. This is no way to do business. I would just ask those that are watching and those in the gallery and those in the press to watch what happens when this rule comes to a vote. That is no way to do business, dilatory tactics.

The statement made by a very prominent Democrat late last week was that they would blow up this place on Monday. That is no way to do business. All of those dilatory tactic votes that we had all last week interrupting the people's business, that is no way to do business. So I get a little agitated when I hear statements like that.

Let me just say, to underscore some of the things that my good friend from Sanibel, FL has mentioned, that I really do regret things have to come to this juncture. We did something this year that has not been done in 8 years when the Democrats were in control, since 1987, and that is we put out a completely open rule on this foreign operations appropriation bill, a very controversial bill we put it out under an open rule so that any Member could offer amendments to this important piece of legislation.

I think that as a result of that, we did have some good debates on various amendments, like the one by the gentleman from Ohio [Mr. HALL]. That was a good amendment. We had a good substantial debate on it. We had some good interplay with second degree amendments along the way as well. And hopefully, the House was better able to make more informed and wise decisions.

But we also had some intentionally dilatory tactics that I have just mentioned, including votes on frivolous motions and prolonged and repetitive debates that normally would not have happened. If the majority had put out a structured rule, we would have allowed 15 or 20 minutes on 30 minutes on most of those amendments, and that would have been satisfactory in years past. But no, now the Democrats want to drag it out for several hours on relatively noncontroversial issues.

□ 1040

I do not think it can be said that these tactics were in protest of a completely open rule, Mr. Speaker. Some of it was in protest of the policy nature of a perfectly legitimate limitation amendment that was offered on Haiti. Some of it was completely unrelated to the foreign operations bill itself.

When we began the final stage of the amendment process dealing with limitation amendments, it was the right of the majority leader to move that the committee rise and report at any time. That is according to the rules of the House. Instead, we agree to allow for the further consideration of limitation amendments, and debate went on under the regular rules of the House with no end in sight.

Therefore, what the Appropriations Committee and our leadership recommended was to go back to the Committee on Rules and make in order the four limitation amendments that were pending when the Committee of the Whole last rose. We took them all, every amendment that was pending at that time and which was printed in the RECORD.

In order to allow for these extra amendments, we also had to deal with the prospect of more dilatory tactics. Consequently, we have a rule now that limits these four amendments to 20 minutes each, a concession we made to the minority after initially moving that each be debated for 10 minutes each.

Now I understand, Mr. Speaker, that the gentleman from Alabama, SONNY CALLAHAN, who will be the manager on this side of the aisle on this bill when the rule brings this to the floor, is going to agree to make a unanimous-consent request to lengthen that period of time, at the request of the ranking minority member of the Committee on Appropriations, the gentleman from Wisconsin, Mr. OBEY. We are going to cooperate in every way that we can, in spite of these dilatory tactics, which are upsetting me.

Mr. Speaker, we have also prevented any intervening motions of the kind that have continuously interrupted our work on this bill over the last month. We have allowed for the votes on the amendments to be postponed and to be clustered, which was done before under the Democrat leadership.

In short, Mr. Speaker, this is an eminently fair rule. It allows for more amendments to be considered than are required under a completely open rule. We have made in order three times as many Democrat amendments as Republicans' in this second rule, all that were requested and that had been preprinted in the RECORD. We have even protected them against points of order that would otherwise lie against some of them, which means they could have been knocked out without any debate on this floor.

Mr. Speaker, the Committee on Rules has tried to be as fair as possible under the circumstances. We have bent over

backward to allow for an open debate in an amendment process on a bill that has never had an open rule before. Yet, we have been met with demands for rollcall votes on the previous question to the rule, which will appear again here today in a few minutes, and on the adoption of a completely open rule.

The minority has not been content with open rules, it seems. Instead, it has demanded endless debates on amendments not in order under a regular open amendment process.

Mr. Speaker, the time has come to recognize that we had a full debate, a fair debate, and an open amendment process on this bill. We must bring it to a final vote, and the time to do it is right now. We will ultimately be judged not only on how fair and open we have been in arriving at a final passage on this bill, but on how well we have handled the responsibility that goes with that openness.

Let us now act like responsible legislators, the people expect us to do that, and conclude this debate and take a final vote. Members should not think that the American people are not watching out there, Mr. Speaker. They see these silly shenanigans that are going on here, and they resent it as much as I do.

Let us get on with the people's business. Let us put these amendments on the floor that were pending, all of them, and let us bring them to vote. Then let us go to final passage.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the distinguished gentleman from Missouri, the home of Harry Truman.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it has been brought to my attention that at the time that the Committee rose, before we took off for the Fourth of July, that there was a fifth amendment, not the fifth amendment.

Mr. SOLOMON. Mr. Speaker, who is taking the fifth amendment around here?

Mr. VOLKMER. Mr. Speaker, a fifth amendment was pending at the desk, at the Reading Clerk, that was not included and made in order by this rule. I would just like to, out of curiosity, know why the amendment of the gentleman from Massachusetts [Mr. FRANK] was not included in this rule. Do the Members have something against the gentleman from Massachusetts, or what is it?

Mr. SOLOMON. Absolutely not, Mr. Speaker. As a matter of fact, we made amendments in order by the gentleman from Massachusetts many, many times when they were germane and to the point. That amendment was not pending. It had not been preprinted in the RECORD.

Mr. VOLKMER. It was not preprinted.

Mr. SOLOMON. Mr. Speaker, the gentleman asked me to answer his question. Let me answer it and then he can respond, too.

Mr. Speaker, I have here in front of me something I cannot read. As a matter of fact, I even had it magnified. This is the amendment that somebody brought down to the desk just before we adjourned the other day. But I cannot even read the amendment.

Second, the amendment was not in order. It would have been subject to a point of order. Consequently, we took the three Democrat amendments and the one Republican amendment that had been preprinted in the RECORD, we made them in order, we waived points of order against them. Now they are going to be debated on this floor. That is fair, I will say to the gentleman.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield, did the gentleman examine the RECORD of June 30, 1995?

Mr. SOLOMON. No.

Mr. VOLKMER. That amendment is included in that CONGRESSIONAL RECORD.

Mr. SOLOMON. Mr. Speaker, I would be glad to have the gentleman come over here and show it to me afterward.

Mr. VOLKMER. If the gentleman will continue to yield, Mr. Speaker, he can read it very easily: "None of the funds made available in this act may be used for assistance for Indonesia."

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman, was that the day we adjourned?

Mr. VOLKMER. Yes.

Mr. SOLOMON. Mr. Speaker, it was not preprinted in advance in the RECORD. That is why we took all of those amendments that were preprinted in the RECORD. We went upstairs and made them in order. The gentleman evidently dropped it in just as we were closing that night, which did not qualify it, in my opinion.

Mr. VOLKMER. Mr. Speaker, if the gentleman will continue to yield. I do appreciate the gentleman making this gentleman's amendment in order. I want to recognize that.

Mr. SOLOMON. Mr. Speaker, the gentleman is a very respected Member of the House. The gentleman was diligent in filing his amendment several days before.

Mr. VOLKMER. Yes.

If the gentleman will continue to yield, the other thing I would like to ask of the gentleman, Mr. Speaker, just to perhaps, because the gentleman has the power, or the gentleman from Florida, to do this. They can do this. They can offer an amendment to the rule, amending it. I notice that if it is time that the gentleman is worried about, that the gentleman from Alabama [Mr. CALLAHAN], who is now here, he is going to extend the time.

Mr. SOLOMON. The very distinguished gentleman.

Mr. VOLKMER. Right, the very distinguished gentleman. He is going to give us 10 additional minutes on each amendment. That is a total of 40 more minutes.

Mr. SOLOMON. That is right. He is very cooperative.

Mr. VOLKMER. If the gentleman will yield further, what I was thinking of, Mr. Speaker, is rather than doing that, we can just take our minutes and add that other amendment in, and there is not any more time, and we can vote on the question of Indonesia.

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, he really ought to speak to the gentleman from Wisconsin [Mr. OBEY]. The gentleman from Wisconsin was the one requesting the additional time. Perhaps the gentleman could work that out over there. I appreciate the gentleman's point of view.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri. [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, even though the Committee on Rules in their generosity has made the amendment that I had printed in the RECORD in order, I still rise strongly in opposition to this rule. I do so because it is another case of not letting the House act on amendments that are normally in order but restricting amendments by this rule.

Mr. Speaker, I think, again, it is a case of here we go again. When the Congress initially started, the day after, we were sworn in on the 4th of January, on the 5th the chairman of the Committee on Rules stood in that well, right at the podium on the Republican side, and talked about rules, and what we were going to do in rules, and how long it took for a bill to get out of committee, reports to be filed, and rules had to be done, and then the bill could come to the floor. It was very elaborate, very good, a very good education. Too bad there were not very many here to listen. This gentleman was, as the gentleman from New York knows.

However, at that time, Mr. Speaker, I and the gentlewoman from Colorado inquired of the gentleman and lo and behold, the gentleman said that by the time the year was over, we were going to have 70 percent of our rules that were going to be open rules, open rules on bills. Mr. Speaker, we are not even 40 percent now. Here we go again. This is not an open rule on this bill. It was an open rule, but it no longer is.

Mr. Speaker, the next time we see this bill, I dare say the next time will be when we are getting ready for the train wreck, when we get all the appropriation bills, we get the reconciliation bill, we get the tax bill, we get the debt limit bill, we get all of the farm bill, and all of these things will be stacked up in one big bill and sent to the President by the majority.

Mr. Speaker, when this occurs, everybody is going to be able to see what we on this side have been saying, and said it again this morning. It was denied again by the Gingrich Republican majority. That is that at that time, we are going to see the cuts in Medicare coming down the road. Where is the money going? We are going to see it in the tax bill. It is all going to be in one bill. We are going to see these big tax breaks for the wealthy. We are going to see our senior citizens in my district, where we have no HMO's, we have no HMO's, we are going to see them have to pay by the year 2002, or supposedly when this balanced budget is coming down the pike, that they are going to be paying over two to three times more for Medicare out of their meager Social Security check, so the wealthy at the same time are getting that $20,000 a year tax break. That is the next time Members are going to see this bill.

I daresay that I think we had better recognize that this bill, along with all the other appropriation bills, and the big spending bills, like the defense spending bill, and at the same time the reconciliation bill, which is the one that cuts my farm programs, is going to cut my senior citizens programs, going to cut the school lunches for the kids, it is going to do all of that, and at the same time in that bill we are going to have a big tax break bill for the wealthy. That is the next time we see this bill.

Mr. Speaker, for that reason, I am not only not going to vote for this rule, I am not even going to vote for the bill, because I think this bill is a lousy bill. I think that we ought to just send it back to committee and get rid of it.

Mr. GOSS. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN], chairman of the subcommittee in the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for his kind and generous allotment of time.

Mr. Speaker, I rise in total support of the rule. I want to tell all the Members on both sides of the aisle that throughout the entire 27 hours of debate on this issue, I have tried diligently to work with both sides. I have tried to work and have worked with the gentleman from Texas [Mr. WILSON]. I have tried and have worked with the gentleman from Wisconsin [Mr. OBEY]. I have assented to just about every request that they have made within my realm of possibility.

Therefore, I am not going to support the four amendments that are offered, but, in the spirit of working together toward a resolution to this issue, we are going to give people the opportunity to debate them. I am going to ask for unanimous consent to give them even more time. I think we have come as far as we can come on this bill, Mr. Speaker.

I realize the dilatory tactics that are taking place. I realize why they are doing it. However, at the same time I think we have dilly-dallied long enough on this bill. I think we ought to go ahead and accept this rule today as it is written, so we can get on with the passage of this bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I would just like to say that the chairman of the subcommittee, the gentleman from Alabama, has certainly been as accommodating as he possibly could. His leadership has been exemplary, and I think in a couple of cases when we were going through the very difficult times the week before last in certain cases, it was only his cool temperament that held things together. I would just like to make that note.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to my colleague and the distinguished gentleman from greater San Dimas, CA [Mr. DREIER], the chairman of the Subcommittee on Rules and Organization of the House of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Legislative and the Budget Process, which I understand is at this moment taking testimony over in the Rayburn Building, for yielding me this time.

Mr. Speaker, I would like to say that it saddens me that we have come to the point where we have to have this rule. We have tried desperately to enhance the level of deliberation in this institution. On January 24 when we put into place the opening day reforms, that was one of the major guides we had, to make this a deliberative body, and one might claim that staying up around the clock, as we did the week before last, was part of the deliberative process. Nothing could be further from the truth. We all know that the dilatory tactics that came from some of our very, very, very distinguished colleagues jeopardized the ability to deliberate over this very important piece of legislation.

We desperately want to have every single rule open. Some have claimed that we have had many, many closed rules. Sixty-two percent of the legislation has come up under an open amendment process, as the chairman of the Committee on Rules has just said. We want more and more open rules. We have done it so far.

However, when people are standing in the way of our responsibility to meet the appropriations deadlines, we have little choice other than to move ahead with some sort of structure with the rule. To me, as one who has worked and continues to this day to work on reform of the institution, I am very sorry that we have to in fact move forward with this kind of structure to the rule.

I hope that when we go ahead with the remaining appropriations bills, Mr. Speaker, that we will be able to work in a bipartisan way to implement the kind of legislation that the American people said last year they wanted us to proceed with, and that I believe with a majority of this institution wants us to implement.

I thank the gentleman for yielding to me, and I rise in support of this rule, because we have no alternative, unfortunately. I hope we will be able to finally bring a successful conclusion to this very important piece of legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, we see a continuation of the pattern here that when amendments are inconvenient, they are simply prevented from being offered. I gather there was some reference to my handwriting, which I will concede is not much better than my diction, but what happened was I have been interested in the issue of Indonesia and its mistreatment to the people of East Timor for some time.

There are currently negotiations going on now between the Portuguese and Indonesian Governments in which the Portuguese Government is trying to bring some help to these beleaguered people. Having us debate this and perhaps adopt an amendment could be very helpful.

As I understand it, Mr. Speaker, during the original debate, someone on the other side was going to offer an amendment and decided not to. When I learned that, I came to the floor and offered one. I had one that was in fact offered and it was at the desk that first night. We then adjourned. I later learned earlier the next day, or later the next day, that there was a rule that was coming and we had to submit, so I hastily, it is true, wrote it and submitted it. However, in fact I had had an amendment at the desk the night before. I submitted one the next day when I was told, with very little notice that it was required to do that.

The question is this: Should we be allowed to debate Indonesia? When we talked about Haiti there was great concern for democracy on the other side. Indonesia now is engaging in East Timor in the worst repression I believe that is going on in the world, a repression that is as bad as any going on in the world. However, Indonesia will be sheltered by the Republican Party from an amendment which would put some pressure on them to stop the systematic denial of the rights of the people of East Timor.

As I said, negotiations are now going on trying to deal with that, but the Republican Party is going to use its majority to keep that from even being debated. Having done that, Mr. Speaker, when they then talk about their concern for human rights and democracy elsewhere, it will seem hollow indeed, because one of the worst cases, the Indonesian repression in East Timor, will go unnoticed in this actual debate.

I would repeat, there was an amendment that was to be offered. When that was withdrawn, I hastily tried to make up for it, and they are going to repress this and protect the Indonesian autocracy.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I have no further requests for time, Mr. Speaker. I would simply like to say to the chairman of the subcommittee, the gentleman from Alabama [Mr. CALLAHAN], that I appreciate all the turmoil and tribulation that he has had to go through on this bill. This is a very difficult bill, it always is, and he has been accommodating. He has been a gentleman, working with both sides of the aisle very, very well. I appreciate that.

We disagree on a portion of the bill, because it has been cut severely, in my opinion. Since 1985 there has been a 40-percent cut. We are cutting it, of course, even much further this year.

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I am going to support the bill. I am going to support the bill because of the way the gentleman from Alabama [Mr. CALLAHAN] protected the children's programs relative to immunization and relative to ORT, oral rehydration therapy, and UNICEF and the kinds of programs that really affect children.

I offered an amendment that was accepted. The gentleman from Alabama [Mr. CALLAHAN], of course, did not like it. We debated it, but I believe that it really adds to the bill.

I hope someday that maybe the gentleman from Alabama [Mr. CALLAHAN] and I can maybe travel to some of these Third World nations together and see some of these programs, some of the immunization programs and some of the basic education programs and how they really help children and families develop.

I appreciate what the gentleman has tried to do. He has had a very difficult task. I praise him certainly for the children's portion of this bill. I realize it is a difficult bill.

I have said before that I have favored structured rules and I have supported them and handled them when we were in the majority. But the other side said that this was going to be an open rule, and I praised the process of an open rule, but now we are closing it down.

There are a couple of amendments that wanted to be offered that cannot be offered. The gentleman from Massachusetts [Mr. FRANK] was going to offer, in my opinion, a wonderful amendment.

I have been, with the gentleman from Massachusetts [Mr. FRANK], and even before, a proponent of taking money away from Indonesia because of the whole situation with the island of East Timor, which used to be a Portuguese colony and was taken over by Indonesia when the Portuguese left. Out of 700,000 people that live on the island, 200,000 people have been killed, in my opinion, by the Indonesian Government and it is something that really ought to be debated.

People ask me why do we mess around with East Timor. Nobody knows about it. There is no constituency in this country. It is because of the Nation of who we are. And if we are going to give taxpayers' moneys to a country that oppresses its people, then I think we ought to take a second look at it and have a tremendous debate and we were not able to really vote on this issue.

I hope during this whole process, before the possibility of the previous question being defeated, maybe we could bring this up. Certainly, I will attempt to do that, but maybe in the Senate.

Mr. Speaker, before I close, I would urge a no vote on the previous question and if defeated, I would offer an amendment which would increase the debate time for consideration of amendments and would permit consideration of the Frank amendment, prohibiting funds to Indonesia.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HALL of Ohio. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I have just been speaking to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the Committee on Appropriations. The gentleman tells me that someone wondered where he was and the gentleman would like it reported that where he is is in the Committee on Appropriations. Because under the way this House is now functioning, the Committee on Appropriations is meeting and the gentleman's presence is required there while the rule is being debated.

The gentleman would like to be here to object to this unfair rule, but he has been tied down by the need to be at his committee; an example of how the House is not functioning very well these days.

Mr. HALL of Ohio. Mr. Speaker, I insert in the RECORD the amendment that I would offer to the rule, as follows:

AMENDMENT TO H. RES. 177

On page 2, line 2 insert before the period "and the amendment described in Section 2 of this resolution"

"On page 2, line 5, strike "twenty" and insert "thirty"

After the period on page 2, line 24, insert the following:

"Section 2. The amendment numbered 86 printed pursuant to clause 6 of rule XXIII shall be considered as the printed amendment numbered 5 in the report accompanying this resolution to be offered by Representative Frank or his designee."

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I will be the closing speaker and I just have a few cleanup remarks I would like to make. Much of the commentary we have heard has been the subject of other debate and there is no point in hashing it over at this point.

Mr. Speaker, I think we are about 80 minutes away from ending a debate that has so far consumed 27 hours, which I point out has been some 5 hours more than the House spent debating Desert Storm back in 1991. That was probably the most important vote that I have made since I have been a Member of Congress and I am sure many other Members would feel that way.

Regarding some other points that have been made about open rules and so forth, I think it is fair to go back and we can put into the procedure, if necessary, the amendment process under the special rules by our Committee on Rules, and comparing the 103d and 104th Congresses. And yes; we argue about definitions, I know. But according to, I think, a fair and reasonable judgment, we have, indeed, had many more open rules or modified open rules in the 104th Congress.

Mr. Speaker, even I think our colleagues on the Committee on Rules on the other side have admitted that, although they feel maybe we are not doing quite as well as we hoped we would do. I think that is a subject of some debate, but I do not think it is debatable that we have not had more open rules. I think we definitely have.

With regard to the opportunity for more amendments here, I think there are probably an endless array of amendments that could come up under the foreign operations appropriation. I, certainly, had a couple of more Haiti amendments I was ready to bring out, but I think probably everybody is relieved that that has not happened, since we have already spent 6 hours on Haiti and that is probably more than enough.

With regard to East Timor, I had understood that the gentleman from Missouri [Mr. VOLKMER], the gentlewoman from New York [Mrs. LOWEY], and the gentleman from Virginia [Mr. WOLF], had all discussed this amongst themselves and had discussed this somewhat in the past and the fact that if there was a casualty on East Timor on this matter, that it is truly a casualty of the dilatory debate tactics. Because

had it not been for the dilatory debate, I suspect that would have happened.

But for the record I must state that the Committee on Rules met on the 29th and filed the rule on the 29th. The rule was filed. So a day late and a dollar short, it seems to be the situation with the gentleman from Massachusetts [Mr. FRANK]. I am sorry that it happened.

I suggest that the gentleman from Massachusetts [Mr. FRANK] should talk to the leadership in the Democratic Party and the minority party about the use of dilatory tactics.

The other point, and my good friend, the gentleman from Ohio [Mr. HALL], with whom I serve very happily and proudly on the Committee on Rules, has said that we began with an open rule, and I am sorry we did not stay with an open rule. I feel exactly the same way. We did not begin with an understanding that we were going to have dilatory tactics on an entirely extraneous matter.

I do not know what the problem really was. I do not know whether it was a question of Democratic unity or whether it was a question of a Medicaid speech or whether it was a question of really the committee statistics, the standings of the committees and the Ways and Means issue. I do not know what the issue was, but it clearly was not related to the foreign operations appropriation. It was extraneous, it was dilatory, and that is a matter of record.

The fact that we have had a casualty here and had to close down I think is regrettable. I think that it is very clear where that came from and what the problem with it is.

Having said all that, I think we have done our very best to make sure that all the amendments we did know about at the time that we filed were taken care of, that were timely filed and that we felt had been discussed one way or the other. I think we have done a very fair and reasonable job.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, first I want to say that to say that you are sorry that the East Timor situation is a victim of dilatory tactics seems to me an example of the kind of disproportion we can get into. We are talking about repression. Hurt feelings between ourselves should not get in the way of our being able to deal with repression.

The amendment that I offered, I came to the floor during the first period of debate, found to my disappointment that people who I thought were going to offer that amendment had not offered it. I then offered it, I submitted it. It had been in fact at the desk. This is not something that just happened the morning after. As soon as I found out that that was not being submitted, I submitted it. The next day when I was told there was a rule, I submitted it again.

As far as dilatory tactics, you are only doing 20 minutes of amendments, so we could hardly have been prolonging it. I submitted it, you come out with a rule that only does 20 minutes per amendment. I do not think another 20 minutes to allow us to deal with the horrible situation of repression in East Timor would have been a problem. To say to them, "Sorry, you don't count because we're mad about dilatory tactics and we can't spare you 20 minutes," I think degrades the process.

Mr. GOSS. Reclaiming my time, I would assure the gentleman I do not believe that was the situation. I believe the Committee on Rules dealt with what they felt they knew were amendments that had been timely filed with us. We did not know what other amendments might have been out there. If there had been other amendments that might have been on the same basis as yours at the time we met, what would we have done?

Mr. FRANK of Massachusetts. If the gentleman would yield further, I filed it the night before. As soon as I was told that there was a requirement for putting an amendment in, I scribbled it out and put it in. It was not written well, but it was submitted to the committee before the committee voted. It had been submitted the night before and it was submitted again before the committee voted. I cannot do any more than that.

Mr. GOSS. Reclaiming my time, I think that the gentleman was in fact a victim of process which was derailed by dilatory tactics.

Mr. FRANK of Massachusetts. It was the people of East Timor who were the victims.

Mr. GOSS. The people of East Timor have been the victims for a long time. I agree it is a serious problem. I recognize the gentleman represents people from Portugal in his district. I understand his sensitivity. I also know that other Members of this body have dealt with the East Timor situation and reached the conclusion not to offer the amendment.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, the whole thing about not knowing of the amendment of the gentleman from Massachusetts, I am a little fuzzy on that. I just cannot figure this out.

The gentleman from New York stands up here and shows us a big sign that has the amendment of the gentleman from Massachusetts as it was written, has now been enlarged into a sign. I assume that means that he had that at the time.

Mr. GOSS. Reclaiming my time, the chairman did not have that big sign at the time. I think the only reason he had it is it has become sort of a cause celebre.

Mr. VOLKMER. The other thing I would like to ask the gentleman about, the gentleman mentioned on the subject of Indonesia that the gentlewoman from New York, the gentleman from Missouri, and the gentleman from Virginia had discussed it. Was the gentleman when you are talking about Missouri, were you talking about this gentleman?

Mr. GOSS. I was told that they had coordinated with you. If that is not true, then I am misinformed. In any even the gentlewoman from New York [Mrs. LOWEY] and the gentleman from Virginia [Mr. WOLF] apparently did have such an amendment.

Mr. VOLKMER. We had discussed it. I just wanted to make sure you were talking about this gentleman and not someone else from Missouri. But I also had an amendment on Indonesia that I had planned to offer. I did not, as a result of a discussion that I had with the chairman of the subcommittee, but that should not preclude any other Members if they wished to offer it.

Mr. GOSS. I agree. I think what happened clearly was there was the thought, the expectation, that others were going to offer the amendment, and it did not happen and we got into this dilatory process.

Mr. HALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Ohio.

Mr. HALL of Ohio. I thank my friend the gentleman from Florida for yielding.

Mr. Speaker, I just want to close by saying that we did really have a discussion on the Frank amendment. As a matter of fact, it was offered in committee, we had a vote on it, the vote was 6 to 3, I think it was the last vote that we took, and all 6 Republicans voted against it and the 3 Democrats voted for it. So there was a discussion. It was not something that we did not have a chance to really talk about. We discussed it and we voted on it.

Mr. GOSS. Reclaiming my time, the gentleman is absolutely right, of course. The concern we have is there were other Republicans who also said, "Look, we have got things we want to put in there, too." I just said that I had another Haiti amendment.

The line was drawn and said, what we have got is what is in; if we start opening up, then you are going to find all kinds of little notes all over this place. People have said, "I had intended to do that, had I only known." You have to draw the line somewhere. I think we drew it fairly. I think we tried to give fair treatment to the four that we have provided for in here.

Mr. Speaker, in closing I wanted to point out that there are some alarming

things going on. I read the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR], in the New York Times as saying about these dilatory tactics that "We're going to keep this up until we get justice." I would say that you want to be careful about justice. Sometimes when you pray for it, you get it.

I think when you look at some of the ways that we are trying to accommodate the minority, that we are doing better than in fact was the case when we were in the minority. It is something we are all aware of. We are determined to try to do better and be fairer.

If we are abused by dilatory tactics, obviously, we are going to have to take appropriate countermeasures because we have the Nation's business to attend to. I read this morning in Congress Daily, I was unhappy to read it, a statement by the minority leader, the gentleman from Missouri [Mr. GEPHARDT], that says, "We continue to be deeply concerned about the Republican leadership's attempt to stack the Ways and Means Committee."

We disposed of that yesterday. I suppose I should say I am astonished, shocked, dismayed, incredulous about the minority leader's statement, but I am not speechless about it. The fact is that the Committee on Ways and Means minority is getting better treatment under this majority than the other way around, on a percentage basis.

Mr. VOLKMER. Point of order, Mr. Speaker. The gentleman is not speaking on the rule.

Mr. GOSS. In fact I am speaking on the rule, Mr. Speaker, because what I am talking about is the rule that we have had to put in place is exactly because we have run into problems that we did not anticipate and I am sorry that we have. I am saying that the Committee on Rules will be forced to consider shutting down some of the openness of debate that we strive for and want to have to get the Nation's business done if we are subjected to meaningless, wasteful, dilatory tactics. That is just the fact.

I urge the passage of this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. DICKEY). 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. HALL of Ohio. 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.

Pursuant to clause 5(b)(1) of rule XV, the minimum time for electronic voting on adoption of the resolution, if ordered, will be reduced to 5 minutes.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 162, not voting 36, as follows:

[Roll No. 478]

YEAS—236

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
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
Farr
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
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
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
McCollum
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
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—162

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Coleman
Condit
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
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
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden

NOT VOTING—36

Andrews
Bishop
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Fattah
Flake
Ford
Frost
Hastings (FL)
Hilliard
Jefferson
Johnson, E. B.
McKinney
Mfume
Moakley
Nadler
Owens
Payne (NJ)
Peterson (MN)
Rangel
Reynolds
Rose
Rush
Scott
Stokes
Towns
Tucker
Watt (NC)
Watts (OK)
Wynn
Yates

□ 1135

Mr. SALMON and Mr. YOUNG of Alaska changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, on rollcall No. 478, I was meeting with constituents and inadvertently missed the vote. Had I been present, I would have voted "yes."

Mr. VOLKMER. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to lay the motion to reconsider the vote on the table.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. GOSS] to lay on the table the motion to reconsider offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 167, not voting 32, as follows:

[Roll No. 479]

AYES—235

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
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
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
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
McCollum
McCrery
McDade
McHugh
McInnis
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
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—167

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
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
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden

NOT VOTING—32

Andrews
Bishop
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Fattah
Flake
Ford
Frost
Goodling
Hastings (FL)
Hilliard
Jefferson
Johnson, E. B.
McIntosh
McKinney
Moakley
Owens
Payne (NJ)
Rangel
Reynolds
Rush
Scott
Stokes
Towns
Tucker
Watt (NC)
Wynn
Yates

□ 1154

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DICKEY). 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. HALL of Ohio. 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 246, noes 156, not voting 32, as follows:

[Roll No. 480]

AYES—246

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
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
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
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)
Hayes
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
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
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
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

NOES—156

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior

Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Coleman
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden

NOT VOTING—32

Andrews
Bishop
Browder
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Fattah
Flake
Frost
Gephardt
Hastings (FL)
Hilliard
Jefferson
Johnson, E. B.
McKinney
Moakley
Owens
Payne (NJ)
Rangel
Reynolds
Rush
Scott
Serrano
Stokes
Towns
Tucker
Watt (NC)
Wynn
Yates

□ 1203

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DICKEY). Without objection, a motion to reconsider is laid on the table.

Mr. VOLKMER. Mr. Speaker, I object.

Mr. SOLOMON. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Goss moves to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. GOSS] to lay on the table the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 153, not voting 33, as follows:

[Roll No. 481]

AYES—248

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
Brewster
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
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
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)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
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
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
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
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—153

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clement
Coleman
Collins (IL)
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—33

Andrews
Bishop
Brown (FL)
Clay
Clayton
Clyburn
Collins (MI)
Conyers
Danner
Fattah
Flake
Frost
Gephardt
Hastings (FL)
Hilliard
Jefferson
Johnson, E. B.
McKinney
Moakley
Morella
Myrick
Owens
Payne (NJ)
Rangel
Reynolds
Roberts
Rush
Scott
Stokes
Towns
Tucker
Watt (NC)
Yates

□ 1222

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during rollcall votes Nos. 478, 479, 480, and 481 on H.R. 1868, I was unavoidably detained. Had I been present I would have voted "no" on all.

## PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, I ask that my votes on rollcall votes 478, 479, 480, and 481 be shown in the RECORD at the appropriate places as "no."

I was unavoidably detained.

Mr. RUSH. Mr. Speaker, I was not available to vote for rollcall numbers 478, 479, 480 and 481 because I was at an official meeting with the President of the United States at the White House during that time.

Had I been present I would have voted NAY on rollcall numbers 478, 479, 480, and 481.

## PERMISSION TO EXTEND DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 1868, in the Committee of the Whole, pursuant to House Resolutions 170 and 177, each of the amendments printed in House Report 104–167 be debatable for 30 minutes rather than 20 minutes, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Alabama?

There was no objection.

## GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1868, the bill about to be considered, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, July 10, in the order in which that motion was entertained.

Votes will be taken the following order: H.R. 1642 denovo; H.R. 1643 denovo; H.R. 1141, denovo; and S.523, denovo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

## EXTENDING MOST-FAVORED-NATION TREATMENT TO CAMBODIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1642.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 1642.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## EXTENDING MOST-FAVORED-NATION TREATMENT TO BULGARIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1643.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 1643.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## SIKES ACT IMPROVEMENT AMENDMENTS OF 1995

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1141, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1141, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## COLORADO BASIN SALINITY CONTROL ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 523.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the Senate bill, S. 523.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 170 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. 1868.

□ 1228

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. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, June 28, 1995, the bill was considered read through page 78, line 9.

Pursuant to House Resolution 177, further consideration of the bill for amendment shall proceed without intervening motion except the amendments printed in House Report 104–167. Those amendments may be considered only in the order printed in the report, by a Member designated in the report, are considered read, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, each amendment shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment.

The Chairman of the Committee of the Whole may reduce to not less than 5 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 not be less than 15 minutes.

□ 1230

It is now in order to consider amendment No. 1 printed in House Report 104–167.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. 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. ENGEL: Page 63, after line 4, insert the following new section:

**SEC. 540A. RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.**

(a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York [Mr. ENGEL] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for too long ethnic Albanian citizens of Kosova, who comprise 90 percent of the province's population, have been dominated and repressed by Serbia. Today I rise to offer an amendment which will demonstrate support for Kosova and serve America's interests by helping prevent a regional spreading of the Balkan conflict.

The people of Kosova voted overwhelmingly for the independence of their state in September of 1990 and chose Ibraham Rigova, a professor of literature, who recently met with Secretary of State Chirstopher, to be the first President of the newly declared republic. Serbia, however, has not seen fit to recognize these valid and legitimate acts of self-determination. Belgrade has prevented the new government from meeting in the capital of Pristina and strictly from meeting in the capital of Pristina and strictly controls the media and all speech.

The human rights situation in Kosova is grave and worsened with the July 1993 expulsion of international monitors according to Amnesty International and Human Rights Watch. Ethnic Albanians are denied access to education, health care, and legal process solely on the basis of their ethnicity.

I might say, by the way, Mr. Chairman, that with the events happening in Bosnia, we can say that those events will look like a tea party compared to what might happen in Kosova if Belgrade gets its way.

The security situation in Kosova is also very troubling. If Serbia escalates its aggressive behavior in Kosova the Balkan conflict may expand into Macedonia, drawing in Albania, Bulgaria, Greece, and possibly Turkey. I support statements by the U.S. Government threatening a stern American response "in the event of conflict in Kosova caused by Serbian action."

In recent months, however, negotiations with Serbia have progressed to the point where the international community has offered to ease sanctions against Belgrade if it recognize Bosnia. While this policy may produce some positive results in Bosnia, it will turn over all leverage we have on Kosova.

I fully agree with President Clinton when, on January 4 of this year, he wrote to the gentlewoman from New York [Ms. MOLINARI] and myself and said, "There are a large number of issues, including Kosova, that must be addressed before Belgrade should be freed of U.N. sanctions."

The amendment I offer today would condition the lifting of sanctions against Serbia upon improvement in human rights in Kosova. Until Milosevic, the leader of Serbia, gives Kosova the right to self-determination, ends human rights violations, allows international monitors to return, and permits the elected government of Kosova to carry out its mandate as representatives of the people of Kosova, we should not lift sanctions on Belgrade. Considering the intensified persecution of the ethnic Albanian majority in Kosova, I strongly believe that sanctions should remain in place until the situation in Kosova improves. I urge Members to support this important amendment.

I might say that the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, is fully in support of this amendment. It has very deep bipartisan support.

Let me finally add, in view of the actions of the Serbs in Bosnia today which led to U.N. and NATO air strikes on them, is it any wonder that they continue to thumb their nose at the world and continue to think they can slide away from the international sanctions that have been imposed on them? We must not let this happen. I urge my colleagues to support this amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I appreciate him allowing me to intervene at this time.

Mr. Chairman, I rise in very strong support of the gentleman's amendment. I have been to Kosova and Pristina, the capital. I have talked to the Serbian leadership in Kosova. They have no appreciation for human rights and no appreciation of the individuals there who have a right to practice their own religion, pursue their own culture, use their language of choice, and to enjoy the human rights which are guaranteed by the Helsinki final act.

I congratulate the gentleman from New York for this amendment, which is critical. Frankly, the Milosevic regime is a regime which has been assessed to be a criminal regime by our former Deputy Secretary of State, Larry Eagleburger. I think he was correct.

Kosova is a specific example of where the Milosevic government in Belgrade tramples upon the rights that they are pledged to protect under the Helsinki final act. We ought not to consider lifting sanctions. We ought not to consider making the Milosevic regime's life one whit better without the human rights situation in Kosova very, very substantially improving.

The CHAIRMAN. Is the gentleman from Alabama opposed to the amendment?

Mr. CALLAHAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] will be recognized for 15 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. I rise in opposition more to the amendment than to the philosophy.

If this Congress is going to micromanage the executive branch of government with respect to foreign affairs, I think it is a tremendous mistake. The Constitution very clearly gives the authority and the responsibility for foreign affairs to the administrative branch of government. Congress has the right to provide or deny funds.

It seems that every time a Member of Congress, and certainly this is no reflection upon the gentleman from New York, but every time a Member of Congress travels to some foreign nation, they come back with an adopted country and they start trying to demand through legislation the direction that they want the administration to work. I think it grossly interferes with the ability of the administration to have an effective foreign policy.

I am at a distinct disadvantage on Kosova. I have never been to Kosova. I do not even know exactly where Kosova is. I know it is somewhere over near Bosnia and I know it is somewhere in the former Yugoslavia, but nevertheless I am not familiar with it.

I do not deny that there are human rights abuses there. I do not deny that we ought to be concerned about that, but I am concerned about the fact that we in Congress are beginning to be 435 little Under Secretaries of State traveling all over the world and coming back and telling the administration that you cannot do this, you should not do that.

So I am sure that the gentleman from New York [Mr. ENGEL] is very sincere in his desire to improve human rights situations in Kosova and I respect that. And I certainly want human rights protected all over the world. I want them protected here in the United States of America.

Mr. Chairman, I am opposed to it, because the administration has contacted me this morning. The Assistant Secretary of State told me that this amendment will seriously interfere with the ability of the administration to have an effective solution to the problems in Bosnia.

I have to respect the administration's decision in opposing the amendment, while at the same time respecting the gentleman's concerns about human rights violations in Kosova.

Mr. Chairman, I reserve the balance of my time, but still in opposition to the Engel amendment.

Mr. ENGEL. Mr. Chairman, I yield myself 30 seconds to answer the gentleman from Alabama [Mr. CALLAHAN].

The administration has also lobbied this Congress against lifting the arms embargo and this Congress has voted overwhelmingly on a couple of occasions to lift the arms embargo.

I do not think that the administration is proposing effective solutions at all in this area and I think it behooves us in Congress to state very, very strongly that we will not stand for human rights abuses in this part of the world. Perhaps if we had been showing a little gumption over the past few years, the Serbs would not be acting the way they are acting in the Balkans.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from New York for yielding me the time.

Mr. Chairman, this is a mild and a bipartisan amendment that I do support. It provides a little bit of protection to Kosova. If you wonder why is it that Kosova needs protection, what is the risk for Kosova? All you need do is remember Bosnia. Remember that Serbia, the last communist dictatorship in Europe, will stop at nothing in pursuit of their goal of a greater Serbia.

Remember the ethnic cleansing and slaughter of whole families in Bosnia. Remember the elected Vice President of Bosnia dragged from a U.N. vehicle and summarily shot by the Serbs. Remember U.N. resolutions for safe areas unenforced by the U.N., ignored by the Serbs.

As we speak here today, one of those safe areas, Srebrenica, is under attack. Remember the old man recovering in a hospital bed from surgery in Sarajevo who was shot by a Serb sniper. Remember the funeral processions that were bombarded; the school yard full of 10- and 11-year-olds playing soccer, bombarded by the Serbs.

Remember the women and children standing in water lines because the water had been cut off to Sarajevo. Remember the bombardments of those water lines.

When the U.N. accepts its humiliation in Bosnia at the orchestration of Milosevic, the last communist dictator in Europe, then it will be Kosova's turn. Because the Serbs, under Milosevic in Serbia, will stop at nothing to achieve Greater Serbia.

Mr. Chairman, the amendment that we have before us will not make it easier for Serbia to strangle Kosova, but it is a start by making certain that those sanctions are not lifted too early in the process. So I hope very much that this amendment will be adopted.

Mr. CALLAHAN. Mr. Chairman, I do not think we have any more speakers, because probably 90 percent of the Congress does not know where Kosova is. But, nevertheless, I do stand by my philosophy; that I think it is a very serious mistake for this Congress, or any Congress, to interfere this way in the ability of the administration to have a foreign policy.

I think that the President has selected Warren Christopher to be the Secretary of State, and I do not think we need pseudo—Secretaries of State trying to dictate policy. Although I still respect what the gentleman from New York [Mr. ENGEL] is saying with regard to his concerns for human rights, I still oppose the amendment.

Mr. Chairman, I insert the following for the RECORD:

U.S. DEPARTMENT OF STATE,
*Washington DC, July 11, 1995.*

Hon. SONNY CALLAHAN,
*Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, House of Representatives.*

DEAR MR. CHAIRMAN: As the House continues its deliberations on H.R. 1868, the Foreign Operations, Export Financing and Related Programs Appropriations Bill for FY 1996, I wanted to provide you with the Department's views on the four amendments that may be offered during floor consideration and seek your support in defeating them.

While the Administration supports the goals of the Kosovo amendment, we believe its effects would be counterproductive to our efforts to achieve a regional peace settlement in the former Yugoslavia, which offers the best hope for protecting the rights of Kosovar Albanians.

It is already U.S. and Contact Group policy that some sanctions on Belgrade should remain in place until the autonomy of Kosovo is restored. However, making Kosovo the linchpin for any easing of the embargo would seriously undermine the President's ability to negotiate a regional settlement in Bosnia. Current diplomatic efforts, for example, center on the possibility of limited sanctions suspension in exchange for key Serbian concessions in recognizing Bosnia and improving the border monitoring regime.

At the same time, we are concerned that this new provision could bar the democracy promotion program in Serbia that many in Congress have been encouraging us to expand. Programs such as recent U.S. efforts to establish a democracy commission in Serbia provide an important counterweight to reactionary, anti-democratic forces that are responsible for so much of the current tragedy in the former Yugoslavia.

We object as to the amendment that would cut off assistance to Ethiopia if the government there has not made progress on human rights. In the last year, the Government of Ethiopia took a number of steps to improve its human rights practices. Procedurally fair elections were held. Several thousands persons detained without charge were released and the camps in which they were confined were closed. The concept of respect for the rule of law is gaining acceptance, and open and procedurally fair trials have begun for defendants charged with committing crimes against humanity during the Mengistu regime. Terminating aid would undercut our ability to encourage further human rights progress and would penalize ordinary Ethiopians, who are among the world's poorest people. Of $153 million in U.S. aid provided in FY 1994, $120 million was food aid, which was crucial in feeding approximately 2.5 million Ethiopians.

We also object to the amendment that would prohibit aid to the Government of Kenya because it denies its citizens the right to free and fair elections. While we share Congress' concern about Kenya's human rights record, much of our assistance is directed to projects to improve Kenya's human rights performance, including its electoral practices. Passage of this amendment would undercut our efforts to build democratic institutions and promote good governance. This amendment would undercut our efforts to build democratic institutions and promote good governance. This amendment would also adversely affect our ability to use International Military Education and Training (IMET) funds to train the Kenyan military, an apolitical force that has not been implicated in human rights abuses.

Finally, we oppose the amendment that would prohibit the availability of funds provided in the bill for the salaries and expenses of personnel implementing the Migration and Refugee Assistance Act (MRA). While the Department agrees that none of the funds appropriated for refugees should be spent on population activities, our budget request for FY 1996 proposed consolidating program funding and administrative costs into one account in an effort to simplify the management of the Bureau of Population, Refuges and Migration (PRM). An added benefit would be a reduction of Appropriations Committee oversight responsibility to one rather than two subcommittees. This amendment would divide oversight responsibility and would have the effect of cutting funding for the State Department's already strained operations by another $12 million, as PRM's administrative expenses would be borne by the Department's Salaries and Expenses account.

Thank you for considering the views we have outlined above. We look forward to continuing to work with you and your colleagues to achieve the passage of a bill which garners wide bipartisan support.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary, Legislative Affairs.*

Mr. Chairman, I yield back the balance of my time.

Mr. ENGEL. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] has 8 minutes remaining.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say most respectfully to my friend, the gentleman from Alabama [Mr. CALLAHAN], that this bill which we have previously debated all night long contains many statements in policy, which we in Congress have seen fit to put in, involving human rights violations all over the world. And, certainly, when we talk about human rights violations all over the world, Kosova ranks up there, unfortunately, with the best, or should I say with the worst.

On a trip to Kosova a couple of years ago with my colleagues, the gentleman from New York [Mr. KING], the gentlewoman from New York [Ms. MOLINARI], and the gentleman from New York [Mr. PAXON], we were all appalled at what we saw. Truly, people under occupation. And it is certainly something I think that we cannot turn a blind eye to, particularly when we are making statements throughout this bill on human rights violations all over the world.

Mr. Chairman, I might also add that we have had extensive hearings on Kosova in the Committee on International Relations, previously the Foreign Affairs Committee. We have had witness after witness from the administration tell us that they would not lift sanctions on the Belgrade regime until the human rights situation in Kosova improved.

Yet, we see a slipping back of those solemn promises made by Secretary of State Christopher and other administration officials. So I think it is very, very important at this point in time that we stand up very, very strongly, as this Congress has on this bill in many other places all around the world, and say that the United States is not going to stand for human rights violations.

□ 1245

We have witnessed the tragedy in Bosnia. We have witnessed what happens when aggression goes unchecked. We have witnessed what happens when the world turns a blind eye.

We do not want it to happen in Kosova. There are 2 million ethnic Albanians living in Kosova. They have been denied the basic principles of freedom. They do not have schools. They cannot speak their own language. They cannot do what they need to do.

People are summarily fired because they are Albanian, and there are elements in the Serbian regime that would like nothing more than to drive a million or a million and a half ethnic Albanians out of Kosova, out of the border into Albania or over the border into Macedonia and again making what happens in Bosnia look like a tea party by comparison.

I urge my colleagues to stand up. Again, the chairman of the committee, the gentleman from New York [Mr. GILMAN] is in full support of this amendment. This amendment mirrors legislation that he has, the chairman of the committee, the gentleman from New York [Mr. GILMAN], has submitted this year; the gentlewoman from New York [Ms. MOLINARI], my colleague, and I for many years have cosponsored such legislation; and other members of the committee such as the gentleman from New Jersey [Mr. SMITH] and the gentleman from California [Mr. ROHRABACHER] and the gentleman from Virginia [Mr. MORAN] have all supported this.

Mr. Chairman, I yield such time as she may consume to my colleague and friend, the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. I thank the gentleman for leading the charge here today, and certainly historically, toward the betterment of the quality of life and the sanctity of life and doing all he possibly can to restore some semblance of sanity in the area called Kosova. A time when most people prefer to turn a blind eye, the gentleman from New York [Mr. ENGEL], has really been a leader in human rights in that area of the country, and I am extremely grateful.

Mr. Chairman, while the Balkan spotlight is focused on Bosnia today, a tragedy of immense proportions is happening just 120 miles southeast of Sarajevo in the Republica of Kosova.

The amendment which we offer today will address what is an urgent crisis. Serbian police terrorism, directed at the 92-percent Albanian majority in Kosova, has been skyrocketing. The Prishtina-based Council for the Defense of Human Rights and Freedoms, reported last week that during June alone 918 Albanians in Kosova were subjected to various forms of Serbian repression. Some 384 were arrested, 87 had their homes raided, 379 were subjected to arms searches, 243 were beaten with 9 requiring medical treatment after having been tortured, 62 were detained, 210 were summoned for police interrogation, all in 1 month.

Complete abrogation of human, civil, and national rights of the 2 million Albanians in Kosova have been perpetrated by the Serbs since 1989. How much longer can the Albanians live under the most brutal, diabolical form of marshal law? It started in Croatia, Mr. Chairman, it moved to Bosnia, and unless this Congress and the United States and maybe, pray God, someday the United Nations rises up against Serbian aggression in this area of the world, Kosova will be next, and we do not know where it goes from there.

Today we have an opportunity to make a very important statement against the communist Serbs that have terrorized so many innocents in that area once called the former Yugoslavia. It is happening also in Kosova. They have no friends, they have no one watching. Today we send a message that as Americans we care and we will do all that we can in this democracy to make sure that some day they may live free also.

Mr. Chairman, I urge reply colleagues to join me in supporting this important amendment which at the very least will send a strong message to the Milosevic regime: Stop the siege of Kosova.

I thank the gentleman again for leading this all important effort.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would like to compliment my colleague, the gentleman from New York on the leadership he has provided on this issue, but also on human rights issues across the spectrum.

The fact is this is an issue that should unite Republicans and Democrats and does to the degree that Republicans and Democrats in this body are aware of the human rights abuses that are going on in this world.

What we are saying today is that we recognize that the Serbian oppression in Kosova is unacceptable and that we see what is going on and that we will view further human rights violations of these people as not only just a slap in the face of the Congress but an attack on the basic values of the American people. We represent, yes, the interests of the United States, but also the values of the United States, and we are demanding today by this resolution that the Serbian regime recognize it is dealing with people who have rights in Kosova and that they refrain from the terrible violations and the repression that has been going on with these people.

If we do not send this message, the people there will pay a horrible price, and we are on the people's side, not the repressors' side.

The CHAIRMAN. The gentleman from New York has 1 minute remaining.

Mr. ENGEL. Mr. Chairman, would it be possible to ask unanimous consent for an additional 1 minute? We have two colleagues here that would like to speak. I would like to give them each 1 minute.

The CHAIRMAN. It would be imperative that both sides have additional time.

Mr. CALLAHAN. What was the gentleman's request?

Mr. ENGEL. I would ask for an additional minute. We have two Members who would like to speak for 1 minute each, and I only have 1 minute.

Mr. CALLAHAN. I would like to remind the gentleman we have already extended debate time 10 minutes at your request, but we have got to move on with this. We have other bills.

Mr. ENGEL. Would the gentleman be able to yield an extra minute? We had

a vote in the Committee on International Relations.

Mr. CALLAHAN. I have already yielded back my time. I will not object to 1 additional minute, but we are not going to continue this on. I promised the Committee on Rules if they would not object to my unanimous-consent request to extend your time limitation, that we would move through this expeditiously, so I gave up all of my time, and now, I will not object to the 1 additional minute.

The CHAIRMAN. Without objection, both sides are given 1 additional minute.

There was no objection.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague on the Committee on International Relations, the gentleman from New York [Mr. ENGEL].

It would require the retention of sanctions currently imposed against Serbia until the Serbian Government implements specific improvements in the human rights situation in Kosova. The amendment implements the Kosova Peace, Democracy and Human Rights Act of 1995, which was introduced by the gentleman from New York [Mr. GILMAN], cosponsored by the gentleman from New York [Mr. ENGEL] and myself, among others.

The amendment recognizes the people of Kosova are a captive nation. These ethnic Albanians, who take great pride in their own history, language, and culture, have been forced to submit to a foreign rule, first by great power politics and then by a communist tyranny.

The amendment also recognizes the harsh conditions, and we have had hearings on the Helsinki Commission on this, Mr. Chairman, and it is very, very, very harsh, and they have been imposed by the Serb state.

It further recognizes that until basic justice is done, Kosova will always be a place not only of oppression but also of potential conflict.

Finally, the Engel amendment recognizes the potential of the Kosova conflict to affect relations among a large number of states, including not only Serbia but also Albania, Macedonia, Bulgaria, Turkey.

It is a good amendment. I hope the body will accept it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I just wanted to rise in support of the gentleman's amendment. I think it is long overdue that we take a strong stand and not lift the sanctions of Serbia until human rights in Kosova improve.

I support the amendment proposed by the gentleman from New York, [Mr. ENGEL], whom I wish to commend for his initiative. This amendment essentially mirrors language contained in H.R. 1360 which I introduced earlier this year. Ordinarily, I would oppose such a measure being attached to an appropriations bill, but I am convinced that the situation in Kosova is an extraordinary case, and requires urgent action by this body in order to ensure that in the fast-breaking events of the Balkan crisis we do not overlook the suffering of the Kosovar population.

Adoption of this amendment will help ameliorate in an important way an apparent gap in United States policy concerning the conflict in the former Yugoslavia. It will require the administration to be mindful of the deplorable situation in Kosova whose people have had their political and cultural identity brutally stripped from them by Serbian overlords. The amendment establishes a specific set of conditions aimed at restoring the political autonomy enjoyed by the people of Kosova prior to 1989. It requires the President to certify to Congress that the conditions have been met prior to the relaxation by our Government of all the U.N. economic sanctions imposed upon Serbia.

Regrettably, it has become necessary to consider this amendment at this time because the administration, while it has focused on the debacle in Bosnia, forgets that the situation in Kosova needs to be redressed before a true and just peace can be restored to the former Yugoslavia. That conflict springs from complex roots and sources, but we should not forget that the current campaign of ethnic cleansing by Serbia began in Kosova. Until the people of Kosova are again able to exercise their political, cultural and social rights, as they had when Serbia recognized the autonomous status of Kosova prior to 1989, there can be no lasting peace in the Balkans.

Accordingly, I urge my colleagues to support this amendment, and send a strong signal that the Congress has not forgotten Kosova and its long-suffering people.

Mr. ENGEL. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank my friend from New York and my friend from New Jersey.

I was recently in Kosova. It is an unbelievable situation. There are 60,000 paramilitary people, military officers, policemen, who are controlling 2 million Albanian Kosovans. They are controlling them in the most brutal way possible, with constant murders, beatings, rapes, wholesale thefts of property.

In fact, when President Milosevic of Serbia, who represents only 5 percent of the population, forced the withdrawal of the CSCE human rights monitors in July 1993, the incidents of beatings, rapes, and murders has gone up by 85 percent.

We went to the office that documented all of these atrocious, indescribable, brutal acts, and, you know, the police had just been there, had beaten up the staff, had stolen all the documentation. The lawyer who attempted to intervene to complain, he was visited at his apartment and bludgeoned on the head for it.

This has to change. I support the amendment very strongly.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

The CHAIRMAN. It is now is order to consider amendment No. 2, printed in House Report 104–167.

AMENDMENT OFFERED BY MS. JACKSON-LEE

Ms. JACKSON-LEE. 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 Ms. JACKSON-LEE: Page 78, after line 6, insert the following new section:

SEC. 564. None of the funds appropriated in this Act may be made available to the Government of Ethiopia if it is made known to the State Department that during fiscal year 1996 the Ethiopian government has not made progress on human rights.

MODIFICATION OF AMENDMENT OFFERED BY MS. JACKSON-LEE

Ms. JACKSON-LEE. Mr. Chairman, I ask unanimous consent that my amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Ms. JACKSON-LEE: Page 78, after line 6, insert the following new section:

SEC. 564. The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1996 funds for Ethiopia appropriated in this act.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas [Ms. JACKSON-LEE], and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I yield myself such time as I may consume.

Let me first of all, Mr. Chairman, thank the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] for the very cooperative spirit on the trend and direction of this amendment.

Let me also acknowledge the gentleman from Georgia [Mr. KINGSTON] and the chairman of the Subcommittee on Africa for their cooperation and the spirit of support that they have given the direction of this amendment.

Likewise, I want to acknowledge the task force work that included Mr.

PAYNE and Mr. HASTINGS and the gentleman from Georgia, Mr. KINGSTON, in working with the country of Ethiopia.

For a moment let me share some background on this matter and on my concern. Certainly, I pay great tribute to a Congressperson who served in this great body and, in fact, gave his life for his concern about humanitarian needs in Ethiopia, and that is the Hon. Congressman Mickey Leland, who served the 18th Congressional District in Texas in the 1980's. His concern was that of freedom and justice, and certainly it was a concern for those who could not speak for themselves. And he repeatedly went back to the nation of Ethiopia to provide food for the children, but at the same time he wanted to extend to them his arm of help but also the understanding of the freedoms and democracy of this Nation.

Mr. Chairman, I rise to offer an amendment that strives to improve the conditions in this poverty-stricken land. It is, yes, to applaud the progress that has been made, but it is to acknowledge that we do have a moral commitment in this Nation to be able to join in with our allies and our friends and to encourage them to move toward human rights progress.

Let me also applaud Assistant Secretary of State for Africa, George Moose, for he has worked vigorously with Ethiopia, along with Ambassador Hicks, and the emphasis that we had in discussing this amendment was to emphasize we wanted to have the country of Ethiopia move forward, to improve its stand greatly after the massive periods of starvation and civil war.

There is much more to be done, Mr. Chairman, and my amendment proposes to encourage the government of Ethiopia, throughout the State Department, to continue its progress toward human rights for the citizens of Ethiopia.

This amendment is the best of all worlds. It moves Ethiopia along toward a path of self-sufficiency and a period of fairness for all of its citizens. Ethiopia has just completed a period of transitional government and recently held elections. Though the elections were not elections without incident, they were elections nonetheless.

Ethiopia is moving on the path, and the right path, and I am proposing that we help ensure Ethiopia's continued growth by encouraging a greater attention to human rights by this new and fledgling government.

Are we trying to dictate foreign policy? No, we are not. What we are simply trying to do is to be a partner in this movement toward human rights progress. Is it not the right and the role of those of us who would argue and speak for human rights in this nation to be able to join in with our friends, yes, our friends, and encourage their progress?

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from New York.

Mr. Chairman, I just want to rise to join with the gentlewoman from Texas to praise the modification of her amendment, and I think that her proposal of monitoring what is going on in Ethiopia will be extremely helpful, and I thank the gentlewoman for working on this amendment so that it has language we can all agree upon.

Mr. Chairman, I join with the gentlewoman from Texas to praise the modification of her amendment.

Ethiopia represents an enormous humanitarian challenge. From 1984 to 1991, we spent over one billion dollars on disaster relief for Ethiopia. Famines in 1984 and 1990 killed thousands of Ethiopians. All of this occurred while Ethiopia was ruled by one of the most brutal communist dictatorships in the world.

Today, Ethiopia faces a structural food deficit. Millions of Ethiopians are dependent on the international community—particularly the United States—for food and basic services.

Fortunately, the current government in Ethiopia is actively assisting us in these humanitarian efforts. This is a vast improvement from previous regimes which actively opposed our relief efforts and used starvation as a weapon against its domestic opponents. Our assistance program in Ethiopia must be seen in this context.

The Government of Ethiopia does not measure up to our high standards of democracy, human rights and economic reform. The largest ethnic groups in Ethiopia have not been sufficiently included in the government, and the ruling party often uses coercion to manipulate the political process.

The concerns must be addressed, but I believe they are best addressed by a close relationship between the Government of Ethiopia, which has shown remarkable competence in other areas, and the United States, which provides the bulk of humanitarian assistance.

Mr. Chairman, I now support this amendment and commend the gentlewoman for the modification of the amendment.

Ms. JACKSON-LEE. I thank the gentleman so very much for your very kind words. Let me also pay tribute to you for the hard effort that has been made toward human rights throughout this entire world on behalf of those who believe in those issues.

If I might finish and conclude, Mr. Chairman, my remarks, I would hope, as we move in friendship with Ethiopia, affirming again the progress but looking toward more progress, we will see prospectively an integrated military, we will see future elections that will come voluntarily, free and open, all political viewpoints will be heard, as we know they are moving toward, and, yes, we would hope that political prisoners whatever their perspective, that they will come out in freedom but as well in support of an administration and regime that supports human rights.

□ 1300

As we move toward human rights, we hope the trade unions will be recognized, and its members should not be subjugated. We want the action commissions to be supported in their dissent and also the journalists.

Mr. Chairman, I do not propose to bring about overnight change for the people of Ethiopia. However, I wish to support the current process of democratization in Ethiopia and empower its citizens through free speech, recognition of human rights, and the diversification of the military. I urge my colleagues to join me in support of the people of Ethiopia and the continued growth of their nation.

Let me also thank my esteemed colleague, no longer with us, the honorable Congressman Mickey Leland, for his service to human rights and his commitment to human rights as his life exemplified through the time he served in Congress.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, two of the three remaining amendments, ironically, are amendments that impact a possible cut to aid in Ethiopia and to Kenya, two nations in Africa. I find that rather amusing, but let me compliment the gentlewoman from Texas.

I chastised this House a few minutes ago about Members of Congress becoming pseudo-Secretaries of State, and travelling all over the world, and coming back here and dictating policy to the administration. I explained my philosophy about the lessons that civics teaches us—that the executive branch has the authority and the responsibility for foreign policy, apart from appropriations.

The gentlewoman's amendment does not dictate to the administration. She has a legitimate concern that she has brought here, and she wants to make certain that the administration hears her message. In her amendment she states that the State Department should closely monitor and take into account human rights progress in Ethiopia.

Mr. Chairman, that is what the Congress should do. We should give these types of messages when we have a concern, but, at the same time, not dictate policy, and recognize that the administration has to weigh all of the involvements of all the nations in the world in determining their policy.

So, I am not going to object to the amendment, Mr. Chairman, because she has corrected it with her modification.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. Mr. Chairman, I appreciate the gentleman's yielding, and I thank him so very much for both his cooperative spirit and the direction that I think speaks well of this entire body.

Mr. Chairman, if the gentleman would yield to me, I would appreciate having the opportunity to yield to the gentleman from Florida [Mr. JOHNSTON] on this matter for 2 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE] to do whatever she wants to do.

Mr. JOHNSTON of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, I do appreciate the gentleman and the gentlewoman yielding this time to me.

Mr. Chairman, I have probably been the most severe critic of Ethiopia and, on the next one, Kenya, under human rights. Last year I visited both countries, spoke to President Moi at length of Kenya, spoke to President Meles at length in Ethiopia. Also, I met with President Meles here in Washington last year and tried to go over the items that I am sure the gentlewoman from Texas [Ms. JACKSON-LEE] has already enumerated.

I will say this though in Ethiopia: Everything being relative, if you check what happened in the Mengistu regime versus what has happened in the Meles regime, it is light years advancement there. No. 2 is Ethiopia has helped tremendously in our conflict in Sudan, and has intervened there, and has shown that they would like to come into the community of nations.

There is a task force that has met with the opposing parties in Ethiopia, in Washington here, in the early winter, in which the State Department, and the Carter Center, and myself, and Congressman HASTINGS met with these parties for 3 days, and I think we are about to arrive at a breakthrough there in which human rights will be observed better than it has been in the past, and I look forward. I appreciate the gentlewoman's understanding here in her ability to come to, I think, an excellent compromise with the State Department, with AID, and with the other factions, and I strongly support the bill.

Mr. Chairman, again I congratulate the gentlewoman on the fine work she has done.

Mr. CALLAHAN. Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Texas is recognized for 1 minute.

Ms. JACKSON-LEE. Mr. Chairman, I will not use all of that; simply I want to conclude by thanking all of those who have had the opportunity to work on this bill and to thank the gentleman from Florida [Mr. JOHNSTON] and his work in the task force and to affirmatively firm up the position that we take, and that is for human rights and for the support of Ethiopia moving and making progress in human rights.

Mr. BURTON of Indiana. Mr. Speaker, Ethiopia is one of the real bright spots in Africa.

I firmly oppose the Jackson-Lee amendment on Ehtiopia which would send a very bad signal throughout Africa. It is completely superfluous, as the State Department already monitors human rights all over the world.

As former ranking minority member on the Subcommittee on Africa, I had occasion to follow the situation in Ethiopia very closely. The current Government liberated Ethiopia from Mengistu, who was Africa's Hilter and Stalin rolled into one. They deserve a chance to continue to build Ethiopian democracy which is exactly what they have been doing for the past 4 years.

In that short time, this Government has: Ended the war; ended the famine; instituted free markets; and instituted freedom of the press and other democratic institutions.

They are not perfect, but under the leadership of President Meles, one of the most dynamic young leaders in the world, they have made an excellent start.

They deserve our support.

The CHAIRMAN. The question is on the amendment, as modified, offered from the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 104–67.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. 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. VOLKMER: At the end of the bill, add the following new section:

SEC. . None of the funds appropriated in this Act may be made available to the Government of Kenya already known to be a country which denies its citizens the right to free and fair elections as identified in the Department of State Country Reports on Human Rights Practices. *Provided*, That this section may be waived if the President determines such waiver is in the United States national interest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Missouri [Mr. VOLKMER] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I doubt very much if we will take the full 15 minutes on this side, but, as we look at the world in which we live, it is we in this country who enjoy the liberties of a democratic society, and under our Constitution, and we try to provide that same type of freedom throughout the world for other peoples and re-review what is going on in other parts of the world, in other countries, and we have some reservations about the democratization process that is evolving in those countries, and at the same time we are asking our taxpayers to provide funds to those countries even though the people, many of them, do not have the freedoms that we believe that they should enjoy.

One of the main reasons I say that I offer to develop this amendment on Kenya, and we can do it on Indonesia and several other countries in the world, is that early on in debate on this bill we had an amendment up concerning a very small Caribbean nation of Haiti, and, as a result of that, we had a long discussion, about 6 hours, on the democratization process that is ongoing in this small nation, a few people, and it just started, and yet we can look around the world, as I have done, and I find that we have a process, been ongoing for a longer period of time, that is not near the part and the place where it is in Haiti, and yet no one on this committee, no one in this Congress, not one person, has offered to say, "Hey, we should cut off aid unless such and such is done."

So for that reason I decided that since, in my observation, we have severe human rights violations in Kenya, that I would offer the amendment that would stop the development assistance and the military aid to the country of Kenya because of the violations that are occurring and continue to occur. Even under the constitution of Kenya one would think otherwise.

They are, I will agree, in Kenya; they have some improvement in human rights, but I think they have a long way to go. We still have serious human rights problems persisting there. The government continues to intimidate and harass those opposed to the government party, the Kenya Africa National Union known as KANU. These actions included violations of civil liberties like freedom of speech, freedom of press, assembly, and association in an attempt to silence critics. Security forces continue to arrest and temporarily detain opposition parliamentarians and journalists. They also harassed voters in several by-elections and have broken up lawful public gatherings.

The arrest of 15 opposition members of parliament after they brought relief supplies to a displaced persons camp; the government characterized the trip as an unlicensed meeting in which they uttered words calculated to incite the public against the President, President Moi.

As my colleagues know, the League of Women Voters attempted to hold a seminar in Kenya, and approximately 100 armed police chased participants from the place by beating them with clubs. Freedom of assembly is provided

in the constitution, but is seriously limited by the Public Order Act which prohibits unlicensed meetings of 10 or more persons without an approval from the district commissioner, and the government denied the right to assemble by not granting the permits.

As my colleagues know, the Kenya citizens theoretically have a right to change their government through free and fair elections if they have free and fair elections. But their ability to do so is yet to be demonstrated fully. Their presidential and parliamentary election in 1992 were marked by violence, intimidation, fraud, other irregularities, but opposition candidates still won 63 percent of the vote. Diplomatic observers have viewed the 10 by-elections that have been held in 1994 as generally more free and fair despite some minor irregularities, however the government continued to harass and intimidate the political opposition.

The President, Moi, exercises sweeping powers over the local political structure as well as the National Assembly, and the KANU Party he heads controlled 118 out of the 200 National Assembly seats even though the opposition got 63 percent of the vote.

The President appoints both the powerful provincial and district commissioner, as well as a multitude of district and village officials. At the district and village level these political parties are responsible for security as well as disbursement of Federal development funds. At the national level a constitution authorized the President to dissolve the legislature and prohibits assembly debate on issues under consideration by the courts, and this very interesting:

This law, in conjunction with the Speaker of the Assembly's ruling that the subject of the President's conduct is inappropriate for parliamentary debate—reminds me a little bit of this place—has severely limited the scope of deliberation on many controversial political issues.

Members of the Parliament are entitled to introduce legislation, but in practice it is the attorney general who does so. As the head of the KANU, the President also influences the legislative agenda. He has also bolstered KANU's majority by acting on its constitutional authority by appointing 12 members of Parliament.

Three opposition parties, the Democrat Party, the FORD-K, and the FORD-A, hold the majority of the opposition's 82 seats. KANU used a variety of pressure tactics—and I would like for the gentleman to listen to this one—used a variety of pressure tactics to entice opposition, Members of Parliament, to defect to KANU, and by year's end six opposition Members of Parliament had done so. As a result, there were 10 by-elections including 2 forced by the death of 2 members of Parliament.

During the seven by-elections held in June, last year, there were credible reports that government and KANU officials bribed voters, purchased voters' cards, forcibly removed an election observer from a polling station. There was also violent incidents at public rallies prior to the June elections involving both opposition and KANU's reporters. Street skirmishes between supporters of contending parties also broke out on the day of two by-elections in October. A U.S. Embassy observer witnessed an assault in front of a polling station on a FORD-A candidate, who was later hospitalized. The assailant, who struck the candidate to the ground with repeated blows as armed police looked on, came to the polling station in a convoy of vehicles escorting the KANU Secretary General.

I wonder what President Moi has to say about that following the announcement of October's election results in which two opposition candidates won parliamentary seats. Fights again erupted resulting in the death of at least six people.

Another round of by-elections were held in January 1995—were to be held following the high court's decision in November that nullified opposition majorities, victories, in two 1992 parliamentary elections.

□ 1315

It appears that in Kenya, if you do not win at the ballot box, then they control the supreme court and you will win there and get rid of the opposition that way. The court overturned the result of one election because the opposition winner had allegedly administered tribal oaths to supporters, although the decision was based on contradictory testimony given by witch doctors.

Although there are no legal restrictions on participation of women and minorities in politics, the role of women in the political process, nonetheless, remains circumscribed by traditional attitudes. In 1994 there were six female members of parliament, no female cabinet ministers, and one female assistant minister. Within the political opposition, women figure most significantly in the Democratic Party, where 25 percent of the party's national office holders are women.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama is recognized for 15 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I rise to strongly urge my colleagues to vote against the Volkmer amendment. I want to address the issue raised in this amendment by speaking primarily from experiences I have personally gained through my involvement with our programs providing basic humanitarian assistance.

This amendment is counterproductive. In my judgment, it does not honor what has been a long-standing and supportive relationship between the governments of Kenya and the United States.

Speaking from personal experience, I recall having first met President Moi during a 1984 trip with the late Mickey Leland to address the famine relief operations in drought-stricken Ethiopia. Moi and his government were entirely responsive to our requests that relief into Ethiopia be headquartered in Kenya. It was my experience then, as it has been consistently since, that President Moi and his Government, for over a decade, have provided first-rate cooperation in meeting the requests of the humanitarian community, in including ours, as it mounts emergency relief operations within the Greater Horn of Africa.

As many of my colleagues concerned with humanitarian issues know, almost all national and multinational humanitarian relief organizations working in the region have retained their headquarters in Nairobi for many years. Kenya consistently has welcomed the humanitarian community and has afforded it the necessary political environment as well as dependable communication and logistical capabilities needed to do its work. Our operations providing emergency food and basic medical care in Somalia and to the refugees of Rwanda have all been headquartered in Nairobi.

Many of you are aware of Operation Lifeline Sudan through which the United Nations has airlifted food relief into southern Sudan to the victims of the decades-long Sudanese civil war. Begun in 1989, this life-sustaining operation could never have been possible, not to mention sustained, if Kenya had not consistently granted permission to the U.N. to base its operations within Kenya at a place called Lokichokio, just inside its border with Sudan. The border proximity of Lokichokio has made an airlift viable in terms of cost and flying conditions. With Kenya's unfaltering help, thousands of Sudanese lives have been saved.

Kenya has demonstrated its commitment to being a responsible member of the international community in other ways as well. For example, Kenya is the second largest contributor of peacekeeping troops in Africa, after Ghana. Kenya peacekeeping troops continue to assume significant roles in Iraq and Bosnia.

We must give full measure to the fact that Kenya has been a staunch supporter of the United States. For over a decade, with no questions asked, Kenya has always agreed to United States military requests to use Kenyan airports, roads, and port facilities. Specifically, during the Persian Gulf war, Kenya provided important logistical support to the United States military, and kept its critical facilities opened to support our military operations, with no questions asked.

This amendment aims to punish Kenya. Yet, to my mind, Kenya has been and continues to be one of the most valuable United States allies in Africa.

I am particularly concerned about the potential consequences of the Volkmer amendment because it comes at a time when we currently are renegotiating the access agreement. How irresponsible our Government would appear should we pass the Volkmer amendment while in the same breath request Kenya to continue to allow our military their free access to its ports, airports, and roads which it has enjoyed for more than a decade. It is incredibly irresponsible for such a proposal to even be put under floor consideration.

This amendment alleges that Kenya denies its citizens the right to free and fair elections. Yet, the facts show that Kenya is one of a handful of countries in Africa that kept a relatively open political system in an era where most countries opted for Marxism and Leninism. Since gaining independence in 1962, Kenya has held competitive elections six times, a record very few African countries can match.

In the recent 1992 general elections eight candidates competed for the presidency. President Moi won because the opposition was unable to unite behind one candidate and was deeply divided along ethnic lines. These opposition parties are now actively engaged in Kenya's parliament. And, I contend that our aim should be to encourage these opposition parties in their reform efforts rather than attempting to punish the entire country through a distorted review of an election which is by now 3 years old.

I say we should be supportive of such a strategic ally as Kenya has consistently been to us. Rather than punish her unfairly by threatening to cut this modest amount of $18 million aid, I urge this body to properly evaluate our long-standing and significant relationship with Kenya. Far better that we do not vote to diminish our valuable relationship with Kenya by inaccurately inflicting a punishment or threatening the embarrassment of requiring a presidential waiver. Rather, our vote should be to clearly support an even more active relationship, promoting more direct involvement both politically and economically, between our two countries.

I strongly urge my colleagues to vote against the Volkmer amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. WILSON], the ranking member of the subcommittee.

Mr. WILSON. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I would point out to all of my colleagues that the subcommittee has already cut assistance to Africa in general by 50 percent. That will, of course, affect Kenya. The gentleman's amendment relates human rights to the ability to receive funds in Kenya, and I submit that is a standard that could not be met by many other countries in Africa, and, indeed, many countries around the world.

I would add to what the gentleman from Missouri [Mr. EMERSON] said about Kenya being an important staging area for humanitarian relief into other countries in Africa, and certainly it has been an important staging area for our operations in Somalia, as well as other African countries. Mombasa is a very important logistics center for the United States.

We should continue to work with Kenya to improve its human rights record, but certainly this is an ill-advised amendment. We should not sever relations. We should certainly not have the funding cut off at this time.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I join with the gentleman from Alabama, Chairman CALLAHAN, in opposing this amendment.

Nevertheless, I am sympathetic to the concerns expressed by Mr. VOLKMER. The Government of Kenya's respect for human rights is, at best, erratic. Lately, the use of ethnic clashes—encouraging violence between different ethnic groups—has been a sad characteristic of the Moi regime. Under President Moi, the Government of Kenya has repressed political activities, the freedom of speech and other basic civil rights. This is the inevitable result of a government that does not have the support of a majority of the population.

But we must also look at the positive side of Kenya. For all of its faults, the Moi government held elections in 1992. But for the division of the opposition into competing parties, there would be a different government in Kenya today. In addition, Kenya has made a number of important and difficult economic reforms that we and other donor nations have encouraged.

Our assistance program reflects both the good and the bad in Kenya. Permit me to remind the gentleman from Missouri [Mr. VOLKMER] that in response to human rights abuses, we have reduced our assistance from $34 million in 1990 to $18 million next year. This level of assistance allows us to remain engaged in Kenya and to help bring reformist elements to the fore.

Mr. Chairman, the United States has had a strong bilateral relationship with Kenya for many years, including during the cold war. We have cooperated with Kenya on a number of issues, from military base rights to humanitarian relief efforts in the Horn of Africa. While Kenya's human rights record has deteriorated recently, I do not believe that we should disengage from Kenya at this time. Kenya has strongly supported our Navy's deployments to the Persian Gulf and for that I must oppose the Volkmer amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Alabama [Mr. CALLAHAN]. I went to him 2 weeks ago at the conclusion, when we buttoned down then, and told him what an incredible job I thought he and the ranking member were doing under a lot of strain here. The gentleman felt it ironic that two out of four amendments were cutting Africa. I felt it ironic that the Committee on Rules authorized only four amendments, half of which cut money from Africa.

I have visited Kenya, talked to Moi. The election in 1992 was not perfect, but it at least gave them a chance to vote there. In Nairobi I had an opportunity to meet all the factions in southern Sudan which were killing each other down there. It was set out by the Kenyan Government there.

I strongly oppose the amendment proposed here, for a lot a different reasons, but the government has started auditing their banks and things of that nature. While I was there they closed down one of the newspapers. They allowed me to approach and talk to the attorney general of that country and complain.

The gentleman from Missouri, Mr. EMERSON, and the ranking member, the chairman of the committee, Mr. GILMAN, mentioned the fact of what we did in Somalia through Kenya. I visited a refugee camp in Mombasa, where there were 50,000 Somalians, and they were principally there at the behest and at the consent of the Kenyan Government.

The Development Fund for Africa does not spend that much money in this country, and there was already a cut to $18 million from $34 million. Finally, I would like to point out that only 6 percent of the money goes to the government. The rest of it goes to NGO's and PVO's. And I strongly recommend that we seriously consider our future in this country, the fact that it has helped us in the adjoining countries, and the fact they are making some progress, though small I would admit, but I think they are making some progress. To cut them off now I think would be counterproductive.

Mr. Chairman, I strongly oppose the amendment.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume. I also am opposed to the amendment.

Mr. Chairman, let me start off by saying that everyone in this Chamber and everyone in this Congress, if not everyone in this country, is concerned about human rights violations throughout the world. Some come before us and talk as if we are not concerned about that when they offer these amendments.

Let me assure you that we are all just as concerned as the gentleman

from Missouri [Mr. VOLKMER] about the possibility of any human right violations anywhere. So this is not the issue. The issue is whether or not we are going to tell Kenya that we disagree with what they have been doing with respect to improving the position of human rights violations.

Mr. Chairman, let me say that the Department of State has contacted me as late as this morning and they say to me, "We object to the amendment that would prohibit aid to the Government of Kenya because it denies its citizens the right to free and fair elections. While we share Congress' concern about Kenya's human rights record, much of our assistance is directed to projects to improve Kenya's human rights performance, including its electoral practices. Passage of this amendment would undercut our efforts to build democratic institutions and promote good government. This amendment would also adversely affect our ability to use international military educational training funds to train the Kenyan military as a political force that has not yet been implicated in any human rights violations there."

So let me just say there is going to come a time in the future when we need Kenya once again, when we are faced with a situation like in Rwanda or Somalia, and we are going to have to utilize the bases and help that Kenya provides to the United States and to other areas that are just as concerned about human rights violations as the gentleman.

Mr. Chairman, let me also say that this money, most of this money, that is not earmarked but that would be approved for Kenya, does not go to the Government of Kenya. It goes toward the humanitarian needs of the people of Kenya.

So while I appreciate where the gentleman is coming from with respect to his concerns of human rights, this is not the issue. I certainly take a back seat to the gentleman with respect to his knowledge of international affairs. I know that he is well informed and well read on that. I know of his personal concerns about Kenya. But I would respectfully submit once again that the gentleman go back to basic civics and understand that the people of this country elected President Clinton as President of these United States.

I did not vote for him, but he is my President, and the Constitution tells to the President, you select the Secretary of State that you think is the best person to run all of our international affairs, all of our foreign policy. He selected Mr. Christopher, and I think Mr. Christopher has done a tremendous job. I am a great admirer of his.

So I did not vote for the President, thus Mr. Christopher would not have been there if my candidate had won. But we have a responsibility to the President because he is the President of the United States, and the charge that the American people have given him includes an effective and humanitarian foreign policy. I think he is doing the best he can do, and I think to hamstring him further will be a tremendous mistake.

So I would respectfully request that we vote against this amendment, that we adhere to the request of the President and we adhere to the request of the Secretary of State, and recognize that we are also helping the people of Kenya.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I regrettably rise in strong opposition to the amendment offered by my good friend and colleague, the gentleman from Missouri [Mr. VOLKMER]. Simply put, this is an unhelpful amendment proffered at the wrong time. While I can understand the gentleman's motivations, I certainly cannot agree with the approach.

Yes, Kenya's human rights record is blemished. Yes, democratic principles have not completely taken root there. And, yes, they have a long way to go before they achieve a full-fledged free market economy. Yes, we must continue to work to improve the situation there. However, by adopting this amendment, we will do serious damage to the important relationship between the United States and Kenya.

In the past few years we have seen unsteady progress in human rights, but in a telling sign, the press has remained sufficiently free, and that has been a consistently critical voice of dissent against the government. Whereas in years past we have overlooked Kenya's human rights violations, as we did similarly with other countries in order to keep their support during the cold war, we no longer tolerate these violations.

In fact, our assistance program has built in performance-based budgeting systems, and aid to Kenya has actually decreased over the past several years. Not only has development aid to Kenya dropped from $34 million in 1990 to $18 million today, but only 6 percent of this aid now goes through government channels.

There is no doubt that Kenya still has a long journey toward fulfilling democratic principles and we should continue to press for improvements in individual freedoms and human rights, but we must also keep in mind our overall relationship and Kenya's key role in the region as well as the loss of influence which will occur if we eliminate all government-to-government aid.

□ 1330

I stand prepared to work with the gentleman from Missouri [Mr. VOLKMER] in pressing for future and further reforms, but cutting off all aid to this government would eradicate the remaining lever we have preserved through a very small amount of aid, 6 percent of our DFA funding which is funneled through the government.

I urge our colleague to consider withdrawing this amendment. And in the absence of that, I urge its defeat.

Mr. CALLAHAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that everybody should read the amendment because the opponents talks like we are cutting off all aid. The gentleman from Alabama, he is correct, I agree with him completely, that the President should run the foreign policy. I think we should have some input into that, but basically it is up to the administration to do so.

The amendment, the last phrase of the amendment says, "This section may be waived if the President determines such a waiver is in the United States national interest."

I do not see how you can make it anymore easy for him to say, no, we are not going to do this. That is all he has to say. So it really does not really cut off anything, as long as the President says we need to do it. I think that is probably what the President would do.

Basically what this amendment is attempting to do, and I think the gentleman from New York and maybe the gentleman from Florida really caught it better than anybody else, I am just trying to tell President Moi, the people of Kenya, especially the Kanu party, that, hey, let democratization take place, that as we have shown in this country, you do not have to have one party rule for the rest of your life for a country to survive, for a country to persevere.

As long as the people of the country work within the constitution that provides for a process in which you have a government continuation, as we have in this country, they could have the same thing in Kenya and other places in the world, that you do not have to use physical force and violence perfected by the Government and controlled to stymie, to stifle opposition. That you should actually, for the good of the country, permit that opposition to speak, to be able to gather, to be able to discuss, to be able to vote, to elect whoever they want to elect. That is up to them to decide. That is the voters' choice and the voters should be supreme in any nation as they are in this Nation. That is basically what I am trying to send a message.

I know that the country of Kenya has done well, as far as facilitating the supplies that are necessary for humanitarian relief in that part of Africa. I

want to commend them on that. I want to thank them for that. But I want to tell them also, hey, wake up. President Moi, you do not have to be president forever. You are not going to be forever. I will guarantee you, you will not be forever. Somebody else is going to be president. Why do you not make it so that when that transition does come about that there is not the big breakup within the country as we have seen in other countries where one person tries to be the strong man and control it all himself. I think that you should be able to say, hey, there is somebody else in this country that can do this job, too.

Mr. JOHNSTON of Florida. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Florida.

Mr. JOHNSTON of Florida. Mr. Chairman, this is a friendly observation, and I thank the gentleman for yielding to me.

In the previous amendment on Ethiopia, I made a commitment to the gentlewoman from Texas [Ms. JACKSON-LEE] that I hoped to be in Ethiopia and in Kenya in 3 weeks and that I would hand deliver a letter jointly by her and me to President Meles. I would make the same commitment to the gentleman that he and I sit down and draft out a letter to President Moi, which I will hand deliver to him, giving him my concerns but principally the gentleman's concerns.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman very much. I will be glad to do it.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–167.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. 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. SMITH of New Jersey: 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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey [Mr. SMITH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

This amendment is designed to achieve several simple but important goals. First, it erects a firewall to ensure that money in the refugee assistance budget will be used for protecting refugees, not for general operating expenses at the State Department, which are adequately funded elsewhere.

Second, it avoids a back-door $12-million cut in the refugee assistance budget. We were very proud, in the Subcommittee on International Operations and Human Rights, to have been able to hold a few programs level with last year. One of those was child survival. And I am very pleased that the Subcommittee on Foreign Operations, Exporting Financing and Related Programs of the Committee on Appropriations has likewise looked to protect this important program. Another was refugee assistance. It was not easy, and I think we all know in these times of deficit reduction, holding anything harmless is very, very hard. But it was done.

Third, my amendment would avoid a corresponding $12-million back-door increase in the general operating budget for the State Department for which, again, we have authorized adequate funds. There is no need for the State Department to raid the refugee budget to pay its operating expenses. It already has $2.1 billion in the two largest operating accounts alone.

Under current law, the PRM Bureau gets its salaries and expenses from these accounts just like every other bureau in the State Department. The State Department operating accounts have not taken the steep cuts that the operating budgets of USIA or AID and other agencies have taken.

Finally, the refugees really do need the money more than the bureaucrats.

Let me cite three examples. In the current fiscal year at the height of the Rwanda refugee crisis, UNHCR found it necessary to reduce food rations in the camps that were holding Rwandan refugees. This was because the World Food Program had run out of food. The UNHCR said it had no money to pay for the food program, in large part because the State Department said there was not enough money in the refugee account to make a contribution for this purpose.

Surely an extra $12 million, perhaps even a smaller amount, would have made it unnecessary to cut those rations.

In Thailand, the State Department decided to shut down an English-language school for the Hmong refugees in order to save money. This will make it more difficult for these refugees to assimilate in the U.S., if they are resettled here. Shutting down the language school may also have had the effect of encouraging the Thai Government in its belief that the United States is not serious about accepting those people.

Finally, in the refugee centers in Croatia that hold victims of ethnic cleansing from Bosnia, the facilities are inadequate and the screening process is slow and it is erratic. Thousands of people have been in these centers for years. The United States claims it cannot find more than a handful of refugees who are eligible for resettlement. Refugee advocates point out that if you cannot find genuine refugees in Bosnia, we will never be able to find them anywhere else in the world. Many of these people can never go home. Their villages have been destroyed. Their families have been massacred. We have been unable or unwilling to commit the resources to do the job right.

Mr. Chairman, we all know we cannot solve all of the world's problems. There are over 40 million refugees and displaced persons in the world. We cannot accept more than a tiny number of them here in the United States, but we can at least keep our priorities right.

In this case, those priorities are so obvious that my amendment has been endorsed by human rights organizations as diverse as the U.S. Committee for Refugees, the Lutheran Immigration and Refugee Services, the U.S. Catholic Conference, the Council of Jewish Federations, the Christian Coalition and the Family Research Council.

The refugee budget has already absorbed real cuts this year, Mr. Chairman, both from inflation and from the dramatic decrease in the value of the dollar against European currencies. The money they are spending this year will buy 15 percent to 20 percent less overseas, less protection, less food, less water, fewer sanitary facilities than the same amount that we spent last year.

We could not afford to raise the refugee budget not even to keep our own spending power even with last year. My amendment, let me remind everyone, does not add a penny to the budget. It simply prohibits a back door transfer that would fund $12 million of spending here in Washington, DC.

I hope Members will vote "yes" on this pro-refugee, pro-fiscal responsibility amendment.

Mr. Chairman, I include for the RECORD the following letter:

U.S. COMMITTEE FOR REFUGEES,
*Washington, DC, June 21, 1995.*

Hon. CHRIS SMITH,
*Chairman, House International Relations Subcommittee on Foreign Operations, House of Representatives, Washington, DC.*

DEAR MR. SMITH: This letter is to inform you and your colleagues of our strong support for your proposed floor amendment that would prohibit using the Migration and Refugee Assistance (MRA) account to pay for the State Department's general salaries and administrative expenses.

The Foreign Operations Appropriations bill, H.R. 1868, would, as currently written, use $12 million of MRA funds to pay for salaries and expenses. This would be a damaging change from current law and would effectively result in a $12 million reduction in direct assistance to refugees. Your amendment would wisely retain current law, which allows all MRA expenditures to go toward programs, and pays for salaries and expenses by drawing from the Diplomatic and Consular Programs account.

Your amendment would prevent a backdoor cut in U.S. assistance to the world's 16.2 million refugees. H.R. 1868 should be amended. We wholeheartedly endorse your amendment and urge other Members to give it bipartisan support on the House floor.

Sincerely,

ROGER P. WINTER,
*Director.*

Mr. Chairman, I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] is recognized for 15 minutes.

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, while I know what the gentleman from New Jersey wants to do, he wants to provide more money for the refugee assistance program, and we all do.

However, what he is saying in his amendment is that we do not want to provide out of the allocation of this appropriation bill any money to the program. Instead, he wants to transfer the administrative cost over to the State Department's jurisdiction, under the funding jurisdiction of the gentleman from Kentucky [Mr. ROGERS].

I am afraid that what the gentleman is doing is possibly just the opposite of what he intends to be doing with respect to the refugee funding program. The State Department may not be able to fund any of the $12 million because the State Department will not have the money or the authorization to administer the program.

I know where the gentleman is coming from. I know what the gentleman wants to do. But I am afraid also when we get into this jurisdictional problem through floor amendments, it is going to cause problems in the future. I know that the gentleman from Kentucky [Mr. ROGERS] has some concerns about that. He is going to speak to it in just a few minutes.

So while we all would like to do what the gentleman from New Jersey wants to do, transferring the responsibility of administering the refugee program to another appropriations subcommittee is not the right thing to do.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding time to me.

I share the gentleman's sentiments. I know that we both agree with the gentleman from New Jersey [Mr. SMITH], the sponsor of the amendment, emotionally, in that we want to provide as much aid as we can. However, I think this amendment is counterproductive in that we have already cut the State Department personnel account furiously. As a matter of fact, the administration's request would have required a reduction of 350 people from the State Department's personnel accounts and the closing of 21 posts around the world. That was before we got hold of it.

Our markup of the State Department accounts reduced the President's request another $40 million. And we are looking at double the proposed reductions. So if you want to administer this refugee and migration account, it ought to be done internally, because we just do not have the resources in the State Department to manage that kind of an operation. Neither do we have the authorization.

So I would hope that the gentleman would reconsider his amendment because, if it is successful, the only other place that the salaries and expenses to run this program could come from would be out of the State Department regular accounts; and we have already slashed them unmercifully and perhaps there is even more to come.

The amendment would transfer the costs of 90 employees from where they are now to the State Department to an account that is already requiring reductions of five times that number of people. The money is not there. It was not requested there. It was not appropriated there. And there is no room there for anything more.

So I would say to the gentleman from New Jersey, that if we want to ensure that there are enough people to run the migration and refugee program, we ought to leave the funding right where it is, in the program account, under the jurisdiction of the subcommittee whose bill is before us today. Otherwise, there may be a well-funded program but nobody to run it.

So I support the chairman of the Foreign Operations Subcommittee, the gentleman from Alabama [Mr. CALLAHAN]. I commend him for looking out as well as he has for the refugee programs, and I would hope that we would reject this amendment.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee.

□ 1345

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding time to me.

I would like to follow up and express my agreement with the comments just made by the gentleman from Kentucky. Let me simply say, Mr. Chairman, that I think everyone on this floor is concerned about decent treatment of refugees. Certainly, everyone in the subcommittee has demonstrated that over a lifetime.

However, I do want to suggest that there is a certain aspect to this amendment that bothers me, because what it in essence is saying is, "Look, let us take in every possible refugee." But when it comes to actually paying for the administration of those programs, they expect somebody else to perform a magic loaves and fishes miracle in order to produce the resources to run those programs in an efficient way. In the real world, things do not work like that.

It just seems to me that whether we are asking the State Department to perform miracles with no resources, or whether in fact we are asking local communities who we have largely abandoned to take refugees without having the Federal Government meet its fair share of the cost for retraining and educating and resettling those refugees so that the full burden does not fall on local taxpayers, we have the same sort of unreality here.

Therefore, Mr. Chairman, I understand that the gentleman is going to accept the amendment. I understand why. However, that does not mean that this amendment does not have significant problems, both in equity and in practicality. I would say we are going to have to do a lot of work in conference to fix it up, because frankly, in its present form, I simply do not agree with it.

Mr. CALLAHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Now that the chairman has resolved the issue of the Smith amendment, I thought I would take a moment to once again commend him for his leadership in bringing this bill to the floor, working with our ranking member, the gentleman from Texas [Mr. WILSON]. It was, indeed, very encouraging to hear in the course of the debate on this bill, which was a long debate, an overnight debate on the strong commitment to human rights expressed in this House of Representatives.

I also want to point out to our colleagues, Mr. Chairman, as we move to vote on the bill in another couple of motions, that the United States, with all this talk about our foreign aid, the United States gives .2 percent of our GDP to overseas development assistance. We rank 21st of the donor countries, behind countries including Portugal and New Zealand.

Mr. Chairman, I think in some ways our country must examine our priorities. I think in certain ways we are abdicating our responsibilities to promoting freedom and raising the living standard of people throughout the world. However, I do say that while commending our chairman for doing the good job that he did with this legislation.

Mr. CALLAHAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

Mr. Chairman, let me join with the gentleman from New Jersey [Mr. SMITH] in urging Members to vote for this particular amendment. What we are trying to do with this amendment is provide $12 million that was already allocated for refugee and migration assistance and make sure it goes for that particular purpose, to fund program expenses, not to fund salaries and not to fund administrative costs out of monies that should be spent for programming.

The biggest problem we have sometimes in Congress is making sure that the money we allocate is spent the way it was meant to be spent as it came out of committee. What we would have here, with the way that the bill currently is drafted, is money going not for programs, when it is earmarked for programs, but to pay for salaries and expenses. It may even be spent on salaries and expenses for people who do not even work on refugee and migration assistance issues.

It is $12 million. The State Department has over $2.1 billion to pay for staff and administrative expenses already. This $12 million would be taken from the program accounts for refugee assistance and would do great damage to a program that is already underfunded to try to help the refugees throughout this world.

There is no country that has been more generous when it comes to trying to help refugees in this entire world than the United States. We should not do it more harm by taking away $12 million to pay for things that do nothing to help the people that we are saying in the bill that we are going to try to do. The refugee assistance account needs the $12 million that would be cut so we can provide the assistance.

We should not let a back door attempt to get money to pay for salaries and expenses be used to try to fund further State Department salaries. We should make sure that the monies go where they are supposed to go, program funding for programs, not for administrative salaries and expenses.

Mr. Chairman, I would urge the Members to consider the Smith amendment as one that just repeats what we have said we want to do, not an authorization bill for foreign assistance. What we should be saying in our appropriations bill, that when we allocate money, do what we say we are going to do. If Members say they are going to give money to refugees and migration assistance, give it to refugees and migration assistance, they should not do a back door end around and give it to administration and salaries instead and say that they are giving it to refugees.

I urge Members to support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from California for his very fine statement. I urge Members to support this amendment. I think it is very pro refugee. As the gentleman pointed out, there are over $2 million in operating expenses for salaries for the State Department. We held seven hearings in my subcommittee. A portion of those hearings were looking at precisely that very point. There is room there, believe me, to fund the salaries and expenses of the PRN Bureau as there is using those proper spigots to fund the other bureaus and not take it away from the refugees, which again we tried to hold harmless.

I hope this amendment, if passed, will survive in conference, because again we are awash in refugees, and I think we need to recognize this is a modest effort we are making, and there is nothing above and beyond in preserving this $12 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

Mr. MARKEY. Mr. Chairman, I rise today to express my support for development aid for Africa, and to register my concern over the deep cuts in development assistance to that continent that are being considered as part of current proposals to cut foreign aid. For example, H.R. 1561, the American Oversees Interests Act, cuts funding for the development fund for Africa [DFA] by over $170 million from the $802 million requested by the administration for this important program. As we continue to review our foreign assistance budget, DFA stands to lose even more of its funding. Curtailing assistance to Africa—aid that has saved lives, promoted democracy, and created hope—is a bad decision.

Since its inception, United States development aid to Africa has been a foreign policy success story. The DFA, funded at less than one-tenth of 1 percent of the U.S. budget, has helped bring about great change. Since the 1960's, infant mortality rates in Africa have fallen by one-half, average life expectancy has risen by 17 years, and more than 24 countries on the African continent have graduated from foreign aid dependents to U.S. trading partners.

Yet, still more than one-half of Africa's population—54 percent—lives in abject poverty, and as high as that number is, it is projected to grow by 50 percent by the turn of the century if African development efforts are deserted. If we abandon this cost-effective and successful program, our conflict resolution efforts, microenterprise, agriculture, and health care projects will be undermined. Forsaking the sustainable development programs that have made such a difference in the lives of Africa's poor and hungry will open the gates for hopelessness and despair to come rushing right back in.

Assistance to Africa enjoys widespread support among Americans. Two-thirds of the American people believe that the United States has a moral responsibility to help indigent nations. Over 60 percent deem it in our economic interest to aid developing countries. And over 75 percent feel we have a responsibility to aid starving people regardless of whether other foreign policy objectives will be promoted in the process.

Now, one sentiment that my colleagues are well aware of is the public's view that our Nation spends too much money on foreign aid. In a public opinion poll conducted in January 1995, participants asked to estimate the share of the Federal budget devoted to foreign aid responded, on average, that 15 percent of the budget went overseas. When asked what they thought the percentage should be, the average answer was 5 percent, and when informed that foreign aid amounts to less than 1 percent of the budget, fewer than 20 percent still thought we were spending too much.

The reality is that less than one-tenth of 1 percent of the Federal budget is spent on foreign aid to Africa. The reality is that U.S. exports to developing countries have more than doubled in the past decade, and that every additional $1 billion in exported goods creates an estimated 20,000 U.S. jobs. The reality is that the bulk of the money we budget for foreign aid is actually spent on goods and services in the United States. The reality is that assistance promoting self-help development and crisis prevention is cost-effective. And the reality is that a stronger Africa is in the long-term interests of America. I agree that we need to balance the budget. But balancing it on the backs of Africa's impoverished is clearly not the way to do it.

Mr. Chairman, we have a chance to help Africa become a self-sufficient, prosperous, democratic continent. We have the opportunity, we have the ability, and we have the moral obligation to do so. Let us rise and meet the call.

Mr. WALSH. Mr. Chairman, I rise today in strong support of the initiative the House has approved against expropriation in the Dominican Republic in the report accompanying H.R. 1868, the fiscal year 1996 foreign operations appropriations bill.

This initiative grew specifically from an egregious expropriation executed by the Dominican Republic's military in April 1994 against Western Energy, Inc. Western Energy is a United States company that was then operating an important liquid petroleum gas facility in the Dominican Republic, and operates a similar facility in my district.

The expropriation of Western Energy's property was clearly premeditated, and, I understand, in total disregard of specific Dominican contractual procedures for dispute resolution and without any opportunity for Western Energy to be heard or defend itself. The loss is very substantial for the company, but efforts to resolve the situation have thus far been unavailing.

Mr. Chairman, if the initiative the House has approved does not lead to a resolution of the

expropriation Western Energy has suffered, then I urge my distinguished colleagues to support further steps to achieve that objective at the earliest opportunity. The United States must not tolerate expropriation of United States property in the Dominican Republic, and around the world.

Mr. COLEMAN. Mr. Speaker, I rise today in strong support of the initiative the House has approved against expropriation in the Dominican Republic in the report accompanying H.R. 1868, the fiscal year 1996 Foreign Operations Appropriations bill.

In April 1994, the Dominican Republic's military executed an egregious expropriation against Western Energy, Inc., the United States company that was then operating an important liquid petroleum gas facility there. The initiative approved by the House grew specifically from this case.

The expropriation of Western Energy's property is a very substantial loss for the company which is headquartered in my district. It is my understanding that numerous high-ranking Dominican government officials have expressed public and private outrage with their government's action but say they are powerless to redress it. The U.S. ambassador should be commended for her efforts to resolve this situation, and the initiative the House approved will buttress them, but they have thus far been unavailing.

Mr. Speaker, if the initiative the House has approved does not lead to a resolution of the expropriation Western Energy has suffered, then I urge my distinguished colleagues to support further steps to achieve that objective at the earliest opportunity. Congress must take whatever actions are necessary to curtail the practice of expropriation in the Dominican Republic.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to one more in an inevitable series of highly restrictive rules that have plagued this 104th Congress since its inception under the new Republican majority, the new rule governing debate on H.R. 1868, the Foreign Operations Appropriations for fiscal year 1996. I rise once again to accentuate what is increasingly evident to anyone watching the proceedings of this body over the last 6 months—accountability and democracy have once again become captive to the irrational, frenzied efforts of the Gingrich army to shove legislation through this House for no apparent reason.

Despite the fact that several Members on both sides of the aisle would like to have the opportunity to offer additional amendments to this disastrous piece of legislation, the new rule before us allows only four amendments, debateable for 20 minutes, and bars all others. The last I checked, Mr. Speaker, this was still the United States Congress, the outpost of free speech and open debate. Does the new majority want to turn it into Tiananmen Square? If they keep up these rules, they'll certainly continue to encounter vehement objects from myself and my Democratic colleagues.

I urge my colleagues to stand by the historically democratic processes of this institution and this Nation, vote against this rule, and work to end the outrageous tape over the mouth tactics of those on the other side of the aisle.

Mr. SMITH of Michigan. Mr. Chairman, I rise to address the issue of corporate welfare. As we eliminate the fat from the federal budget, we should recommit ourselves to making sure all projects and programs are closely examined—not just the politically easy ones.

The Export-Import Bank (Eximbank) subsidizes loans and loan guarantees to American exporters. These corporate welfare subsidies have been appropriated $787 million for 1996.

The experts agree; Eximbank should be abolished.

The Congressional Budget Office makes the following observation:

Eximbank has lost $8 billion on its operations, practically all in the last 15 years;

Little evidence exists that the bank's credit assistance creates jobs;

Providing subsidies to promote exports is contrary to the free-market policies the United States advocates.

The Congressional Research Service writes that:

Most economists doubt that a nation can improve its welfare over the long run by subsidizing exports;

At the national level, subsidized export financing merely shifts production among sectors within the economy, rather than adding to the overall level of economic activity;

Export financing subsidizes foreign consumption at the expense of the domestic economy;

Subsidizing financing will not raise permanently the level of employment in the economy. . . .

The Heritage Foundation recommends Congress "close down the Export-Import Bank."

Heritage further states:

Subsidized exports promote the business interests of certain American businesses at the expense of other Americans;

Little evidence exists to demonstrate that subsidized export promotion creates jobs—at least net of the jobs lost due to taxpayer financing and the diversion of U.S. resources into government-favored export activities at the expense of non-subsidized businesses.

According to Heritage, phasing out subsidies will save 2.3 billion over 5 years.

The Director of Regulatory studies at the Cato Institute calls the subsidy activity of Eximbank "corporate pork." He stated, "Even in the face of unfair international competition, the U.S. government doesn't have a right to use tax dollars to match equally stupid subsidies."

Eximbank's financial statements show that the bank has paid $3.8 billion in claims from 1980 to 1994. These dollars paid off commercial banks who couldn't collect from foreign borrowers. American taxpayers took the hit.

Export financed by Eximbank actually hurt competitive U.S. exporters not selected for subsidies. The bank chooses winners and losers in the economy. The only winners are selected foreign consumers and selected U.S. corporations.

The Eximbank is a prime example of corporate welfare. The majority of Eximbank subsidies go to Fortune 500 companies that could easily afford financing from commercial banks:

Boeing—over $2 billion worth of loan guarantees

McDonnell Douglas—$647 million

Westinghouse Electric—$491 million

General Electric—$381 million

AT&T—$371 million

To raise funds for its lending and guarantee programs, Eximbank puts additional pressure on Treasury borrowing, driving up interest rates for private borrowers. That's all of us. From a corner barbershop wanting to expand to a young family trying to finance their first home. We all pay the price.

Sadly, there's more.

Eximbank appears to have wasted money on frivolous items as well. After 50 years with the same agency logo, Eximbank decided it needed a new one. Designing a new logo—including creation, copyright search, and the redesign of bank brochures and literature—cost nearly $100,000 last year.

And in 1993, Eximbank spent $30,000 to train 20 employees how to speak in public—including chairman Kenneth Brody. An outside consultant was paid $3,000 a day for this task.

Mr. Chairman, I believe government shouldn't choose winners in the economy. With Eximbank, the big winners are foreign consumers, large corporations and professional speech coaches. The losers are American taxpayers.

Mr. Chairman, it's time to derail this gravy train.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. HANSEN, the 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. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution No. 170, had directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the chairman will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the legislation?

Mr. OBEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 1868 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Insert at the end of the bill:

"Basic education for children

SEC. . Not more than $108,000,000 under the Agency for International Development Children and Disease Programs Fund may be used for basic education for children."

Mr. OBEY. Mr. Speaker, this motion to recommit is really in essence a bipartisan motion. I understand it will be accepted by the committee. It simply clarifies that funds for basic education included under the children's fund may only be used for basic education programs for children. Other basic education programs for adults must be funded through other accounts. The motion has bipartisan support, and I would urge adoption of the recommital motion.

Mr. CALLAHAN. Mr. Speaker, we agree with the gentleman.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion was agreed to.

Mr. CALLAHAN. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 1868, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Insert at the end of the bill:

"Basic education for children

SEC. . Not more than $108,000,000 under the Agency for International Development Children and Disease Programs Fund may be used for basic education for children."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. Pursuant to clause 7 of rule XV, the yeas and neas are ordered.

The vote was taken by electronic device, and there were—yeas 333, nays 89, not voting 12, as follows:

[Roll No. 482]

YEAS—333

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Heineman
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (FL)
Mineta
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tate
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—89

Abercrombie
Barrett (NE)
Becerra
Beilenson
Brown (CA)
Brown (OH)
Bryant (TX)
Bunning
Chenoweth
Clay
Clayton
Coburn
Combest
Condit
Conyers
Cooley
Danner
de la Garza
DeFazio
Dellums
Dingell
Doolittle
Duncan
Everett
Fattah
Fields (LA)
Ford
Frank (MA)
Gonzalez
Goodling
Greenwood
Hall (TX)
Hancock
Hansen
Hayes
Hefley
Hefner
Herger
Hilliard
Jacobs
Jones
Kanjorski
Kaptur
LaFalce
Lincoln
Lofgren
Lucas
Martinez
McDermott
Meyers
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Murtha
Oberstar
Olver
Orton
Pastor
Payne (NJ)
Pombo
Quillen
Rahall
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Sabo
Sanders
Schaefer
Schroeder
Sensenbrenner
Shuster
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Thompson
Thornton
Traficant
Vento
Volkmer
Watt (NC)
Young (FL)

NOT VOTING—12

Foglietta
Frost
Gibbons
Jefferson
McKinney
Moakley
Peterson (FL)
Rangel
Reynolds
Richardson
Skaggs
Yates

□ 1418

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Foglietta against.

Ms. McKinney for, with Mr. Peterson of Florida against. Richardson for, with Mr. Jefferson against.

Mr. JONES, Mrs. CLAYTON, Mr. ROYCE, and Mr. HILLIARD changed their vote from "yea" to "nay."

Mr. WYNN, Mrs. MEEK of Florida, Ms. WATERS, Mr. TIAHRT, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. SKAGGS. Mr. Speaker, regrettably I missed the vote, rollcall No. 482, on final passage of the foreign ops bill.

Had I been present, I would have voted "aye."

As a Vietnam veteran, I had been invited by the President to attend the White House ceremony announcing normalization of relations with Vietnam. At the time I departed for the ceremony, debate on the bill was scheduled to continue past the time the ceremony was expected to end, permitting me to attend and return to Capitol Hill to cast my vote. My beeper went off, indicating the vote, just as the guests had been seated in the East Room and the President was about to enter, and, under the circumstances, it would have been extremely rude and inappropriate to get up and leave. As soon as the President finished his remarks, I returned to the Capitol as quickly as possible, but the vote had been closed. Had I been present, I would have voted "aye".

## REFERRAL OF H.R. 1784, VALIDATING CERTAIN CONVEYANCES MADE BY THE SOUTHERN PACIFIC TRANSPORTATION CO. TO THE COMMITTEE ON RESOURCES

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the bill, H.R. 1784, a bill to validate certain conveyances made by the Southern Pacific Transportation Co. within the cities of Reno, NV and Tulare, CA, and for other purposes, be referred to the Committee on Resources.

The SPEAKER pro tempore (Mr. DREIER). Is there objection to the request of the gentleman from Utah?

There was no objection.

## DIRECTING THE SECRETARY OF THE SENATE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF S. 523, COLORADO BASIN SALINITY CONTROL ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 82) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 523.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 82

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (S. 523) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In the last sentence of paragraph (1) of section 1 of the bill (adding a new paragraph (6) to section 202(a) of the Colorado River Basin Salinity Control Act) insert a period after the words "submits such report".

(2) In paragraph (2)(B) of section 1 of the bill (amending section 205(a)(4)(i) of the Colorado River Basin Salinity Control Act) strike "section 202(a)(4) and (5)" and insert "sections 202(a)(4) and (5)".

(3) At the end of paragraph (4) of section 1 of the bill (amending section 202(b)(4) of the Colorado River Basin Salinity Control Act) strike the period before the closing quotation marks.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## REPORT ON H.R. 2002, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1996

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–177) on the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

## PROVIDING FOR CONSIDERATION OF H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

*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. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. 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. The bill shall be considered by title rather than by paragraph. Each title 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 except as follows: beginning with ": *Provided further*" on page 6, line 6, through "such transfer" on line 13. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, 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 that amendment are waived. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. 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 with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose 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 171 is an open rule providing for the consideration of H.R. 1905, the Energy and Water Development Appropriations Act for fiscal year 1996. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations. The bill will be read by title for amendment, with each title considered as read.

The rule waives clause 2 of rule XXI—prohibiting unauthorized appropriations and legislation in an appropriations bill—and also waives clause 6 of rule XXI—prohibiting reappropriations—against provisions of the bill except for the proviso beginning on page 6 at line 6 pertaining to the Cooper Lake and Channels, TX project.

Under the rule, it shall be in order to first consider an amendment offered by Representative SHUSTER of Pennsylvania printed in the Rules Committee Report to accompany this rule. The amendment shall be considered as read, shall be debatable for 10 minutes, equally divided between the proponent and an opponent of the amendment. This amendment is not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole. All points of order are waived against the amendment. If adopted, the amendment shall be considered as original text for the purpose of further amendment under the 5-minute rule.

The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, I'd like to congratulate my very good friend, Chairman JOHN MYERS and the ranking minority member, TOM BEVILL, for continuing their long-standing tradition of bringing forward a bipartisan, fiscally responsible bill. They've been working together on this committee for many years. This bill is $1.6 billion lower than the fiscal year 1995 level, and the committee has done an outstanding job in making these limited funds go a long way.

H.R. 1905 makes appropriations for the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and various independent agencies. I am particularly pleased that

funding for the Appalachian Regional Commission and the Tennessee Valley Authority has been included in this bill. Although both received sizable reductions, the committee recognized the valuable contributions they make to recipient States.

The Appalachian Regional Commission is regional economic development agency established 30 years ago to bring almost 400 counties in the 13 Appalachian States into the mainstream of the American economy. ARC's mission is to equip Appalachian citizens with the skills and enterprise development resources they need to create self-sustaining local economies where people take control over their own economic destiny and contribute as taxpayers to the national economy.

Over the years, as a result of ARC programs, the regional poverty rate has been cut in half, the percentage of adults with a high school education has doubled, and the region's infant mortality rate has been cut by two-thirds. But much more remains to be done, and the funding provided in this bill will enable the ARC to continue its mission.

Mr. Speaker, of equal importance is the continued funding for the Tennessee Valley Authority. There seems to be some confusion and misinformation about the use of Federal dollars for TVA, and I want to emphasize that no Federal money goes toward subsidizing the electric power program. This program is entirely funded through power sales and the issuance of securities, and there is no Federal subsidy for the consumer.

□ 1430

Federal dollars are used specifically for maintenance of the Tennessee River System and stewardship of the Federal lands under TVA's control. This is comparable to the functions provided by the Corps of Engineers in other areas.

Federal dollars also go toward a variety of targeted economic development programs. And to the Land-Between-the-Lakes, a Federal recreation area in Tennessee and Kentucky, which is the largest contiguous forest east of the Mississippi River. These are important services mandated by statute, and we have an obligation to continue to provide funding.

Mr. Speaker, this open rule will allow all Members to fully participate in the amendment process, and I urge its adoption.

Mr. Speaker, alluding further to the Federal funding, for the TVA, already the committee has recommended a $42 million cut in the program. This is only $19 million for economic development, and the balance in the bill goes for operation of the dams, the tributaries of the Tennessee River, and the streams that flow into the river to prevent flood control. As I said, such other functions in other States are controlled by the Corps of Engineers and federally funded.

I understand there may be an amendment offered to eliminate these funds. I want to caution the proponents of TVA that this is an amendment that we must watch, that we must defeat when and if it is presented, because the purpose of the amendment is flawed in its inception, and we must watch carefully to ensure that the TVA is not scuttled from the program mandated by the Congress.

So I urge Members to be aware that the Federal Government provides funding for the programs of maintenance of flood control and operation of other dams and that this is a program that the Federal Government should continue. So, being alerted to that end, I urge the membership to be on the floor if such an amendment is offered, and to vote against it.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 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 | 31 | 71 |
| Modified Closed [3] | 49 | 47 | 12 | 27 |
| Closed [4] | 9 | 9 | 1 | 2 |
| Totals: | 104 | 100 | 44 | 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 May 12, 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). |
| 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) |

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 12, 1995]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| 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. 1517 | 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 | PQ: 232–196 A: 236–191 (6/20/95) |
| H. Res. 170 (6/20/95) | O | H.R. 1868 | For. Ops. Approps. FY 1996 | PQ:221–178 A: 217–175 (6/22/95) |
| H. Res. 171 (6/22/95) | O | H.R. 1905 | Energy & Water Approps. FY 1996 | |
| H. Res. 173 (6/27/95) | C | H.J. Res. 79 | Flag Constitutional Amendment | PQ: 258–170 A: 271–152 (6/28/95) |
| H. Res. 176 (6/28/95) | MC | H.R. 1944 | Emer. Supp. Approps. | PQ: 236–194 A: 234–192 (6/29/95) |

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 reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this rule for consideration of H.R. 1905, the energy and water appropriations bill for fiscal year 1996.

Mr. Speaker, the rule does contain waivers of standing House rules for several provisions in the bill. The waivers protect the provisions from points of order that could be raised against them because they violate House rules that prohibit appropriations for authorized projects and legislation in an appropriations bill.

We do not object to the waivers. My colleagues will recall, however, that the authors of this rule complained over and over again last year about legislating in an appropriations bill, calling it, and I quote, a cumbersome and inefficient way of doing business, end of quote. It appears many Members have now discovered that that is often necessary to waive points of order for that purpose. Since the majority raised no objection to the waivers provision in the bill, we did feel it would have been fair to protect the amendments of several Members who requested waivers for them.

We sought unsuccessfully to make several of those amendments in order.

We asked that the Brewster-Harman amendment, which seeks to ensure that any savings from the bill be applied directly to deficit reduction, and the Traficant Buy America sense-of-Congress resolution, receive the necessary waivers. Unfortunately, our requests were defeated on straight party-line votes.

In addition, Mr. Speaker, we requested that the Chapman provision in the reported bill receive the same protection that was accorded all other unauthorized projects in the bill. We felt it was only fair that it be treated in the same way and not be singled out in this manner. Our effort in this respect was also unsuccessful.

Mr. Speaker, we are concerned about the clear shift in direction that is reflected in the funding priorities in this $18.7 billion spending bill. While we understand the budget constraints the Appropriations Committee faced in developing this bill, there is some concern that the choice to cut energy research so drastically was in exchange for maintaining a status quo approach to funding other projects.

Many Members are especially concerned about the severe cut of 51 percent recommended by the committee in renewable energy research an development funding. These energy sources are essential if we are to reduce the trade deficit, and curb greenhouse gas emissions, air pollution, and other waste generation from energy use. We very much regret that our commitment to renewable energy supplies is apparently foundering.

In any event, Mr. Speaker, under this essentially open rule, Members will be able to offer amendments to cut spending further and to change the spending priorities, and, in fact we anticipate quite a number of amendments on a wide range of issues.

We commend the new chairman of the committee, the gentleman from Indiana [Mr. MYERS] and the ranking member, the gentleman from Alabama [Mr. BEVILL] for their good work and their cooperation in bringing this bill to the House.

Mr. Speaker, to repeat, we support the rule. We urge our colleagues to approve it so that we may proceed to the consideration of the energy and water appropriation bill and amendments to it as soon as possible.

Mr. Speaker, we have no requests for time on this side, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I, too, have no other requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Is there objection to the request of the gentleman from Indiana?

There was no objection.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1905.

□ 1436

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 consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this appropriation bill that is for water and energy development in our country is a bill that touches every congressional district in the country, and it was a difficult job this year, but, through the leadership of our fine staff and the other Members, we were able to accomplish very close to what I would consider to be a miracle. I do want to thank my colleague, the gentleman from Alabama

[Mr. BEVILL]. TOM and I came to Congress 29 years ago together, served on this committee for a great many years, he as chairman, and I was his ranking member, and he was always most courteous and considerate for the minority at that time, and that relationship has continued. Nothing goes in the bill unless we both agree, and we just do not have that—I will say not bipartisan, nonpartisan—everything that went into this bill was totally on the merits. Politics had nothing to do with it, and it was difficult this year. Many committees have experienced problems because we do have new staffs this year; we lost very experienced staff members last year; Hunter Spillan is gone, decided to retire this year, but Jim Ogsbury came in and filled those shoes with a few times that we had to take the racing stripes off, as they say in racing. But our staff, Jeanne Wilson, of course, great job; Bob, wherever Bob is here, and I guess he is here someplace, yes, Bob Schmidt—we had of course Judy, Judy Penry, came in to join us, and I do not see one of our staff members here, Lori Whipp. Lori is here someplace, but the great staff and our individual staffs who put the bill together this year——

But this year's bill is $18,700,000,000. This is the smallest appropriation bill for energy and water development we have had for 6 years. The important thing is that we are $1,600,000,000 below last year.

Now to put that in the vernacular of talk show hosts who often talk about ignoring baseline budgeting, this bill is $1.6 billion below the baseline budget. I want to emphasize $1.6 billion below the baseline budget, making real significant cuts. It is $2 billion less than the President requested. But, breaking it down, we have $3,200,000,000 for the Corps of Engineers. We have a few new start projects this year, but we have held those down.

We could not begin to respond to all the requests we had. But we did ignore the new proposal, the criteria for flood control that the administration recommended which was that to be eligible for flood control, historically the Corps of Engineers has provided flood control and preented floods as much as they could, but the administration proposed to be eligible a program, a project, would have to have more than 50 percent of the water falling in another State, a State different from where the flood treatment would be taken care of and reverse the local project sponsorship and payment from persently 75 percent Federal to 25 percent local to just the reverse. Under their proposal, 25 percent Federal, and 75 percent local, made a great many of these projects just impossible to fund.

In the second title, the Bureau of Reclamation, we have $813 million. This bill is $28 million less than last year, but it is $24 million more than the President requested, including the Central Utah Project where we are trying to expedite and get the project completed as soon as possible to reduce the cost.

In the Department of Energy we have $14,800,000,000. Surprisingly, $10 billion of this is defense and defense-related projects. A lot of people do not understand that nuclear weapons come through this subcommittee. The nuclear weapons and the naval reactors for naval ships come through our subcommittee. So in this $10 billion out of the $14 billion is for defense activities.

One of the areas that we had some problems with this year is the nuclear waste disposal fund, which since 1982 utilities and utility users have been paying into a trust account to provide for a repository for the nuclear waste, high-level waste. In 1988–89 we started exploration of Yucca Mountain in Nevada. Up until this year they have been moving very slowly, but under the contract we had with the utility users in the country by 1998 we were to take the nuclear wastes away from the utilities and have it in permanent storage. It is obvious from this committee's hearings that that will not be possible, so we have decided this year we would back off, not back off from the consideration of Yucca Mountain, but we have to concentrate on finding a spot to take the nuclear waste; so, this year we have recommended $425 million, and that would include interim storage someplace so we can start meeting our contractual responsibility to taking the waste from some of the utilities. We now have 109 reactor sites in the country, and a number of those are already having dry storage, depositing their storage outside, which is dangerous, so we are thinking about and considering that we are going to have to find permanent storage, and we could not designate where that interim storage would be, but the authorizing committee will be talking about this later in our bill.

In title IV; that is, independent agencies, we have two agencies that we have been making reductions, particularly the Appalachian Regional Commission where this year we provide for $142 million, which is a $41 million reduction from last year or a 22-percent reduction. The Tennessee Valley Authority that the gentleman from Tennessee [Mr. QUILLEN] just spoke about earlier in the rule, we provide for $103 million, which is $37 million from last year for reduction of 25 percent below last year.

□ 1445

We did not fund the three River Basin Commissions. Historically, a number of years ago a number of States formed a compact over control of the rivers and recommendations for the operation of the rivers. The Delaware River, the Susquehanna River, and the Potomac River were three of those projects that no one came before our committee to testify for requests for money, so we did not put the money in. The compacts continue, but they serve the States a lot more than they do the Federal Government, so we took the money out for this.

We have had a number of repeals of legislation this year. We have three repeals in legislation. In the previous years, we prohibited any studies for privatizing the Power Marketing Administrations, the five of them. We refused to permit any study about privatization. We eliminated this restriction.

There has been a prohibition on study of optional rates and employment for the power administrations. We eliminated this. The privatization of hydropower and the rate fixing for those, we eliminated this prohibition. So we allow now reconsideration of rate making, and also other rate making prohibitions we had in previous years.

In closing my remarks, this is not the ideal bill that any of us would have written if we had had the sole responsibility for the 602(b) allocations, which is the allocation of how much money can be spent. If we had been operating as in the previous years where money was not an object, we, of course, would have taken a lot more into consideration for some projects that many of you requested.

But this bill touches every congressional district. As an example, in the Corps of Engineers, in general investigations, we touched this year 41 States. There are going to be investigations in 41 States. In construction, we have construction going in 38 States, plus Puerto Rico. In operation and maintenance, operating the locks and dams, the 25,000 miles of inland waterways we have in the United States, it touches 48 States, plus Puerto Rico and the District of Columbia.

So this is truly a bill that, when the gentleman from Alabama [Mr. BEVILL] and I came to Congress a good many years ago, was called the all-American bill. This year, again, it is the all-American bill. It is an austere bill, one that meets the minimum requirements, one that we can be proud of. Again, it is not the bill we would like to see, but one I hope that all can support.

Members are going to be offering some amendments to cut some projects that the committee in its wisdom and study believes we should consider and fund. We hope the Members will stick with the committee, which has had thousands of pages of hearings, heard thousands of witnesses, had five Governors appear before it, and a great many Members of Congress. It is good legislation, and we commend it for your consideration.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I rise in support of H.R. 1905, the Energy and Water Development Appropriations Bill, 1996.

Because of unprecedented budgetary constraints, assembling this year's energy and water development bill has been a tremendous challenge. The Committee, however, has risen to the challenge and has produced a bill that is balanced and fair. Programs and projects that have marginal value for the taxpayer have been eliminated, while funding for essential activities has been preserved. The bill reflects difficult choices among competing priorities, and I congratulate my friends and colleagues on the Committee for their heroic efforts under difficult budgetary circumstances. I would like to extend special thanks to my good friend, the Honorable BOB LIVINGSTON, the chairman of the Committee and a Member of the Subcommittee, for his support and guidance.

By remaining within its 602(b) allocation, the Energy and Water bill turns the rhetoric of deficit reduction into a reality. The bill's total spending level of $18.7 billion is $1.6 billion below last year's level and $2 billion below the budget request. It is the smallest Energy and Water Development appropriations bill reported by the Committee since fiscal year 1990.

In recommending funding levels for programs funded by the bill, the Committee has worked closely and cooperatively with various authorizing committees of the House. I congratulate these committees for their dedicated efforts to report authorization bills this year, and I thank them for their cooperation.

Title I of H.R. 1905 appropriates $3.2 billion for the civil works program of the U.S. Army Corps of Engineers. This is $189 million (or 6%) lower than the FY 1995 level and $88 million (or 3%) lower than the President's request.

In considering the Administration's budget request, the Committee soundly rejected a proposed new policy of the Corps, which would limit Federal involvement to projects of national scope and significance. If adopted, this policy would eliminate the Corps' traditional participation in flood control projects, small harbor maintenance and shore protection activities. In rejecting this ill-advised proposal, the Committee has revalidated the Corps' proud tradition of protecting our citizens from the devastating impacts of floods. The Committee has also recognized the great value in continuing the Corps' important role in harbor maintenance and shore protection projects.

In order to maximize the value of the Corps' limited resources, the bill deletes funds for a number of low-priority programs and initiatives. These include the Construction Productivity Advancement Research program, research on the economic impacts of global warming, and environmental service partnerships.

Title II of the bill includes funds for the U.S. Bureau of Reclamation. The bill recommends an appropriation of $813 million for the Bureau. This is $28 million (or 3 percent) lower than the fiscal year 1995 level and $24 million (or 3 percent) higher than the President's budget request. Increases above the budget request are included to expedite water projects for which the Administration has not requested sufficient funding. The bill deletes funds for a number of low-priority programs and new initiatives of the Bureau, including a National Fish and Wildlife Foundation grant and the Water Conservation Challenge Partnerships program.

Title III of H.R. 1905 funds programs and activities of the Department of Energy. The appropriation of $14.8 billion for the Department is $940 million (or 6 percent) less than the fiscal year 1995 level and $1.9 billion (or 11 percent) below the Administration's request.

The bill effects serious reductions throughout the Department of Energy. Unneeded bureaucracy is cut from the budget, while essential and necessary activities of the Federal Government are preserved. General science and research activities are preserved within funding constraints, while applied research and commercialization activities—especially those for which private industry investment is more appropriate—are eliminated or dramatically reduced.

The appropriation for general science is $991 million, a $7 million increase over last year's level. The appropriation for solar and renewable energy activities is reduced to $222 million, well under the budget request of $423 million.

The appropriation for defense environmental restoration and waste management is $5.3 billion, consistent with the authorization level developed by the National Security Committee. This is the largest single item within the $10 billion appropriation for the atomic energy defense activities of the Department of Energy.

The bill appropriates $425 million to pursue solutions to the country's growing nuclear waste problem. The Committee directs the Department of Energy to downgrade site characterization activities at Yucca Mountain in Nevada in order to develop a national interim storage program. Authorizing committees retain flexibility to craft a new direction for the civilian nuclear waste program.

The bill eliminates a number of departmental programs and initiatives, including: international solar research, hydropower research, and technology transfer programs. It also repeals a provision of law prohibiting the use of appropriated funds to study the sale of power marketing administrations.

Title IV of the bill includes funding for independent agencies and commissions. For fiscal year 1996, the independent agencies under the Committee's jurisdiction are funded at a level of $276 million. This represents a $195 million reduction from last year's level and a decrease of $93 million from the budget estimate.

As reported by the Appropriations Committee, the bill terminates Federal participation in three river basin commissions: the Delaware River Basin Commission, the Susquehanna River Basin Commission and the Interstate Commission on the Potomac River Basin. Furthermore, the bill effects dramatic reductions in the Appalachian Regional Commission and the appropriated programs of the Tennessee Valley Authority. At $142 million, the appropriation for ARC is 22 percent less than requested by the Administration and approximately one-half of the fiscal year 1995 level. Funding for the TVA is 25 percent less than requested in the budget, and for TVA's Environmental Research Center has been deleted altogether.

Mr. Chairman, I would like to take this opportunity to recognize the tremendous efforts of all Members of the Subcommittee on Energy and Water Development. Throughout an arduous hearing process and the difficult deliberations on program funding, the Members of the Subcommittee have put partisan concerns aside and have consistently acted in accordance with the best interests of all Americans. Their dedication and hard work have been an inspiration, and serving as their Chairman has been both an honor and a privilege.

Finally, Mr. Chairman, I would like pay special tribute to one of the most honorable and distinguished gentleman to ever serve in this chamber. My friend, the Honorable TOM BEVILL, proudly served as the Subcommittee's Chairman for 18 years. As Chairman, his virtues of honesty, fairness, and wisdom were always in abundant evidence. As Ranking Minority Member, his service has been no less honorable. His service to the Committee and to the country have been invaluable, and I am deeply grateful for his cooperation, his assistance, and his friendship.

Mr. Chairman, I urge all of my colleagues to support H.R. 1905.

I reserve the balance of my time.

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## ENERGY AND WATER APPROPRIATIONS BILL (H.R. 1905)

| | FY 1995 Enacted | FY 1996 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| **TITLE I - DEPARTMENT OF DEFENSE - CIVIL** | | | | | |
| **DEPARTMENT OF THE ARMY** | | | | | |
| **Corps of Engineers - Civil** | | | | | |
| General investigations | 161,199,000 | 155,625,000 | 129,906,000 | -31,293,000 | -25,719,000 |
| Construction, general | 983,668,000 | 795,125,000 | 807,946,000 | -175,822,000 | +22,721,000 |
| Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee | 326,138,000 | 319,250,000 | 307,885,000 | -20,253,000 | -11,365,000 |
| Operation and maintenance, general | 1,848,535,000 | 1,749,876,000 | 1,712,133,000 | +65,598,000 | -37,792,000 |
| Regulatory program | 101,000,000 | 112,000,000 | 101,000,000 | ..... | -11,000,000 |
| Flood control and coastal emergencies | 14,878,000 | 20,000,000 | 10,000,000 | -4,878,000 | -10,000,000 |
| General expenses | 182,500,000 | 164,726,000 | 160,000,000 | -2,500,000 | -14,726,000 |
| Oil spill research | 800,000 | 800,000 | 800,000 | -80,000 | ..... |
| Total, title I, Department of Defense - Civil | 3,408,919,000 | 3,307,460,000 | 3,219,610,000 | -189,309,000 | -87,840,000 |
| **TITLE II - DEPARTMENT OF THE INTERIOR** | | | | | |
| **Central Utah Project Completion Account** | | | | | |
| Central Utah project construction | 22,839,000 | 18,905,000 | 18,905,000 | -3,934,000 | ..... |
| Fish, wildlife, and recreation mitigation and conservation | 11,133,000 | 18,503,000 | 18,503,000 | +7,370,000 | ..... |
| Utah reclamation mitigation and conservation account | 5,000,000 | 5,485,000 | 5,485,000 | +485,000 | ..... |
| Program oversight and administration | 1,191,000 | 1,246,000 | 1,246,000 | +55,000 | ..... |
| Total, Central Utah project completion account | 40,163,000 | 44,139,000 | 44,139,000 | +3,976,000 | ..... |
| **Bureau of Reclamation** | | | | | |
| General investigations | 14,190,000 | 13,602,000 | 13,114,000 | -1,076,000 | -488,000 |
| Construction program | 432,727,000 | 375,943,000 | 417,301,000 | -15,426,000 | +41,358,000 |
| Operation and maintenance | 284,300,000 | 288,759,000 | 278,759,000 | -5,541,000 | -10,000,000 |
| Loan program | 9,800,000 | 16,868,000 | 11,868,000 | +2,068,000 | -5,000,000 |
| (Limitation on direct loans) | (23,000,000) | (37,000,000) | (37,000,000) | (+14,000,000) | ..... |
| General administrative expenses | 54,034,000 | 50,327,000 | 48,630,000 | -5,404,000 | -1,697,000 |
| Emergency fund | 1,000,000 | ..... | ..... | -1,000,000 | ..... |
| Colorado River Dam fund (by transfer, permanent authority) | (-7,472,000) | (-4,556,000) | (-4,556,000) | (+2,916,000) | ..... |
| Central Valley project restoration fund | 45,385,000 | 43,579,000 | 43,579,000 | -1,806,000 | ..... |
| Total, Bureau of Reclamation | 841,236,000 | 788,878,000 | 813,051,000 | -28,185,000 | +24,173,000 |
| Total, title II, Department of the Interior | 881,399,000 | 833,017,000 | 857,190,000 | -24,209,000 | +24,173,000 |
| (By transfer) | (-7,472,000) | (-4,556,000) | (-4,556,000) | (+2,916,000) | ..... |
| **TITLE III - DEPARTMENT OF ENERGY** | | | | | |
| Energy Supply, Research and Development Activities | 3,314,548,000 | 3,396,535,000 | 2,596,700,000 | -717,848,000 | -799,835,000 |
| Uranium Supply and Enrichment Activities | 73,210,000 | 77,195,000 | 64,197,000 | -9,013,000 | -12,998,000 |
| Gross revenues | -9,900,000 | -34,903,000 | -34,903,000 | -25,003,000 | ..... |
| Net appropriation | 63,310,000 | 42,292,000 | 29,294,000 | -34,016,000 | -12,998,000 |
| Uranium enrichment decontamination and decommissioning fund | 301,327,000 | 286,807,000 | 278,807,000 | -22,520,000 | -10,000,000 |
| General Science and Research Activities | 964,031,000 | 1,017,530,000 | 991,000,000 | +6,969,000 | -26,530,000 |
| Nuclear Waste Disposal Fund | 392,800,000 | ..... | 226,600,000 | -166,200,000 | +226,600,000 |
| Environmental Restoration and Waste Management: | | | | | |
| Defense function | (4,892,891,000) | (6,008,002,000) | (5,265,478,000) | (+372,787,000) | (-742,524,000) |
| Non-defense function | (1,045,368,000) | (1,001,797,000) | (905,348,000) | (-140,020,000) | (-96,449,000) |
| Total | (5,938,059,000) | (7,009,799,000) | (6,170,826,000) | (+232,767,000) | (-838,973,000) |
| **Atomic Energy Defense Activities** | | | | | |
| Weapons Activities | 3,229,069,000 | 3,540,175,000 | 3,273,014,000 | +43,945,000 | -267,161,000 |
| Defense Environmental Restoration and Waste Management | 4,892,891,000 | 6,008,002,000 | 5,265,478,000 | +372,787,000 | -742,524,000 |
| Other Defense Activities | 1,849,857,000 | 1,432,159,000 | 1,323,841,000 | -525,816,000 | -108,318,000 |
| Defense Nuclear Waste Disposal | 129,430,000 | 198,400,000 | 198,400,000 | +68,970,000 | ..... |
| Total, Atomic Energy Defense Activities | 10,100,847,000 | 11,178,736,000 | 10,060,733,000 | -40,114,000 | -1,118,003,000 |
| Departmental Administration | 407,312,000 | 439,444,000 | 362,250,000 | -45,062,000 | -77,194,000 |
| Miscellaneous revenues | -161,490,000 | -122,308,000 | -122,308,000 | +39,184,000 | ..... |
| Net appropriation | 245,822,000 | 317,136,000 | 239,944,000 | -5,878,000 | -77,194,000 |
| Office of the Inspector General | 26,465,000 | 30,898,000 | 26,000,000 | -465,000 | -4,898,000 |
| **Power Marketing Administrations** | | | | | |
| Operation and maintenance, Alaska Power Administration | 6,494,000 | 4,260,000 | 4,260,000 | -2,234,000 | ..... |
| Operation and maintenance, Southeastern Power Administration | 22,431,000 | 19,843,000 | 19,843,000 | -2,588,000 | ..... |
| Operation and maintenance, Southwestern Power Administration | 21,318,000 | 29,778,000 | 29,778,000 | +8,462,000 | ..... |
| Construction, rehabilitation, operation and maintenance, Western Area Power Administration | 222,295,000 | 308,352,000 | 257,652,000 | +35,357,000 | -48,700,000 |
| (By transfer, permanent authority) | (7,472,000) | (4,556,000) | (4,556,000) | (-2,916,000) | ..... |
| Falcon and Amistad operating and maintenance fund | ..... | 1,000,000 | 1,000,000 | +1,000,000 | ..... |
| Total, Power Marketing Administrations | 272,528,000 | 361,233,000 | 312,533,000 | +40,007,000 | -48,700,000 |

## ENERGY AND WATER APPROPRIATIONS BILL (H.R. 1905)—Continued

| | FY 1995 Enacted | FY 1996 Estimate | Bill | Bill compared with Enacted | Bill compared with Estimate |
|---|---|---|---|---|---|
| **Federal Energy Regulatory Commission** | | | | | |
| Salaries and expenses | 166,173,000 | 136,567,000 | 132,290,000 | -33,883,000 | -4,277,000 |
| Revenues Applied | -166,173,000 | -136,567,000 | -132,290,000 | +33,883,000 | +4,277,000 |
| Total, title III, Department of Energy | 15,701,878,000 | 18,633,289,000 | 14,761,811,000 | -940,065,000 | -1,871,858,000 |
| (By transfer) | (7,472,000) | (4,858,000) | (4,556,000) | (-2,916,000) | |
| **TITLE IV - INDEPENDENT AGENCIES** | | | | | |
| Appalachian Regional Commission | 282,000,000 | 183,000,000 | 142,000,000 | -140,000,000 | -41,000,000 |
| Defense Nuclear Facilities Safety Board | 17,933,000 | 18,500,000 | 17,000,000 | -933,000 | -1,500,000 |
| Delaware River Basin Commission: | | | | | |
| Salaries and expenses | 343,000 | 353,000 | | -343,000 | -353,000 |
| Contribution to Delaware River Basin Commission | 478,000 | 551,000 | | -478,000 | -551,000 |
| Total | 821,000 | 904,000 | | -821,000 | -904,000 |
| Interstate Commission on the Potomac River Basin: | | | | | |
| Contribution to Interstate Commission on the Potomac River Basin | 511,000 | 524,000 | | -511,000 | -524,000 |
| Nuclear Regulatory Commission: | | | | | |
| Salaries and expenses | 520,501,000 | 520,300,000 | 468,300,000 | -52,201,000 | -52,000,000 |
| Revenues | -498,501,000 | -498,300,000 | -457,300,000 | +41,201,000 | +41,000,000 |
| Subtotal | 22,000,000 | 22,000,000 | 11,000,000 | -11,000,000 | -11,000,000 |
| Office of Inspector General | 5,080,000 | 5,500,000 | 5,000,000 | -80,000 | -500,000 |
| Revenues | -5,080,000 | -5,500,000 | -5,000,000 | +80,000 | +500,000 |
| Subtotal | | | | | |
| Total | 22,000,000 | 22,000,000 | 11,000,000 | -11,000,000 | -11,000,000 |
| Susquehanna River Basin Commission: | | | | | |
| Salaries and expenses | 318,000 | 332,000 | | -318,000 | -332,000 |
| Contribution to Susquehanna River Basin Commission | 288,000 | 360,000 | | -288,000 | -360,000 |
| Total | 606,000 | 692,000 | | -606,000 | -692,000 |
| Tennessee Valley Authority: Tennessee Valley Authority Fund | 142,873,000 | 140,473,000 | 103,339,000 | -39,534,000 | -37,134,000 |
| Nuclear Waste Technical Review Board | 2,664,000 | 2,970,000 | 2,531,000 | -133,000 | -439,000 |
| Office of the Nuclear Waste Negotiator | 1,000,000 | | | -1,000,000 | |
| Total, title IV, Independent agencies | 470,406,000 | 369,063,000 | 275,870,000 | -194,536,000 | -93,193,000 |
| Grand total: | | | | | |
| New budget (obligational) authority | 20,462,402,000 | 21,142,799,000 | 19,114,281,000 | -1,348,121,000 | -2,028,518,000 |
| (By transfer) | | | | | |

Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this 1996 appropriations bill, effective October 1, has been the most difficult bill Chairman MYERS and I have worked on. As the gentleman has pointed out so well, he and I have worked together for all these years. We have exchanged seats now. He is the chairman and I am the ranking member, and we are working right along just as we have been doing for the last 18 years. The gentleman is great to work with, and I just want to commend him. His leadership has always played a big role in getting this bill put together, making this bill possible and getting the support of the Congress. So we are proud of this bill, when we consider the circumstances and what we have had to face in the way of cuts.

For example, the appropriation bill this time contains $18.7 billion. Just 2 years ago it was $22 billion. It is 10 percent less than the President's budget request for this year. It is 7 percent less than what we appropriated last year. So we have done our part in taking our share of the cuts, and many good programs have not been funded as much as we feel like they should be.

As a matter of fact, there are many good programs we have had to actually just leave out. This is very, very difficult. As Chairman MYERS pointed out, the recommendation by the administration on the flood control projects in our judgment would be a disaster, and we are not going to do it. We are not going to accept that recommendation. The flood control projects are some of the most important work that the U.S. Army Corps of Engineers does, and they need every dollar in this bill that they will receive in the 1996 fiscal year.

In my judgment, if we had to pick out the most important thing the U.S. Army Corps of Engineers does, and they do a good job, it is flood control. There we are talking about not only saving property, but we are talking about saving lives. Certainly, we cannot put any dollar value on saving lives.

The corps has estimated and they have testified before our panel several times to the effect that for every $1 that we invest in flood control projects, there are benefits in the amount of $6. So it is something that pays. Of course, the administration, for some reason, wants to change this formula that has been in effect for years, where the local governments would not be paying the 25 percent of the cost of the flood control projects, but it would change to where the local government would pay 75 percent. Actually, when the division engineers were testifying, most of them, as Members know, are major generals in the U.S. Army Corps of Engineers, and I asked them the question, do you know of any State in the Union or any government or any level of government or any city in the United States that could afford to pay 75 percent of the cost of flood control projects that are needed and are critical? They actually tried to think of a place, but could not think of one in the whole United States.

So I think that tells the story pretty well. On nuclear waste the utilities are paying. The ratepayers in this Nation are paying today through their utility bills to dispose of the nuclear waste throughout the United States. As Chairman MYERS pointed out, we have been very unhappy with the success, or the lack of success would be a better way of putting it, of getting this waste disposed of, nuclear waste, and getting a storage place for it.

So the fund is in there, and the ratepayers are paying for it, and they are not getting it. We are supposed to have a place ready for this waste to start being hauled to and in place by 1997 or 1998. Certainly, it does not look like we are going to meet that target. But we would say on the Yucca Mountain project, that while we have been very disappointed in the past on it, it does seem to be moving now. In the past few months, for the first time, it is actually moving and getting somewhere, and we feel that now we are on the right track, and we hope that we are, and we can do our duty and get this waste disposal underway.

Mr. Chairman, I urge Members to support this legislation. We recommend this bill to Members highly.

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this piece of legislation. The gentleman from Indiana [Mr. MYERS] has, to the extent possible within his subcommittee's 602(b) allocation, tracked the energy research and development priorities of the Committee on Science as outlined in the authorization bills that are still to come to the floor, but have been cleared out of our committee. I think that the work that the gentleman and his staff have done with my committee has been done to an unprecedented extent, and I want to thank the gentleman for it, and want to thank the gentleman from Alabama for the leadership he has provided to this subcommittee over the years, and I think that we are seeing the results of a lot of good work here in the course of the development of this bill.

The gentleman from Indiana [Mr. MYERS] worked closely with the gentleman from California [Mr. ROHRABACHER], the chairman of the Committee on Science Subcommittee on Energy and Environment, and I thank him for that as well.

This bill is proof that the appropriations process can work along with the authorization process, because we have a close cooperation here that I think is producing the right kind of policies in the energy area. The bill does reflect a very strong commitment to both good, fundamental science that is vital to this Nation's future, and to a balanced budget. The fact is that as we look at development of a lot of our basic science programs, we have to do it in the context of our need to balance the budget by the year 2002. This bill goes a long way down that road.

For example, this bill does specify a commitment to the hydrogen program that I think is a useful direction for the Nation to go. It is a very small program, but it is one that has gone through the right process. We authorized the program earlier this year out of this committee. We authorized it at a somewhat higher level than what is in the bill that comes before us, but, nevertheless, we are making a strong commitment to an energy resource that also happens to be an environmentally safe resource, and I think that is a very, very good direction to go in.

This is also a bill that does a lot in terms of basic energy sciences and in high energy and nuclear physics science. What we have here is a commitment to the idea that we ought to be doing basic research in this country, that there is an underlying need to develop those new knowledge bases that this country will depend upon in the years ahead.

We cannot afford, under a balanced budget scenario, to go out and fund every project that somebody wants to have on a live support system that has been developed in the past, but simply was not commercially viable at the time that it was developed. We cannot continue to do that. But we should and can continue to do the right kind of basic science work in this country. This bill moves in that direction. This bill is that kind of bill.

Mr. Chairman, I congratulate the leadership on both sides of the aisle for the bill they have brought forward, and look forward to supporting it strongly.

Mr. BEVILL. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to take a moment to thank the chairman of the subcommittee, the gentleman from Indiana [Mr. MYERS], the gentleman from Alabama [Mr. BEVILL], and the gentleman from New Jersey [Mr. FRELINGHUYSEN], for their work on this bill, particularly with regard to the Army Corps policy and the recommendations made by the administration.

Mr. Chairman, I do support the bill. I think it is an excellent bill. But I think, in particular, the fact that the committee in its report language specifically says that they are not abiding

by the recommendations of the President with regard to Army Corps projects is significant.

I cannot think of any proposal that has been made in the last 6 months that is more ill-conceived than the administration's proposal with regard to Army Corps flood control, shore protection, and small scale navigational dredging. I think we all recognize that flood waters do not recognize state of coastal boundaries.

Just to give you an example, if this policy that was put forward by the administration were to come into effect, a large state like California, for example, would be responsible for flood control projects within its boundaries, which would easily qualify as interstate projects in another area of the country. So just because a state happens to be large or because a state happens to be largely along the coast of the United States, all of a sudden, because 50 percent of the flood waters that are affecting or damaging and resulting in the need for a flood control project are not within the state or not interstate, if you will, the project would no longer qualify.

In effect, I think the chairman and the gentleman from Alabama [Mr. BEVILL] mentioned that what we would be doing if this policy were to come into effect is simply not providing for these flood control or shore protection projects to move forward, because most of the states and the localities would not be able to afford to pay for them, particularly if the cost sharing, which is now 75 percent Federal and 25 percent non-Federal, were to switch and become 75 percent non-Federal or local.

Just to give you an example, in my own district, we have a major shore protection project along the coast. We have towns, I will give you an example, such as Bellmawr, where we have a few thousand residents, but in the summer are besieged by thousands of people who use the beach from Pennsylvania, New York and other states. There is no way that a small town like Bellmawr, and I have others that are even smaller, could possibly afford to contribute the amount of money that would be necessary for the state to go ahead with that project. Even though the flood waters are totally from within the state, if you will, because it is the ocean, the bottom line is that the people that use the beaches and take advantage of that shore protection project are from a number of states and many times not even a majority from our own State of New Jersey.

□ 1500

So the policy simply makes no sense. Also I think about the fact that the Federal Government and the Corps have the expertise, the consulting, engineering and construction expertise to do these projects, which the state and the local municipalities do not.

So overall, I just wanted to commend again the subcommittee for moving ahead with projects and basically setting aside the President's recommendations.

One of the things I am still concerned about though is I do think it is necessary and I know that the subcommittee in its report asked the administration to essentially reverse its policy. I think that is important, because theoretically, even though we pass this bill and even though it ultimately is signed by the President, there still could be a certain amount of discretion on the part of the administration to withhold funds for some of these projects, unless they decide to reverse their policy. So I think it is also important that in the subcommittee report language, they specifically call upon the administration, and I call upon them as well, to reverse this policy because I would not want to see the various projects that are funded in this legislation to be jeopardized at all. I think that the overall presidential/administration policy was ill-conceived and should be reversed.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I want to engage the chairman in a colloquy. As you well know, one of the problems that led to the demise of the superconducting super collider was that it never received international support.

I said throughout that debate over the SSC that the infrastructure of physics must become as international as the science. High energy physicists here and abroad have taken the message to heart and are ready to move ahead with a large hadron collider. It is my understanding that this bill provides funding to enable preparatory work to proceed on the LHC; is that correct?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I hope his analogy is not analogous of what happened in Texas, but yes, we have provided $6 million as requested.

Mr. BOEHLERT. I thank the gentleman, because I think the authorization reported out by the Committee on Science last week gives a clear green light to negotiations with the Europeans on this project. I hope negotiations can move forward swiftly and that we can inaugurate a new, truly international era in research, an era that will also ensure that American physics continues to strive.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I would first like to thank Mr. BEVILL, the ranking minority member on the Energy and Water Subcommittee, for the opportunity to speak on this important piece of legislation.

Earlier this year the Clinton administration and the Army Corps of Engineers proposed a phase-out of Federal funding for local flood control projects.

I am pleased that the subcommittee rejected this proposal during consideration of the fiscal year 1996 energy and water appropriations bill. In southeast Texas, the administration's plan would have been devastating.

During October 1994, southeast Texas suffered some of the worst flooding our area had ever seen. Several lives and millions of dollars in homes and property were lost.

Under the administration's proposal, seven severely needed projects in the Houston area, including Braes, Sims, Greens, and Clear Creek Bayous, would have been halted because the administration would not classify them as "nationally significant."

This designation would have left many vital flood control projects in my district and around the country in limbo.

In addition to threatening the safety of our constituents and their property, the loss of these funds would create a difficult financial burden on our State and local governments.

Local taxpayers would have been forced to fund the lion's share of the $1.5 billion needed to complete these projects. That's $1.5 billion they cannot afford.

More to the point, this plan would have penalized intrastate projects but not interstate projects.

Southeast Texas includes Houston, our Nation's fourth largest city, the bulk of the country's oil and gas infrastructure.

Under the administration's plan, local taxpayers would foot almost the entire bill, while taxpayers in smaller States with similar projects could still rely on majority Federal funds.

Most importantly, if we can prevent disasters with proper flood control planning, the Federal Government would not be forced to spend billions of taxpayers' dollars on emergency and disaster relief. It is clear that flood control projects save Federal dollars in the long run.

In a time when this Congress is considering turning over many responsibilities to State and local governments, I believe we should maintain Federal support for flood control projects.

The devastating damage from last year's floods are a clear reminder that our lives, our infrastructure, and our economy depend on these projects. This bill maintains that commitment. I applaud the work of the chairman, the ranking member, and my fellow Texan, Mr. CHAPMAN. I urge my colleagues to support H.R. 1905.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. Chairman, this Member rises in strong support of H.R. 1905 and would like to commend the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the Energy and Water Development Subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor. Extremely tight budgetary constraints made the job of the subcommittee much more difficult. The subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the energy and water development appropriations bill for fiscal year 1996 includes funding for several water projects that are of great importance to Nebraska.

Importantly, the bill provides funding for two Missouri River projects which are designed to remedy problems of erosion, loss of fish and wildlife habitat, and sedimentation. First, the bill provides $5.7 million for the four-State Missouri River Mitigation project. This funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

The Missouri River Mitigation project addresses fish and wildlife habitat concerns much more effectively than the Corps' overwhelmingly unpopular and ill-conceived proposed changes to the Missouri River master manual. Although the Corps' proposed plan was designed to improve fish and wildlife habitat, these environmental issues are already being addressed by the Missouri River Mitigation project. In 1986 the Congress authorized over $50 million to fund the Missouri River Mitigation project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

Second, the bill provides $200,000 for operation and maintenance and $20,000 for construction of the Missouri National Recreation River project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

In addition, the bill provides funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, NE. Therefore, this Member is extremely pleased the committee agreed to continue funding for the Lower Platte River and tributaries flood control study. This study should help to formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. Additionally, the bill provides continued funding for a floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln.

Finally, Mr. Chairman, this Member strongly commends the subcommittee for rejecting the administration's proposed policy which would radically revise the Army Corps of Engineers' mission and severely restrict its role in local flood control projects. The rigid set of criteria proposed by the administration would greatly restrict the Corps' presence in numerous states.

Under the new criteria, projects would be limited to those in which first, more than half the damaging flood water comes from outside the boundaries of the State where the damage is occurring; second, the benefit-to-cost-ratio is two or greater; and third, the non-Federal sponsor is able and willing to pay 75 percent of the first cost of the project. These requirements set an impossibly high threshold for many necessary and worthy projects.

The administration's proposed changes would result in a seriously shortsighted and misguided policy. They would delay urgently needed projects and result in unnecessary costs for States. Under such a policy, each State would be forced to obtain the contracting, engineering, and construction experience which the Corps already possesses. This Member is pleased the subcommittee firmly rejected this seriously flawed administration proposal.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee for their continued support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

Again, Mr. Chairman, I commend the distinguished gentlemen and the subcommittee for their work. Their efforts have been appreciated by this Member and my colleagues from Nebraska and elsewhere in the Missouri River Basin.

Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise to engage the chairman of the committee in a brief colloquy, if I might.

Mr. Chairman, the committee has included money in H.R. 1905 to complete the reconnaissance portion of the coastal erosion study on the north shore of Long Island, but it does not contain money to begin the feasibility portion of that study.

As the chairman knows, the north shore has had an extensive history of tidal flooding and shore erosion and damage to shore-front development, most recently in 1992.

Since the committee has rejected the President's proposal with regard to shore protection studies and since New York State has already provided money for its share of the project, would the chairman be willing to work with me as the bill moves through the process to see that the Federal Government provides its share of the cost?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the committee has worked with the gentleman from New York on this erosion problem for a number of years and is well aware of the problem. We certainly shall be working to make sure that the reconnaissance study is done and be working toward solving the problem that you have.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for his support in the past and for his pledge of support as this process moves forward. I am deeply appreciative.

I would also like to thank the gentleman from Alabama as well as for his support in the past on this project and ask the distinguished ranking member for his continued assistance in the future as this bill moves through the legislative process.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I concur with the remarks of the gentleman from Indiana [Mr. MYERS] pertaining to this project.

Mr. ACKERMAN. Mr. Chairman, I thank both distinguished gentlemen.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a very valued new member of this committee.

Mr. Chairman, I rise today in support of H.R. 1905 making appropriations for energy and water development for fiscal year 1996. As a new member of this subcommittee, I would like to thank Chairman MYERS and ranking member BEVILL for their leadership and direction. I would also like to thank the dedicated and capable staff of the subcommittee for their expertise and knowledge of these important issues.

The bill before the House today reduces spending and downsizes the Federal Government, while maintaining

funding for critical flood safety projects, coastal protection, and important energy research programs like fusion energy.

We had to make the tough choices about where to reduce spending while supporting programs that are in the best interest of our country.

Overall the bill reflects the changing priorities of the new Congress by reducing spending for the Department of Energy, Bureau of Reclamation, and other agencies by almost $1.6 billion from last year's level: An 8-percent reduction. Unlike the budget resolution which passed the House in May, the decisions in this bill will directly reduce Federal spending and are essential in our efforts to reach a balanced budget.

I am also very pleased with the subcommittee decision to flatly reject the President's wish to end flood control and coastal protection projects. These projects are nationally significant and it is my belief that the President's policy, was ill-conceived and not founded on solid fact. By rejecting the President's policy, New Jersey's shore and flood prone areas will be protected again.

This bill represents real progress toward a smaller, smarter government. It is one more step closer to balancing the budget and keeping our promises to the American people. Mr. Chairman, I urge the adoption of this bill.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his remarks. The subcommittee continues to be a supporter of fusion, but the plasma research will continue.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman very much and commend him for the leadership he has exercised in bringing this bill to the floor. I certainly rise in support of the Energy and Water Appropriation Act of 1995.

As a fiscal conservative Member, I believe that we have a moral imperative to balance the Federal budget. Surely every area of Federal spending must be open to the possibility of reduction, and no role of the Federal Government must remain unexamined. Equally important, however, is our quest to balance the budget, however, with the knowledge that we must and we cannot afford to be penny-wise and pound-foolish.

A few weeks ago, the House Committee on Science moved to reauthorize the budget for the Department of Energy and the science and technology programs it oversees. As a member of the committee, I commend the House Committee on Appropriations for its adherence to authorization legislation adopted by the Committee on Science.

During consideration of H.R. 1905, there may be an amendment to strike $18 million for the nuclear technology research and development at Argonne National Laboratory both in Idaho Falls and in the State of Illinois.

The environmental nuclear waste treatment program, electrorefining of spent nuclear fuel, has the strong potential to significantly reduce the amount of high level waste and spent nuclear fuel, decreasing the toxicity and the volume of over 100 different types of spent fuel, some 2700 metric tons, stored at DOE sites around the nation.

This electrometallurgical research could save taxpayers billions of dollars by treating spent fuel that cannot be disposed of safely. The National Academy of Sciences supports continued funding of this nuclear technology research, saying that it represents promising technology for treating a variety of DOE spent fuels.

In addition, further funding of the research is predicated on the continued approval of the National Academy of Sciences so that funding for the nuclear technology research and development program was requested by the Clinton administration and the Department of Energy.

At $18 million, the nuclear technology program has already been cut 28 percent below the fiscal year 1995 level, 50 percent below the fiscal year 1996 request, and I believe that it is sound science.

Again, I commend the gentleman from Indiana [Mr. MYERS] for the leadership that he has shown in a very difficult task, I know, in putting together this appropriation bill.

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Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his leadership. This committee has worked very closely with the authorizing committee, the gentleman from Illinois [Mr. FAWELL], and certainly the gentleman from California [Mr. ROHRABACHER], who we have worked very closely with.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in support of this bill.

This energy and water appropriations bill reflects the tough choices made by members of the Appropriations Subcommittee to put us on the path to a balanced budget in 7 years.

As chairman of the authorizing subcommittee for a portion of this bill, I would like to commend both Chairman MYERS and the ranking minority member, Mr. BEVILL, and their staffs, for a good faith attempt to work with the Science Committee and its staff in crafting the portions of this bill that apply to programs under Science Committee jurisdiction.

This year's bill was not produced under ideal circumstances.

The press of legislation during the first 100 days before many of the committees were fully reorganized and staffed-up hampered the process.

The result is not an ideal product but does represent an historic change in the authorization/appropriations process.

Rather than take a meat-ax approach to budget reductions, the bill attempts, as we did in the Science Committee, to preserve basic research funding while terminating market and development programs that are best handled by the private sector.

Do I agree with every line item in the bill? Of course not.

But I see this bill as laying the foundation for a new partnership that we can build on next year.

I urge my colleagues to support this bill.

Mr. Chairman, I thank the ranking member, the gentleman from Alabama [Mr. BEVILL], and the gentleman from Indiana [Mr. MYERS], again for the great cooperation we have had in putting this together.

Mr. BEVILL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I thank the authorizing committees for the nice words they have said. Mr. Chairman, I yield back the balance of my time, and I hope the authorizing committees continue to work as they have.

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 1905 making appropriations for the energy and water development for fiscal year 1996.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the Committee's continued support for these projects.

H.R. 1905 and the accompanying Committee report also raise several issues which I will address in my capacity as Ranking Democratic Member of the Committee on Resources.

First, H.R. 1905 will fund important individual projects and program activities of the Bureau of Reclamation. The Bureau of Reclamation has demonstrated consistent leadership in the Administration's efforts to implement significant reforms to Federal water management and construction programs.

Second, H.R. 1905 includes significant funding to implement various programs authorized by P.L. 102–575, the Reclamation Projects Authorization and Adjustment Act of 1992. In particular, title 34 of the law, the Central Valley Project Improvement Act [CVPIA], includes many innovative measures to conserve water and to restore fish and wildlife habitat that has been adversely affected by the development of water and power projects in California. Water marketing, changes in project operations and water allocations, incentives for conservation, and specific goals for fish and wildlife restoration are all included in this title.

I am in complete support of the Bureau of Reclamation's efforts to fairly and promptly implement the provisions of the CVPIA, and I strongly oppose any attempts to amend this

law through the appropriations process. I specifically note at this time my strong objections to language contained in the Committee Report accompanying H.R. 1905 (House Report 104–149), which "directs that the $1,000,000 requested for the San Joaquin River Basin Resource Management Initiative not be expended for that purpose." As my colleagues are well aware, this study is required by law; it is not optional. The study was authorized so that we could determine what needs to be done to restore fish to the San Joaquin River, where irrigation water deliveries have wiped out several stocks of commercially valuable anadromous fish.

The Appropriations Committee is obviously determined to kill this study and prevent people from learning the truth about the destruction of fishery resources in the San Joaquin River. The effort to kill this study is important only to a small group of CVP beneficiaries who continue to profit from their subsidized water supplies at the expense of California's commercial and sport fish resources. I wish to associate myself with the views of my colleague from California, Ms. PELOSI, who correctly noted that "the San Joaquin study has been authorized by Congress and is being conducted properly by the Bureau of Reclamation. It should be allowed to proceed without interference from special interests."

Third, with regard to the repayment of costs of cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program, I am concerned that the Appropriations Committee is again attempting to legislate matters of policy without consulting the authorizing Committee.

My colleagues will recall that the Federal Government has spent approximately $35 million for the cleanup of Kesterson Reservoir, a series of ponds in the San Joaquin Valley that were built in the 1970's to contain subsurface irrigation drainage water collected from farms in the Bureau of Reclamation's San Luis Unit, part of the Central Valley Project. The Kesterson facility was closed in March of 1985 by then-Secretary of the Interior Donald Hodel because the drainage water was contaminated with selenium and other chemicals. Many migratory birds using the Kesterson ponds were being killed in violation of the Migratory Bird Treaty Act. Other birds were hatched with grotesque deformities caused by selenium poisoning. Congress has appropriated tens of millions of dollars to clean up this mess on behalf of the project beneficiaries of the San Luis Unit, and we have also funded extensive multi-disciplinary and multi-agency studies of how to reduce or eliminate irrigation drainage contamination.

There is no legislative language in H.R. 1905 that would amend current law regarding repayment responsibilities for cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program. The report accompanying H.R. 1905, however (House Report 104–149), refers to a recent report from the Bureau of Reclamation, and concludes that San Luis Unit contractors should work with the Bureau of Reclamation "to develop a reasonable and cost-effective drainage solution". The Committee Report also contains the following statement regarding the subject of Kesterson and drainage study repayment:

> The Committee believes it is premature for Reclamation to collect any costs before these negotiations are complete and appropriate drainage service is provided. Therefore, the Committee directs that the Bureau of Reclamation take no action to collect costs associated with the Kesterson Reservoir Cleanup Program or the San Joaquin Valley Drainage Program until drainage service negotiations are complete, drainage service is provided, or the authorizing Committee has acted on this issue.

The above conclusion and Committee directive to the Bureau of Reclamation are unwarranted and are not supported by any facts whatsoever. Without even consulting the authorizing committee, the Appropriations Committee has decided to indefinitely forgive the repayment of tens of millions of dollars in expenses associated with the cleanup of Kesterson Reservoir and the completion of the San Joaquin Valley Drainage Study Program. Under current law, these costs are a legal responsibility of the water users whose contaminated irrigation wastewater has caused this massive pollution problem. They should be required to pay their bills just like everybody else.

I also remind my colleagues that committee report language from last year's Energy and Water bill specifically noted that repayment of these cleanup and study costs should begin soon after the Bureau's report was made available:

> It was and is the intent of the Committee that the [forthcoming Interior Department] report be used as a resource to assist in the fair and just apportionment of Kesterson and other drainage related costs and not serve as a method of delaying indefinitely repayment obligations. (House Report 103–533).

Since FY 1991, House Appropriations Committee Report language has directed the Department specifically not to collect payments from water users until the Bureau of Reclamation completed the report on allocation of costs. That report was received over four months ago. Now that the Bureau of Reclamation has submitted the report we requested, the water users have decided that they don't like the conclusions of that report and they have asked the Appropriations Committee to indefinitely delay the repayment. This is directly contrary to representations made to this House by the water users regarding their intention to proceed with repayment once the results of the Bureau's study were made available.

The fact of the matter is that the Central Valley Project and San Luis Unit water users are accountable by current law for the money that has been spent on Kesterson cleanup and the San Joaquin Valley Drainage Program.

Until the authorizing Committees and the Full House and Senate and the President have had an opportunity to review information on cleanup costs and decide whether changes to current law are appropriate or not, the Secretary of the Interior is obligated to begin collecting money. The study released this year by the Bureau of Reclamation supports that conclusion. There is no basis whatsoever for the Appropriations Committee to indefinitely forgive the proper repayment of these costs, and this language is not and should not be construed as binding on the Secretary.

Fourth, the elimination of funding for the Bureau of Reclamation and the Army Corps of Engineers to assist salmon migration in the Columbia River basin is outrageously shortsighted. These are not trivial actions by the Bureau and the Corps; the agencies agreed to take these steps only in response to a court order. The court concluded that "business as usual" in the Columbia basin could place endangered salmon in jeopardy of final extinction.

In part as a result of the court's decision, the agencies have tried to find the most cost-effective and least disruptive solution to salmon migration. The Bureau of Reclamation has been purchasing water from willing sellers in the Snake River basin and the Corps has been studying the possibility of lowering the John Day reservoir during migratory periods. These measures enjoy broad regional support, while the measures suggested by the Appropriations Committee will encourage conflict and will probably do little to sustain the salmon.

If the agencies cannot take the regionally-supported steps towards salmon recovery, far more disruptive and costly actions may be required to make sure the salmon are not driven to extinction. Forcing the agencies into this position defies common sense.

Finally, I note that the Committee recommendation includes $94,225,000 for construction of the Central Arizona Project, a generous $1,500,000 above the budget request. While I am generally supportive of plans to complete this project, I note that recent attempts to negotiate a "restructuring" of repayment terms for the Central Arizona Project have failed. It is likely that the project sponsors will soon begin a costly legal battle to settle their disputes with the United States over the amount of money owed for repayment of project construction costs. At the present time, hundreds of millions of dollars are in dispute, and there is no guarantee that these costs will ever be repaid. It should further be noted that we have already provided tens of millions of dollars to make extensive repairs to the CAP water delivery system, and I suspect we have just started to understand how much this project will eventually cost the taxpayers.

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of H.R. 1905, the Energy and Water Appropriations bill.

I wish to thank the members of the subcommittee and full committee for their efforts in developing this measure. Developing this proposal was a difficult challenge for all of us considering the tough financial choices we had to make.

Even in that light, Mr. Speaker, this House appropriations bill reflects a relatively balanced approach for energy and water, although I have some reservations regarding solar and renewables which was cut in half.

As my colleagues know, I am and always have been a strong supporter of Solar and Renewable Energy and would have preferred an increased level of funding. I offered an amendment in committee to add back $15 million which was successful. While I am happy about this modest increase, more is still needed. That is why I have coauthored the Klug amendment which will restore funding for solar and renewable energy.

Mr. Speaker, I know there also will be an attempt to delete funds for the Gas Turbine-Modular Helium Reactor [GT-MHR] Program. I think deleting this funding would be a big mistake and I urge my colleagues to support the Appropriations Committee recommendation.

The bill includes funding for the biochemical conversion program in the solar and renewable accounts that fully supports the level recommended by the House Science Committee. This nation now consumes 70 percent of its energy in the transportation sector, predominantly liquid fuel petroleum. Once again, over half this oil is imported. Therefore, efficient production of ethanol should be a high national priority.

The bill includes critical water resource projects in every State and every region of the country which will help environmental restoration and improvement.

We have provided funding for the key energy, science and water projects, and we have done so within our subcommittee's allocation. We are under the President's budget request, under the 602(b) allocation, and under the amount appropriated last year.

This bill is a joint effort to hold the line financially and continue the process of downsizing. It is about looking ahead for our children's future and making our economy stronger and our communities safer. I strongly urge a yes vote on this year's Energy and Water Appropriations bill.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support H.R. 1905, the FY 1996 Energy and Water Appropriations bill.

As you may know, part of my district lies along New York's Atlantic Coast. Like coastal areas in many parts of the country, the barrier islands along the coast in my district have been hit extremely hard by the storms of the past few winters and remain in a delicate state, vulnerable to breaches and overwashes. Thankfully, this winter was relatively mild, but past damage has never been corrected, and a storm of any significance could be devastating to the mainland of Long Island.

The barrier islands protect Long Island in the same manner that the levees on the Mississippi River protect the river towns. A vulnerable barrier island system cannot protect Long Island's south shore, which has a multi-billion dollar economy and significant public infrastructure. The barriers afford protection to the freshwater wetlands and waters of the back bays, thus nurturing the clamming and fishing industries. Furthermore, Fire Island, Jones Island, Long Beach Island and the rest of Long Island's barrier system provide recreation for the citizens of Long Island and tourists from all over the world. As the tourism industry is the largest employer on Long Island, loss of this vital resource will means loss of jobs.

While the President's budget recommends that the Army Corps of Engineers get out of the business of local flood and shore protection, I believe the Army Corps has a cost-effective and justifiable role in these projects. Savings can surely be made in the way the Corps carries out its mission. But the mission itself is vital to the Nation's coastal communities, and it is not one that can be easily transferred to State or local governments. The shoreline protection projects the Corps is involved in are vitally important to the livelihood of the communities they seek to protect and often end up saving the taxpayers money in the long run.

The first project would provide New York with accurate, real-time information on its coastal processes. Many coastal states already have monitoring systems in place, and such a system is essential for New York. A federally funded monitoring system was authorized for New York in the 1992 Water Resources Development Act, and appropriations have been made over the past 2 years to initiate its implementation.

As the authorization states, successful implementation will take $1.4 million for up to 5 years, at which time the State of New York will take over funding and program implementation. The President has included the full $1.4 million for this program in his fiscal year 1996 budget request, and the fiscal year 1996 Energy and Water Development Appropriations bill also allocates this amount.

The second project has also been requested by the President. This project, the reformulation study of the area from Montauk Point to the Fire Island Inlet, will provide valuable long-term information on the coastal processes of Long Island's south shore. It is expected to take approximately 10 years and $14 million to complete. Over the past two fiscal years, a total of $5 million has been appropriated by this committee for the reformulation study. This has provided important information and will lay the groundwork for possible interim projects needed to shore-up Long Island's coastline. The fiscal year 1996 segment of the study will cost $2.18 million, and this amount was included in H.R. 1905 as part of a $10.4 million total appropriation in this area.

Moving away from flood protection, the final project is a navigation project. The waterways involved, Reynolds Channel and the New York State Boat Channel, run through the western portion of my district, part of Congressman PETER KING's district, 3rd CD, and part of Congressman DAN FRISA's district, 4th CD. The State and local municipalities have only been able to maintain these waterways on a limited basis, causing safety concerns among the parties that use them. Subsequently, the State and local municipalities have sought Federal assistance. A request for an appropriation of $170,000 has been included in the President's fiscal year 1996 budget in order to complete the reconnaissance phase and initiate the feasibility phase, and again, that amount was granted in this bill. There is strong local interest and support in improving navigation through Reynolds Channel and the New York State Boat Channel. These waterways provide important thoroughfares for large volumes of industrial and commercial traffic.

In this time of tight budgets on every level, I understand the fiscal constraints we face. I agree that every expenditure must pass stringent economic tests, and I am confident that, upon examination, expenditure for these projects will pass such tests. The importance of the waterways and the barrier islands to homes and businesses on Long Island and New York cannot be stressed enough. As Westhampton has taught us, the establishment of protective measures now will save the Federal, State, and local government millions of dollars in the long term. I urge my colleagues to support this bill.

Mr. MARTINI. Mr. Chairman, I want to commend the gentlewoman from Washington State with respect to her amendment.

I find it bizarre that the Federal Government of the United States would consider sending American taxpayer funds to some of the wealthiest countries in the world. Especially in a time when we are trying to take the necessary steps to balance our Federal budget within 7 years.

The Bureau of Reclamation is spending taxpayer funds on water projects in the oil rich countries of the Middle East. As my colleague realizes, the Bureau of Reclamation is a water resource agency in 17 contiguous western States, primarily for irrigation. It is supposed to focus its efforts on western water and power related issues. Apparently, the Agency has taken it upon itself to provide water projects for the rest of the world regardless of financial status. I think we need to take steps to ensure that we are providing for our country before we begin to provide this type of aid to our foreign neighbors.

The amendment from the gentlewoman from Washington State would cut the spending for the International Affairs Budget of the Bureau. In August 1993 the Commissioner stated,

> International Major Civil Works Construction does not fit or contribute to Reclamation's new direction and should be phased out in order to make human resources and funding available.

Even the Clinton administration's own officials agreed with this analysis and have adopted a policy to reduce the Bureau's spending.

The United States spends enough on foreign aid without subsidizing water projects in wealthy countries. Make the Bureau of Reclamation live up to its own claims of a new direction of responsible resource management.

Mr. Chairman, I am pleased that Mrs. SMITH has worked with the leadership on this important amendment and I am pleased to support the Smith amendment to the Energy and Water Appropriations bill. In addition, I want to commend the gentleman from Indiana, Mr. MYERS, for taking the steps to ensure that the important programs in this appropriation bill are protected while we continue to strive for a balanced budget for the American taxpayer.

Mr. McDERMOTT. Mr. Chairman, I rise in strong opposition to the treatment of renewable energy and energy conservation programs in the fiscal year 1996 Appropriation bills. These bills threaten America's commitment to proven energy sources and their substantial economic and environmental benefits.

In the rush to cut the Federal budget, Congress should not recklessly endanger America's future environmental health and economic competitiveness. Renewable energy and energy conservation programs will improve America's future by offering clean energy sources at an affordable cost. Instead of cutting these programs, we should be expanding our commitment and support.

Gains in renewable energy are made almost daily. Energy generated by the wind is now being competitively marketed in the State of Washington at 3.5 cents per kilowatt hour. In addition to existing solar energy stations, plans for a high volume solar energy plant in Nevada will competitively market solar energy

in rural areas at a price of 5.5 cents per kwh. Besides being cheap, there are no hidden costs—such as environmental degradation through air pollution or threats to human health.

Republican efforts to cut renewable energy research and development and conservation programs by almost 50 percent below fiscal year 1995 levels sets back the Nation's attempt to kick its harmful addiction to fossil fuels. While prices for fossil fuels fluctuate on a whim, fuel costs for renewable energy are zero. If strides are not made in finding alternative energy sources today, it is estimated that by the year 2010, foreign oil will make up 65 percent of U.S. oil consumption. Without an alternative energy plan, the Nation's addictive reliance on oil—both U.S. and foreign—will continue to harm the global environment and increase the Nation's trade deficit by billions of dollars.

In addition to finding new sources of energy, it is important to remember that much can be saved conserving what we already have. The Interior Appropriations bill, to be debated later this week, makes substantial cuts in energy conservation. For example, by the year 2000, a $150 million investment in energy conservation programs will save my own State of Washington almost $700 million, reduce $CO_2$ emissions by 1.74 millions of metric tons per carbon equivalent [MMTCE]—and create more than 10,000 jobs across the State. If the conservation programs escape radical cuts from the budget knife, the country stands to save over $21 billion in energy costs in the year 2000 and would reduce its carbon emissions by 4.3 percent. Clearly, relatively small investments today could provide huge savings in the future.

Unfortunately, the Republicans don't want to hear these facts, and, instead, prefer to cut state weatherization programs by 50 percent. Programs that not only will save energy, they keep low income individuals warm in the winter, help institutions such as hospitals become more energy efficient, and spur the local economy.

We are so close to providing reliable alternative sources of energy—through renewables and energy conservation—which will have lasting benefits to us all. Why stop now?

Congress should be working to improve America's future by building on today's successes. Let's not squander this opportunity by turning our backs on sources of energy that are vital to improving America's economy and its environment.

The Republican budgetary treatment of renewable energy and energy conservation is short-sighted and foolish. I cannot support bills so absurd in thinking that they ignore the obvious benefits of establishing clean and efficient alternative sources of energy. I urge you to vote against this legislation. Thank you.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 1905 making appropriations for energy and water development for fiscal year 1996. As a new member of this subcommittee, I would like to thank Chairman MYERS and Ranking Member BEVILL for their leadership and direction. I would also like to thank the dedicated and capable staff of the subcommittee for their expertise and knowledge of these important issues.

The bill before the House today reduces spending and downsizes the Federal Government, while maintaining funding for critical flood safety projects, coastal protection, and important energy research programs like fusion energy. We had to make the tough choices about where to reduce spending while supporting programs that are in the best interest of our country.

Overall the bill reflects the changing priorities of the new Congress by reducing spending for the Department of Energy, Bureau of Reclamation, and other agencies by almost $1.6 billion from last year's level. An 8-percent reduction. Unlike the budget resolution which passed the House in May, the decisions in this bill will directly reduce Federal spending and are essential in our efforts to reach a balanced budget.

Specifically, the bill will fund fusion energy research at $229 million, slightly below the new authorized level. I am hopeful that as this bill moves through the committee process we will be successful in meeting this new number. In another area, the bill will close the Tennessee Valley Authority's environmental research center, a facility which I questioned the need for during our hearing process. This is clearly not a priority when we have a $5 trillion debt and we have an EPA that is responsible for these same activities.

I am also very pleased with the subcommittee decision to flatly reject the President's wish to end flood control and coastal protection projects. These projects are "nationally significant" and it is my belief that the President's policy was ill-conceived and not founded on solid fact. By rejecting the President's policy, New Jersey's shore and flood-prone areas will be protected again.

This bill represents real progress toward a smaller, smarter government. It is one more step closer to balancing the budget and keeping our promises to the American people. Mr. Chairman, I urge the adoption of this bill.

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of this bill.

This is a good bill. This bill was created in the spirit of fiscal constraint, yet it prudently continues the gradual downsizing of the Federal energy and water program. I believe it is imperative for this Nation to set its priorities regarding Federal spending. This bill has cut almost $1.6 billion from the 1995 budget and over $2 billion from the Administration's recommendation. In consideration of these cuts, this bill prioritizes where the funds should be appropriated.

The Energy and Water Appropriation Subcommittee has placed a high priority on basic research and development. During the past 17 years since the creation of the Department of Energy, the DOE's focus has been dispersed to a wide array of large Federal programs. Solar and renewables, magnetic fusion, nuclear, and fossil energy begin the list of energy sources the Department of Energy spends billions of dollars each year in an attempt to find the safe and efficient answer to our energy needs.

Frankly, I believe an open and free market is a preferable forum to decide our Nation's energy policy. Withstanding my commitment to a free market, I do recognize that the Federal Government has a proper role in Energy policy to a limited extent, especially in basic research and development.

However, once an energy discovery becomes an applicable energy source, I believe the role of the Federal Government should be limited, and eventually eliminated. Let the entrepreneurial spirit of America apply technology obtained through basic research and development into a practical application. Let the working American family encourage the entrepreneur through the direct support of this entrepreneur's innovation. Encourage the individual innovator by removing burdensome and intrusive regulations. Don't stifle the scientists' imagination by forcing him to plod through a mountain of paper work to obtain Federal funding. And when the consumer chooses one energy source over another, don't interfere with the consumer judgment.

Although we have cut over $2 billion from the administration's budget, including over $1.8 billion cut directly from the Department of Energy's budget, we did not eliminate the Department of Energy itself. And it is not the Appropriations proper role to do so. The proper place for such legislation to be introduced is in the authorizing committees, where an open and full public debate can follow. It is important to understand that even if the Department of Energy is disbanded, a number of programs would remain which require Federal oversight and interaction. For example, the largest focus of the DOE is its defense and national security programs which take up over 60 percent of the Department's funding. These programs include nuclear research, weapons stewardship, and nuclear waste management.

To be candid, I am not happy about every provision of this appropriations bill. For example, I would support smaller cuts in the fusion energy program that promises a safe and inexpensive energy source for the future. And I would seek further cuts in some of the applied technologies, like the solar and renewable energy program. But we cannot let perfection be the enemy of the good. This bill restores prudence by balancing our interest in fiscal responsibility and our interest in a safe, clean and efficient energy and water program.

I seek and encourage your support of this bill.

Mr. SMITH of New Jersey. Mr. Chairman, I appreciate this opportunity to speak to several provisions of the Energy and Water Appropriations bill for fiscal year 1996 which will profoundly affect my home State of New Jersey.

First of all, I am pleased that the committee has soundly rejected President Clinton's short-sighted proposal to phase out the important work of the Army Corps of Engineers in shore protection, navigation, and flood study. The Army Corps has worked to reduce erosion along the Jersey Shore, to make waterways safe for fishing and commercial boat passage, and has protected homeowners from flooding. There is still work to be done.

The Shore is the lifeblood of my home State of New Jersey. The Coast Alliance estimates that three-quarters of the State is located in the coastal zone and that more than 90 percent of the people in the Nation's most populated State live in this coastal zone. These people depend on the Army Corps' experience and know-how to maintain the quality of life they have come to know. In addition, the

coastal zone contributes more than $79 billion—or over half of the State's gross State product—to the New Jersey economy through tourism, fishing, and boating or other recreational activities.

While we all realize that cuts in Federal spending are necessary, they should not be arbitrary and they should be based on sound cost-benefit analyses. The President's proposal disregarded the long-term benefits of the Army Corps' work and simply shifted much of the cost of their work to the states. I am proud to have been part of a bipartisan group of legislators who successfully worked against this proposal from its very onset.

In addition, Mr. Chairman, as if to provide evidence of the importance of the Army Corps to New Jersey, H.R. 1905 includes two Corps projects in my district which will help to maintain our strong fishing and tourism industries. Specifically, the bill includes funding to complete a reconnaissance study of the erosion problem along the Shore from Manasquan Inlet to Barnegat Inlet. The study was begun in fiscal year 1995 and, with the $290,000 appropriated in H.R. 1905, will be completed this year. The bill also provides for $100,000 to begin work on maintenance dredging of the Manasquan Inlet.

These appropriations, Mr. Chairman, are modest, but the benefits they will bring to the State are enormous. Tourism is the second greatest contributor to the New Jersey economy, pumping in $22.6 billion in 1994 alone. A stable and preserved shoreline is vital to the success of that industry. In fact, in 1993, the New Jersey coastal regions received almost 14 million overnight visitors who spent an estimated $10.3 billion and created more than 171,000 jobs.

Fishing is also a key industry to the State economy. New Jersey leads the Nation in clam production and is a major producer of scallops and other seafood. In 1993, the New Jersey commercial fishing fleet caught more than $96 million worth of seafood. In addition, anglers contributed more than $649 million to the State economy in 1993. Waterways, like the Manasquan Inlet, must be maintained to allow the fishing industry to do its work.

Mr. Chairman, while I am pleased that the committee gave these Army Corps proposals appropriate attention, I am disappointed that the committee has neglected another industry of importance not only to New Jersey, but to the Nation, and that is fusion energy research.

For years, the Princeton Plasma Physics Lab in Princeton, New Jersey has been a key contributor to the United States' efforts to develop fusion energy for mass consumer use. Just this past year, the Lab reached record levels of energy production and seemed to be on its way to making this safe and clean energy source a reality. Unfortunately, H.R. 1905 stops their progress just as it is beginning to truly pay off. I am hopeful that this will be corrected as we move through the conference process.

Mr. PORTMAN. Mr. Chairman, I rise today in support of the Energy and Water Appropriations bill. This bill represents a good balance between competing interests for a limited pool of resources, and I applaud the Appropriations Committee for their good efforts.

One issue that I have closely monitored during the formulation of this bill is the appropriation for the Department of Energy's [DOE] Environmental Restoration and Waste Management Budget. Those of us who represent districts containing sites where the Department of Energy carried out nuclear energy or weapons research and production activities that resulted or weapons research and production activities that resulted in radioactive and hazardous contamination are committed to ensuring that this budget maintain responsible levels of funding to meet the Federal Government's clean up obligations. If there are no funds to clean up the environmental and health hazards caused by our Nation's nuclear weapons production, the sites will continue to cause an imminent danger to citizens living near the facilities.

I believe the Environmental Restoration and Waste Management Budget appropriation is fair given the Government's budget constraints. The recommended appropriation represents a 7.6-percent increase from last year's budget, increasing spending from $4.9 billion in fiscal year 1995 to $5.3 billion in fiscal year 1996. I understand that the committee has sought to protect funding for cleanup milestones established in compliance agreements by directing cuts against support service contracts, excessive headquarters and field oversight, and by reducing the number of new construction starts proposed to begin in fiscal year 1996. I agree that it is important to ensure that this funding is sued for actual clean up of sites, instead of wasted on overhead costs.

The Fernald site, a former uranium processing center, lies in my congressional district. At no fault of their own, thousands of people living near Fernald have potentially been exposed to dangerous material in the air, soil, and water. With DOE oversight, much progress has been made at Fernald in cleaning up these hazards. However, problems persist.

A specific proposal has been developed to accelerate remediation, so that the site will be clean in 10 years. Having reviewed the proposal and consulted with the various interested parties, I am convinced it is a sound approach. It enjoys widespread support, could serve as a model of successful cleanup efforts, and would result in significant savings to the taxpayer. In fact, I understand that accelerating the schedule for cleanup from 25 years down to 10 years would result in a savings to the taxpayer of approximately $1.4 billion.

I am extremely pleased that the Appropriations Committee has also specifically recognized the prospects for immediate cleanup at Fernald. The Committee Report cites that, "the Committee supports [Fernald's] proposal to reduce costs and accelerate cleanup activities and expects the Department to make every effort to increase funding for this project."

Again, I urge my colleagues to support this appropriations legislation. It provides fair funding levels for our national energy and water priorities, including the cleanup of the Government's nuclear waste sites, while still providing for savings that will help move us to a balanced budget by 2002. Thank you.

Mr. DE LA GARZA. Mr. Chairman, included in the fiscal year 1996 Energy and Water Appropriations package are two projects of great interest to me for which I want to express my support for funding. They are as follows:

Corpus Christi Ship Channel, Texas, is a navigation project which is budgeted for operations and maintenance at $2,190,000. Continued funding of this project is essential due to the impact on the local economy. The project provides for widening and deepening the existing channels to (40.5 miles) and basins from the Gulf of Mexico to deepwater ports at Harbor Island, Ingleside, and Corpus Christi, and a branch channel to the port of La Quinta to provide a project depth of 45 feet. It also includes the construction of mooring areas and dolphins at Port Ingleside, one mooring area and six dolphins constructed initially with seven others deferred to be constructed when required.

Lower Rio Grande Basin, South Main Channel, Texas, is a comprehensive flood control-drainage project which is budgeted at $900,000. It provides the major outlet component of an overall flood protection plan for Willacy and Hidalgo Counties. The authorized plan calls for construction of a major channel extending from near McAllen to the Laguna Madre, and related fish and wildlife mitigating measures. The authorized plan would provide two year protection to rural areas which drain into the South Main Channel; 100-year flood protection to the cities of Edinburg, McAllen and Lyford; and 50-year flood protection for the cities of La Villa and Edcouch.

Mr. LUTHER. Mr. Chairman, I wish to express my concerns regarding the future status of funding for the National Ignition Facility [NIF] included in the fiscal year 1996 House Energy and Water Appropriations measure.

I applaud the Appropriations Committee's decision to defer money for construction on this project. However, I am concerned that the full Appropriations Committee added $10 million to the bipartisan subcommittee funding proposal for the NIF.

My major concern with the NIF is the stark reality of budgetary demands in future years, particularly with respect to the construction funds necessary of completion of the NIF. Current estimates of completion of the NIF, after design and construction, place the cost at more than $1 billion and perhaps as much as $1.5 billion.

At a time when Federal budget realities require hard, difficult choices, the NIF project will require an obligation of an ever-increasing amount of funds from an invariably shrinking funding source.

Therefore, in order to protect higher priorities, particularly basic science research projects, serious questions need to be raised in the coming months about future plans involving future funding for NIF design and construction.

There are some who argue that we need the NIF in order to keep our stockpile of nuclear weapons safe. The NIF is, in fact, the most expensive of many components that make-up DOE's stockpile stewardship program. Yet, according to most experts, the NIF's contribution to stockpile safety is nominal.

Given our current budget situation, and the recommended levels of funding for energy research in the recently passed budget conference report, we cannot afford to fully construct the NIF.

While I understand the compromise position of the full Appropriations Committee, Mr.

Chairman, I intend to monitor the NIF throughout future authorizations and appropriations legislation and when appropriate, will support efforts to limit significant amounts of funding intended for NIF construction.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–154 if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After disposition of that amendment, the bill as then perfected will be considered as original text.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The clerk will designate title 1.

The text of title 1 is as follows:

H.R. 1905

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $129,906,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $375,000;

Indianapolis Central Waterfront, Indiana, $2,000,000;

Ohio River Greenway, Indiana, $1,000,000; and

Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $300,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $807,846,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GIWW-Brazos River, Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Indiana Shoreline Erosion, Indiana, $1,500,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;

Salyersville, Kentucky, $500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,848,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $3,800,000;

Broad Top Region, Pennsylvania, $4,100,000;

Glen Foerd, Pennsylvania, $200,000; and

Wallisville Lake, Texas, $5,000,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,712,123,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed $5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That $5,926,000 of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further*, That the Secretary of the Army is authorized to transfer an appropriate amount of land at the Cooper Lake and Channels, Texas, project, not to exceed 300 acres, from mitigation or low-density recreation to high-density recreation, and is further authorized to take whatever actions are necessary, including the acquisition of additional mitigation lands, to accomplish such transfer.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to Title VII of the Oil Pollution Act of 1990, $850,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, $150,000,000: *Provided*, That not to exceed $60,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change the function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on May 1, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvement or major repair of the Federal vessel, MCFARLAND, or for any use of the MCFARLAND to perform work other than emergency dredging work.

The CHAIRMAN. Are there any points of order against title 1?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order against page 6, line 6, beginning with the words "provided further," through line 13 on page 6.

The CHAIRMAN. Does the gentleman from Indiana [Mr. MYERS] wish to be heard on the point of order?

Mr. MYERS of Indiana. Mr. Chairman, we concede the point of order.

Mr. SHUSTER. Mr. Chairman, if I might be heard in support of my point of order, nevertheless I want to emphasize that I am sympathetic to the language that my friend, the gentleman from Texas [Mr. CHAPMAN] has attempted to insert here. The problem is we have had many requests for authorizations come before our committee from both sides of the aisle, including members of our own committee, which we have not agreed to. Therefore, I feel constrained to oppose this particular authorization because we have already disagreed and opposed so many.

Mr. Chairman, I want to emphasize that I understand the purpose of the provision, and that we will consider it very seriously and I believe favorably in the context of our authorizing legislation to be brought before the Congress. I want to give my good friend, the gentleman from Texas, that assurance.

The CHAIRMAN. The point of order is sustained.

It is now in order to consider the amendment printed in House Report 104–154.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. 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. SHUSTER: Page 8, line 3, strike "May 1, 1996" and insert "August 15, 1996".

Page 9, line 6, strike "McFARLAND," and all that follows through line 8 and insert "McFARLAND.".

The CHAIRMAN. Pursuant to the rule the gentleman from Pennsylvania [Mr. SHUSTER] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, as the chairman of the authorizing committee having jurisdiction over the water resources programs of the Army Corps of Engineers, I rise to offer an amendment to title I of the bill. My amendment, Mr. Chairman, is in two parts: first, to change the effective date of a plan to close some of the Corps of Engineers divisions offices, and second, to delete a prohibition against the use of the dredge McFarland during fiscal year 1996.

Regarding the first part of my amendment, I certainly applaud the Committee on Appropriation's efforts to streamline the corps and to save money. The Corps of Engineers must be allowed to downsize and make itself more efficient. The bill requires a plan to close three to five division offices. This plan will be only implemented after Congress has had an opportunity to review it. I have supported this aspect of the bill.

The effect of my amendment simply is to assure that by changing the effective date from May 1, 1996, to August 15, 1996, that the authorizing committee has a reasonable amount of time to review the plan after it has been transmitted to the Congress.

The second part of the amendment recognizes the need to avoid the expenditure of funds to rehabilitate a vessel that may not fit into the long-term plans for the corps' dredging program. Yet, this amendment allows the vessel to be kept operational while decisions are reached. We must carefully review the corps' long-term needs for hopper dredges and the private dredging industry's capability to provide timely and cost-effective dredging services. The proper place to conduct this review is in the context of Water Resource's authorizing legislation, which will be addressed by the Committee on Transportation and Infrastructure.

H.R. 1905 prohibits the use of funds available to the corps in fiscal year 1996 for rehabilitating the dredge McFarland and for use of the dredge for anything other than emergencies. The effect of my amendment is to retain the prohibition against rehabilitating the McFarland, but to allow continued use of the vessel in its current capacity as part of the corps' minimum dredge fleet. This will allow the authorizing committee to fully explore all options for the long-term disposition of the McFarland as well as the overall direction of the dredging program.

Both of these recommended changes to the bill will result in needed improvements and cost savings, and at the same time assure that the issues they represent are fully addressed in the proper form.

I certainly want to emphasize our appreciation for the cooperation shown by my colleagues on the Committee on Appropriations during the development of this legislation, especially from the chairman, the gentleman from Indiana [Mr. MYERS], and the ranking member, the gentleman from Alabama [Mr. BEVILL].

Mr. Chairman, I urge the adoption of this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, we accept the gentleman's amendment. First let me state, it has been noted that the corps has tried to consolidate, not close but consolidate, some of the division offices around the country. We could cut back to six or eight offices to be more efficient. We selected May 1 because by this time next year we will have a bill on the floor.

It is not just quite as easy as closing up an office and walking away. It requires appropriations to close some of these offices and to consolidate them. We chose May 1 in order to be able to next year appropriate for that consolidation. I hope the committee will make every effort to try to get the job done, to make these consolidations as soon as possible, so we can appropriate next year.

Mr. SHUSTER. Mr. Chairman, we have a responsibility to get our job done, I would say to the gentleman, and we will make every effort to get that done.

Mr. MYERS of Indiana. It was my understanding we had an understanding about May 1. We were not trying to be arbitrary, but it was just a misunderstanding between the authorizing committee and us.

Mr. SHUSTER. Mr. Chairman, if there is no Member in opposition, I ask unanimous consent that I be yielded that 5 minutes.

The CHAIRMAN. The Chair would inquire if there is any Member in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

If not, without objection, the gentleman from Pennsylvania is recognized for 5 minutes

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to request a colloquy with

the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from New Jersey.

Mr. FRELINGHUYSEN. As author of section 101 of the bill, let me clarify my intent and the intent of the Committee on appropriations. Our primary motivation was saving extremely scarce dollars without adversely impacting essential corps missions. In addition, we intended to take steps that would be supportive of the private sector which is so essential in ensuring the proper maintenance of the Nation's navigation channels. Specifically, the amendment I offered in committee would prohibit the Army Corps of Engineers from going forward with major repairs and improvements to the Government owned dredge *McFarland*, especially when earlier studies questioned the justification of the current Federal hopper dredge fleet and when the corps is, once again, conducting a reevaluation of the Federal hopper dredge fleet and industry capability.

We on the Appropriations Committee have the responsibility of ensuring that Federal dollars are spent wisely. At the same time, we recognize that the authorizing committee has the major role in deciding the need for and the appropriate size and scope of the Federal hopper dredge fleet. Our intent was simply to defer expenditures for major repairs of one of the vessels until the ongoing study is completed.

Further, we felt that a more accurate assessment of the existing Federal fleet was through a market test—using industry first and the corps vessel in reserve if industry can't do the job. It was never our intent to usurp the jurisdiction of the authorizing committee.

Mr. SHUSTER. I want to thank the gentleman for his reassurance and indicate that the authorizing committee also is seeking to find savings wherever possible and to support the private sector if it can demonstrate it can do the job. We intend to look carefully at the performance of the private sector in evaluating the appropriate scope of and need for a Federal dredging fleet at the earliest opportunity.

Mr. FRELINGHUYSEN. Just for clarification, the compromise that we have agreed to would prohibit the expenditure of funds for improvement or major repair of the dredge *McFarland*.

This language is intended to prohibit the corps from going forward with any substantial new investment in upgrading the *McFarland* or extending the vessel's useful life, but not to limit the corps' ability to undertake repairs needed to keep the vessel operational as part of the corps' minimum dredge fleet and to meet Coast Guard certification. I would ask the gentleman whether this is his understanding as well.

Mr. SHUSTER. The gentleman is correct, that is our understanding. There is no expenditure of additional Federal funds involved here.

Mr. FRELINGHUYSEN. I thank the gentleman for his time and comments.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. Chairman, I wish to express my support for the Shuster amendment which will allow the dredge *McFarland* to keep operating to meet the dredging needs of the ports of the east coast and gulf throughout fiscal year 1996.

I compliment the chairman of the Transportation and Infrastructure Committee for taking the initiative on this important matter.

I look forward to working with the chairman when our committee reviews this issue as part of our water resources development legislation later this year.

The continued operation of the dredge *McFarland* is absolutely vital to the port of Philadelphia and the many businesses which depend on the Delaware River Channel.

The Delaware River ports handle almost 80 million tons of cargo annually. They generate $4 billion in commerce for the region.

These ports depend on the 120-mile Delaware River Channel being kept open. The river has a high silt content and frequently requires a rapid, effective response.

It is too much of a risk for the economy of the Greater Philadelphia region to eliminate the *McFarland* without having a proven substitute.

There has been no demonstration that the private dredging industry will provide an effective replacement to the *McFarland*.

The private dredging industry was offered an opportunity in last year's Water Resources Development Act to prove it can do the job while the *McFarland* was being repaired.

If private industry proved up to the task, the *McFarland* would be kept in reserve until it was needed for emergency work.

Mr. Chairman, contrary to some statements, there has been no Corps of Engineers study that finds that the corps' dredge fleet should be reduced.

The study that the corps submitted on this issue was rejected by the Army Audit Agency for using poor data and poor methodology.

The Acting Assistant Secretary of the Army, John Zirschky said, "Given the uncertainties associated with dredging needs, the existing studies do not provide sufficient certainty that the dredging needs of the country can be met by the private sector alone."

He said, "It would not be prudent to reduce the fleet."

The Army Audit Agency reviewed the proposed corps study and found that its data reliability was too low for its conclusions to be carried out. The Army Audit Agency asked for a new study.

That is why the corps is studying the issue again—because the previous studies were inadequate.

Again, I thank the chairman of the Transportation and Infrastructure Committee for offering this amendment and I thank the chairman of the subcommittee, Mr. MYERS, and the ranking Member, Mr. BEVILL, for accepting the amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the amendment offered by Mr. SHUSTER.

I cannot stress enough the importance of the dredge *McFarland* to the operation of the Delaware River ports. These ports handle 80 million tons of cargo, and generate $4 billion in commerce for our region. Eight-five percent of the Northeast's heating oil also passes through these ports. Both our economy and environment could be devastated if the Delaware Channel was not served by the *McFarland*.

And as the only dredge currently operating with sea turtle deflectors, the *McFarland* is proven effective in preserving sensitive marine habitats. This has sent the *McFarland* to several key ports in Florida and Louisiana which have required dredging in sensitive waters. I urge support for the Shuster amendment, and continued operation of the *McFarland*.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

□ 1530

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: Page 9, after line 8, insert the following new section:

SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

(b) PROJECT DEPTH.—

(1) IN GENERAL.—Except as provided in paragraph (2), the project described in subsection (a) is modified to provide for an authorized depth of 18 feet.

(2) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in subsection (a) will be placed within the following coordinates: 4220N–2800E to 4220N–3110E to 3980N–3260E to 3190N–3040E to 2960N–2560E to 3150N–2300E to 3680N–2510E to 3820N–2690E and back to 4220N–2800E.

(c) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier, and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, I would like to thank the gentleman from Indiana [Mr. MYERS] and the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Alabama [Mr. BEVILL] and the gentleman from California [Mr. MINETA] for their assistance on this amendment.

This amendment is to allow a harbor to be capped in accordance with an administrative order negotiated between the U.S. Environmental Protection Agency and the Army Corps of Engineers and potentially responsible parties at the Manistique Harbor.

EPA has agreed that a hybrid remedy of dredging and capping could be necessary to cap PCB's in the Manistique Harbor. This agreement was just entered into within the last 2 weeks. The dredging which is part of the remedy negotiated here has already begun in the Manistique Harbor.

We would like to cap yet this year. In order to cap this year, we would have to change the river level, the depth of the river. It is now 18 feet. We would have to change it to 12.5 feet. We would like to do it this year, before the ice moves in in northern Michigan, by the first of the year.

Mr. Chairman, we are scheduled, under the negotiated agreement between all the parties, to begin capping on August the 1st. I have been able to draft this amendment, and I again would like to thank the principals involved in helping me to draft this amendment to make it acceptable to this legislation.

We are not here asking for an authorization of any money now or in the future. Any costs associated with this amendment will be picked up by the potential responsible parties with this negotiated settlement.

I am not here for, nor does my amendment request, any authorizing funds or reprogramming funds. This is not an authorization amendment.

Therefore, I would ask my colleagues to adopt this amendment. Any delay would be a serious delay in the negotiated settlement between the parties, the Army Corps of Engineers and the EPA. As I said, capping is slated to begin next month. If we could pass it through with this legislation now, we will move on to the Senate and we are confident we can get it done yet this year.

Therefore, Mr. Chairman, I would once again ask that this amendment be adopted as written and I appreciate the cooperation of all the parties involved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The agreement was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, $42,893,000, to remain available until expended, of which $23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $18,503,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,246,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $13,114,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $417,301,000, of which $27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $94,225,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $278,759,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $11,243,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project

Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,630,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MRS. SMITH OF WASHINGTON

Mrs. SMITH of Washington. 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 Mrs. SMITH of Washington: Page 14, line 13, strike "$48,630,000" and insert "$48,150,000".

Mrs. SMITH of Washington. Mr. Chairman, the amendment I am offering is a $480,000 cut in the Bureau of Reclamation's appropriation for their international program. Let me explain why I am offering this amendment.

Mr. Chairman, I did not know that the Bureau of Reclamation had an international program until a constituent asked me at a townhall meeting why we were spending money on sewer systems in Egypt. First, I told him I did not think we were, but then I took a look.

What I found was that the Bureau of Reclamation is spending over a million dollars annually to help build water projects in some of the wealthiest nations on Earth, including Saudi Arabia. Part of this is reimbursed, but not all.

These countries can afford to hire American private sector consultants to teach them to build dams or improve irrigation canals. They do not need the technical assistance that they can get from professionals in the international and private sector.

In fact, the American Consulting Engineers Council supports this amendment. There are 200,000 engineers that could do this in the private sector and not have to compete with public dollars. They support this amendment because they believe they can do the job and do it competitively.

The Bureau of Reclamation commissioner pledged, when he first came in, to phase this program out, but he did not do it. Mr. Chairman, I guess what I am asking today is that we put our vote behind what we have been saying and get unnecessary spending out, return to the private sector, and save the taxpayers some money.

But even if we do not cut this totally out of the budget, we can find somewhere where we want to spend $480,000; somewhere else. I am sure there are projects on children or other projects that would be better served by this money than these wealthy nations.

Mr. MYERS of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. SMITH of Washington. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentlewoman from Washington has discussed her amendment with the members of this committee and we find it acceptable.

Mrs. SMITH of Washington. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Washington [Mrs. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $2,596,700,000, to remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; $64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total $34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $278,807,000, to be derived from the fund, to remain available until expended: *Provided*, That at least $42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), $991,000,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), $3,273,014,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in

carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), $5,265,478,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion $1,323,841,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $198,400,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $362,250,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $122,306,000 in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $239,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,260,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1996, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $19,843,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,272,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $257,652,000, to remain available until expended, of which $245,151,000 shall be derived from the Department of the Interior Reclamation fund: *Provided*, That of the amount herein appropriated, $5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,000,000, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); $132,290,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $132,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. BARRETT OF WISCONSIN

Mr. BARRETT of Wisconsin. 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. BARRETT of Wisconsin: Page 16, line 1, after the dollar amount, insert the following: "(less $5,000,000)".

Mr. BARRETT of Wisconsin. Mr. Chairman, concern over the size of the deficit is at an all-time high, and the last thing taxpayers want to see right now is a Federal program receiving an unjustified 50 percent increase in funding. Yet, that is precisely what is happening with the Department of Energy's hydrogen research program.

Despite all of the hot air about cutting spending, the hydrogen research budget has ballooned. The administration asked for $7.3 million for fiscal year 1996, and the Energy and Water Appropriations Subcommittee responded by providing $10 million. Then the Appropriations Committee saw fit to increase funding in the bill to $15 million, more than double the administration's request and 50 percent more than this year's funding level.

Mr. Chairman, my amendment is very simple. It would reduce the appropriation for hydrogen research by $5 million. It would fund hydrogen research at its fiscal year 1995 level, and at the level recommended by the Energy and Water Subcommittee.

The generous funding for the hydrogen program is excessive when compared to other funding levels in this legislation. Take a close look at H.R. 1905 see how it compares to the fiscal year 1995 budget:

Energy and Water Appropriations are cut by 7 percent. Funding for energy supply research and development is cut by 22 percent. Funding for solar and renewable energy programs is cut by 43 percent.

Hydrogen research is the only program in the solar and renewable energy category that receives any increase, and the increase is enormous. By freezing the appropriation at last year's level, my amendment would restore

fairness and balance to the energy research and development budget. Hydrogen research should not be immune to fiscal responsibility.

Opponents of my amendment will argue that $5 million in budget savings is insignificant and that Congress should go ahead and fund the hydrogen program at $15 million, as the committee recommends. Nobody can convince me, however, that $5 million is insignificant.

Moreover, allowing the funding for programs like these to be increased without adequate justification only worsens the deficit problem. The administration, which oversees the actual research, only requested $7.3 million. But if $15 million goes to the Department of Energy, we all know what will happen. DOE will find other ways to spend it. And when DOE makes its budget request next year, it will ask for more dollars to pay for the new initiatives that it launched with this year's appropriation. By providing more than is necessary, we are only feeding the appetite of the deficit.

Mr. Chairman, I want to make it clear that I am not opposed to Federal dollars going toward hydrogen research. Hydrogen research is legitimate science that holds the promise of substantial returns in the next century. But opponents of my amendment have not made the case for increasing it by 50 percent when so many other programs are being slashed.

If we are to craft a responsible budget and a fair budget, then we will have to learn to reject increases in spending for programs we like. My amendment provides the opportunity to save the taxpayers several million dollars while rejecting a meat-ax approach to cutting spending. I urge my colleagues to vote in favor for the amendment.

Mr. WALKER. Mr. Chairman, this is a disappointing amendment because I think it goes after an area where there is a legitimate attempt to try to do all of this process the right way.

Earlier in this Congress the House passed a hydrogen research bill. We actually passed an authorization bill. It is the only item in the energy portion of this bill on which the House has actually acted.

This amount of money that is in the bill represents 60 percent of the amount that the House has previously authorized in its attempt to upgrade hydrogen research in the country. When you try to do the process the right way, you then end up with an amendment like this one suggesting that you ought not follow the priorities as set by the House itself. I think that is disappointing. It is kind of a shame.

It is also, I think interesting to note that the programs that the gentleman from Wisconsin is defending because he says, well, they have been cut and this one is being increased, but the programs that he is defending, the solar program costs $149 million in the bill, nuclear is $164 million in the bill, $229 million for fusion, fossil is $379 million, conservation is $400 million, in the bill. The gentleman is complaining about the fact that there were cuts in those areas but that this one was increased.

Well, let's consider what we are talking about here. We are talking about an increase of a program that is at $10 million now and is going to $15 million. One of the reasons why we ought to be doing what we are doing is readjusting priorities. We ought to be saying that there are some areas of research that have had their day, where we have done good R&D, we have found out what we need to know, and then we ought to apply some money toward doing other areas of high priority research.

This House earlier this year determined that hydrogen was one of those areas that we want to do good research. The gentleman says he is not against hydrogen. Of course he is. Of course he is.

Ten million dollars is what we spent this year. If he does not want to move beyond where we are, then he is opposed to doing some research in an area that promises to be a very good energy resource as well as being an environmentally sound energy resource. You do not often get those kinds of combinations.

Is there scientific knowledge to be gained from this? Yes. This is a place where we could get some significant scientific discovery. The fact is that what this is an effort to do is to stop that from happening, is to simply say, "We don't want to learn, we don't want new knowledge in this area. We would simply like to say where we are, despite the fact that the House has forced us to move ahead."

As I said, that is disappointing. It is particularly disappointing when what the gentleman is doing is complaining about the fact that we are cutting programs in the areas of fossil, for example, where we have done research for many, many years, and are now spending $379 million in this bill versus the $15 million that we are spending in the hydrogen program.

I agree with the gentleman. Five million dollars is always a lot of money. But I have got to tell you, so is $379 million a lot of money. What we need to be doing is deciding what our priorities are in this kind of approach. Do we want to go with $379 million in research in energies that are admittedly environmentally questionable? Or should we do research in an area that is environmentally sound?

We are simply suggesting in this particular bill with this particular spending that we ought to, for once, direct the Energy Department to be doing some energy research in an area where we can produce environmentally sound energy. I am disappointed the gentleman from Wisconsin does not want to proceed down that track. I would hope that it would be something that we could unite around, particularly since the bill that passed the House of Representatives earlier in this Congress passed by an overwhelming margin.

□ 1545

The role of the Federal Government should be in funding long-term basic research that does have a chance for significant scientific payoff. This is one of those places.

If you support the gentleman's approach of cutting out our investigation of that long-term research, I think that would be disappointing. I would hope that the House would stick with this modest increase in a program that has a chance for massive payoff for us in the years ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BARRETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 9, as follows:

[Roll No. 483]

AYES—182

| | | |
|---|---|---|
| Ackerman | Evans | LoBiondo |
| Allard | Farr | Lofgren |
| Andrews | Fattah | Lowey |
| Baldacci | Foglietta | Luther |
| Ballenger | Ford | Maloney |
| Barr | Frank (MA) | Manzullo |
| Barrett (NE) | Frelinghuysen | Markey |
| Barrett (WI) | Funderburk | Mascara |
| Bass | Furse | McCarthy |
| Becerra | Ganske | McDermott |
| Bishop | Gejdenson | McIntosh |
| Bliley | Gephardt | McNulty |
| Borski | Geren | Meehan |
| Boucher | Goodlatte | Menendez |
| Brewster | Gordon | Metcalf |
| Brown (OH) | Green | Meyers |
| Bryant (TN) | Greenwood | Miller (CA) |
| Burr | Gutierrez | Minge |
| Chabot | Hamilton | Nadler |
| Chambliss | Hancock | Neal |
| Chapman | Hefley | Nethercutt |
| Chenoweth | Hilleary | Neumann |
| Christensen | Hinchey | Ney |
| Clay | Horn | Oberstar |
| Coble | Hostettler | Obey |
| Collins (IL) | Inglis | Olver |
| Combest | Johnson (SD) | Ortiz |
| Condit | Johnson, E. B. | Orton |
| Conyers | Johnston | Owens |
| Cooley | Kaptur | Parker |
| Costello | Kelly | Pastor |
| Coyne | Kennedy (RI) | Payne (VA) |
| Cubin | Kennelly | Peterson (FL) |
| Danner | Kildee | Peterson (MN) |
| DeFazio | Kingston | Petri |
| DeLauro | Kleczka | Pomeroy |
| Deutsch | Klink | Portman |
| Díaz-Balart | Klug | Poshard |
| Doggett | LaFalce | Ramstad |
| Duncan | LaHood | Rangel |
| Dunn | Lantos | Reed |
| Edwards | Largent | Rivers |
| Ehrlich | Latham | Roemer |
| Engel | Lewis (GA) | Ros-Lehtinen |
| Ensign | Lincoln | Rose |
| Eshoo | Lipinski | Roukema |

Royce
Rush
Sabo
Sanders
Sanford
Scarborough
Schroeder
Schumer
Sensenbrenner
Shays
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (WA)
Solomon
Souder
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thurman
Torres
Towns
Tucker
Vento
Volkmer
Ward
Watt (NC)
Weller
Whitfield
Williams
Wyden
Zeliff
Zimmer

NOES—243

Abercrombie
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barcia
Bartlett
Barton
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chrysler
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeLay
Dellums
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Durbin
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilliard
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kennedy (MA)
Kim
King
Knollenberg
Kolbe
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manton
Martinez
Martini
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Meek
Mfume
Mica
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Norwood
Nussle
Oxley
Packard
Pallone
Paxon
Payne (NJ)
Pelosi
Pickett
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roybal-Allard
Salmon
Sawyer
Saxton
Schaefer
Schiff
Scott
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Spence
Talent
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Velazquez
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bonior
Collins (MI)
Frost
Hall (OH)
Jefferson
McKinney
Moakley
Reynolds
Yates

□ 1611

The Clerk announced the following pair:

On this vote:

Ms. McKinney for, with Mr. Yates against.

Messrs. MARTINEZ, GUNDERSON, HOLDEN, BROWNBACK, WAXMAN, and Ms. ROYBAL-ALLARD, Ms. PELOSI, Mr. ABERCROMBIE, Ms. VELÁZQUEZ, Mr. HALL of Texas, Mr. CRAMER, and Ms. WOOLSEY changed their vote from "aye" to "no."

Mr. KLUG, Mr. COOLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. GENE GREEN of Texas, LARGENT, HORN, PORTMAN, SCARBOROUGH, WELLER, TATE, McINTOSH, GOODLATTE, HILLEARY, ORTON, and Ms. SLAUGHTER and Mr. STOCKMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from Indiana [Mr. MYERS], the chairman of the Subcommittee on Energy and Water.

Mr. Chairman, as you and the members of the committee know, one of the Department of Energy facilities that is in the process of ceasing production is the Pinellas plant, which I have the privilege of representing. As noted in your report, we are engaged in a very innovative effort there to convert this defense facility to a commercial facility. As part of this effort, the Department of Energy has transferred ownership of the Pinellas facility to the Pinellas County Board of County Commissioners in an agreement that benefits both the Federal Government and the people of Pinellas County, FL, I represent. The Federal Government saves valuable resources by not having to bulldoze the facility and go through the time consuming process of surplusing the property. The county gains from retaining access to this facility which will save many of the jobs that would otherwise be lost from its closure.

Mr. Chairman, in decommissioning and closing out the defense mission of the Pinellas facility, the Department of Energy has certain obligations to leave the facility in compliance with various State and local codes and configured in such a way that it is safe and able to be utilized for its new commercial mission. The cost of these requirements is much less than the cost the Department would incur if it was to simply bulldoze the entire facility.

□ 1615

Mr. Chairman, I would like to clarify that nothing in the bill or accompanying report would in any way impede the ongoing effort to decommission and convert the Pinellas plant from a national defense to a commercial facility.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. The gentleman is correct. The committee is well aware of the innovative ideas and work that the Pinellas County Board of Commissioners is doing in Florida. We hope this will be a model that more industry can take over where the corporations or the government moves out and that corporation or industry can move in. So you are doing a good job, and we are very much aware of it.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I would ask if my colleague, WAYNE GILCHREST, and I might engage with you in a colloquy on the future of beneficial use projects for the disposal of dredge spoils. We are particularly interested in the Poplar Island project, planned for the Chesapeake Bay, which could provide a model for such projects throughout the Nation.

As you are well aware, the Port of Baltimore is central to the Maryland, regional, and national economies. An estimated 87,000 jobs are directly or indirectly related to port activity in Maryland. In 1993 a total of 25 million tons of cargo passed through the Port of Baltimore. Over the past 2 years a total of 15 steamship lines have begun or expanded service at the port. Success in maintaining and improving ship channels will help assure the continued growth in activity at the Port of Baltimore into the 21st century and facilitate efficient international trade activity for the United States.

In order to maintain shipping channels serving the Port of Baltimore at their existing authorized depths, each year approximately 4 million cubic yards of material must be dredged from the Maryland waters of the Chesapeake Bay. Any new work, such as improvement or deepening of channels, requires dredging additional amounts of material.

In the past, the Port, working with the Army Corps of Engineers, has been able to meet its dredge disposal needs through careful use of overboard placement within Chesapeake Bay waters and by use of the Hart-Miller Island disposal site. Although limited overboard placement of dredged material will be continued—if and where it can

be done without adversely impacting the marine environment—this option will nevertheless provide relatively little capacity. The remaining capacity of the Hart-Miller Island site is limited. Although we are in the process of developing a new containment site within the port, site constraints are such that its capacity will be relatively limited, too. In sum, in order to meet the dredging needs of the port, we must supplement these measures with other options.

Working with many concerned parties, the Corps of Engineers and the State of Maryland have studied a full range of placement options. As a result, four potential beneficial use projects have been identified. Based on a consensus of various Federal, State, and local agencies, our first priority is the Poplar Island project. Poplar Island will provide additional capacity for the placement of dredge materials, while simultaneously enhancing the quality of the Chesapeake Bay.

Across the Nation, many ports are facing similar constraints in finding large, new disposal sites for necessary dredging work. Unless methods are developed to allow this work to proceed, the efficiency of our ports is increasingly threatened and the costs of international trade could grow significantly.

Mr. Chairman, I know that my colleague, the gentleman from Maryland [Mr. GILCHREST], joins me in this colloquy, and I would say to the chairman, if I might, that we appreciate the subcommittee's report language this year supporting the Poplar Hill projects through the use of section 204 wetlands and aquatic habitat creation funds. In this Congress we will be working with the Committee on Transportation and Infrastructure to shape a comprehensive water resource project authorization package that will include Poplar Island. Recognizing tremendous fiscal restraints facing your subcommittee, I hope we can also work with you to see that Federal resources necessary to move this project forward as a national model will be made available over the coming years.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding. You, the gentlemen from Maryland, Mr. CARDIN and Mr. GILCHREST, have worked with our committee very closely in making sure that the Port of Baltimore, which is very important to the economy of our Nation, is kept open.

Spoil from dredging is a problem that our committee has been facing for a number of years, finding a site to dispose of it. The program you have worked out here with Poplar Island, of being able to dispose of the waste, of the dredged material, to enhance the ecosystem, to enhance the environment and wetlands, has been very, very beneficial. We appreciate the good work you have done, and the committee is very much aware of the project, as we have evidenced in our report.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise to echo the words of the distinguished gentleman from Maryland [Mr. CARDIN] who does such an outstanding job representing Baltimore, the port, and our State.

Mr. Chairman, I wanted to also rise to thank the gentleman from Indiana [Mr. MYERS], the chairman of the committee, who has been a longstanding supporter. I came here in 1981 and started working on the dredging of the Baltimore Harbor along with others. One of the predecessors on the committee was not too enthusiastic about that, as the gentleman may recall. But the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have been tremendously helpful to the Port of Baltimore. I thank them, thank the committee, and join my colleague from Maryland in his remarks.

Mr. CARDIN. Mr. Chairman, let me thank the chairman for the work of his committee.

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent to reopen title II for the purposes of an amendment which I have at the desk, and that the debate be limited, as per prior agreement, to 5 minutes per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. MYERS of Indiana. Mr. Chairman, reserving the right to object, and I hope we will not, this is the only time we are willing to do this, with the understanding to limit the debate to 5 minutes pro, 5 minutes con, and no amendments to the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will yield, that is the understanding.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO: Page 11, line 7, strike "$417,301,000" and insert "$412,180,000".

The CHAIRMAN. The gentleman from Oregon [Mr. DEFAZIO] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO]

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this goes to the ultimate commitment of $700 million of Federal taxpayer money. The Committee on Appropriations in its wisdom saw fit to add $5 million to the administration's request on the Animas-La Plata project. The administration asked to continue studies and planning for the Animas-La Plata project, a potential $701 million Federal obligation. The committee has added $5 million to actually begin construction, that is, make an irrevocable commitment to go forward.

I would suggest that this is poor timing. We have a report from the inspector general of the Department of Interior dated July 1994 which finds that this project is not economically justified. Further, the report of the inspector general says,

> Inform the Congress of the economic and financial viability of the Animas-La Plata project based on the results of the reevaluation. If warranted, the commissioner should seek congressional approval for restructuring the project to limit the size and scope of the project to only those water supply functions that are either economically or financially viable or required under the terms of the Colorado Ute Indian Water Right Settlement Act.

Mr. Chairman, that report has been prepared. We know the numbers. It is being concealed downtown, withheld, by the Clinton administration. They have twice withheld release of this report, delayed release of this report, and were prepared to release it this week, but are now going to withhold until after we take this vote.

The last evaluation said that this had a cost-benefit ratio of 0.6 to 1, colleagues—$701 million of Federal money, and we will get back a return of 0.6. According to the rules of the Department of Interior, Bureau of Reclamation, the project should not go forward.

On a per acre cost, the irrigation will be $7,664 per acre, and the repayment will be $303. We would be better to buy out those irrigators or to give them half that amount of money, rather than spending all of this Federal money.

This is a project born in a very different time: Cheap power, cheap water subsidies to agriculture, limitless Federal resources. It was first authorized in 1968. Times have changed, and so should this project.

If we appropriate this additional $5 million and make an irrevocable commitment, begin to turn dirt, you all know how difficult it will be next year to revisit this after we get the new report from the Department of Interior, which is rumored to have lowered the cost-benefit ratio from 0.6 to 1 to 0.36 to 1. That is 36 cents on the dollar returned, in the most generous terms, to the Federal taxpayers for this project.

We should take out this $5 million. It will not kill the project, and it allows continued planning and evaluation and allows us to look for cheaper alternatives. There will still be $5 million in the bill for the project. But then we will have the benefit of the report from the inspector general, the new cost-benefit analysis, and perhaps have an opportunity to review less costly alternatives next year before we make this irrevocable commitment.

It does not make sense to go forward now and commit this Congress and the taxpayers of this country to a $701 million project, when less expensive alternatives are available and when this does not provide a position cost-benefit analysis to the American taxpayers.

Beyond that, it is particularly outrageous to go forward, when the Clinton administration is concealing a very, very negative report downtown, and they are going to release it just after we vote. If you vote to keep these funds in the bill, you will be very embarrassed next week when they finally release that report and show the benefit to be 0.36 to 1, 36 cents on the dollar to the Federal taxpayers.

Mr. MCINNIS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCINNIS. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I rise in support of the committee and opposed to this amendment. This project concerns two large Indian tribes in southwest Colorado. We have been working on this project for 10 years. The unemployment rate in the area is some 62 percent, and this is water over which the Indians have given up their water rights, very valuable water rights, that they were given 100 years ago. As a matter of fact, the negotiations have been going on for 100 years between the State of Colorado, the Bureau of Reclamation, the United States Government, and the Department of the Interior. This has been going on for 100 years, and they reached agreement. Secretary Babbitt says this is an obligation to the United States of America, and we are going to stick with our agreement. The subcommittee has supported this position for 10 years, and we expect this project to move on. We do not want to see this project sidetracked again. It has been an environmental matter for years, been in the courts, and now it is all wrapped up. We owe it to these Indians, who have given up very valuable rights in order to get this project going. I urge Members to vote "no" on the amendment.

Mr. MCINNIS. Mr. Chairman, I yield to the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Alabama put it very clearly: This is not about the author of the amendment's statement about money. This is about, very frankly, the environmental community opposes this dam. Let us get beyond that. Let us go to the commitment we have made to the American Indian. Let us make that commitment one not of the forked tongue. This project has been worked on for over 100 years. It is time that this Congress speaks with a straight tongue and fulfill our obligations.

I would suggest respectfully that if we do not do so, we have gone back and repeated what we have done over the years, breaking our word again and again. I would suggest respectfully this amendment is not appropriate if we are to fulfill our obligations. I urge a strong no vote. Let us speak with a straight tongue, and not forked tongue.

Mr. MCINNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let us start out, the gentleman from Oregon states that the President's recommendation did not include construction. The gentleman is wrong on that. The President did include construction. The President supports this, Bruce Babbitt supports it, there are a lot of people in support for this, except for the Sierra Club. Why are they in support of it? It is because we have a treaty with the native Americans. Let me read a letter, one of the most moving letters I have read.

□ 1630

This is from the Southern Ute Indian Tribal Council, from the chairman:

After reading the article on the Animas-La Plata Projection the June 29, 1995, edition of The Washington Post, I knew how my ancestors must have felt when the United States government repeatedly broke treaties with the Colorado Ute Indians. First in 1863, then in 1868, 1873 and, finally, in 1880. With each treaty, the homelands of the Utes were reduced in size. Finally, in 1880, Congress confiscated all of the Ute lands in Colorado—over one-third of the state of Colorado. In the 1930's, a small remnant of our aboriginal homelands in Southwestern Colorado were restored to tribal ownership.

Now, The Washington Post suggests that the United States government breach the agreement that was entered into in 1988. At that time, the Colorado Utes chose to negotiate rather than litigate and entered into another treaty, or contract, with America, in return for deferring the Colorado Utes' senior *Winters* water claims on the rivers in Southwestern Colorado that cross the reservation. Congress and then President Reagan said, "We will build the Animas-La Plata Project. The Utes will have wet water—not paper water rights." Upon passage of the Colorado Ute Indian Water Rights Settlement Act, the legislation was hailed as a model for all tribes to follow—negotiate, do not litigate. Since passage, the States of Colorado, New Mexico, the water districts, the municipalities, and the Indian tribes, have been strangled in a swamp of red tape and bureaucratic backpeddling.

Now comes The Washington Post, not unlike the Indian givers of the last century. Do not honor our commitment to the Indians. Ignore the trust responsibility the United States government has under the Constitution of the United States. Sacrifice the Indian water claims on the alter of economics. It is too expensive to build the Animas-La Plata. Let's give the Indians "wampum" instead of water. My ancestors were all too familiar with the "beads for Manhattan" mentality of the early Indian traders. Colorado Ute Indian tribes honorably negotiated the Colorado Ute Indian Water Rights Settlement Act, which mandates construction of the Animas-La Plata Project. In his inaugural message to the Congress, President Bush said "great men, like great nations, must keep their promises. The Colorado Ute Indian tribes expect this great nation to keep its promise and construct the Animas-La Plata Project."

Above everything else, the number one issue that we have to face as Members of the United States Congress and on this very amendment that is in front of us today is will we or will we not honor our treaty agreement with the native Americans. If you vote yes on this amendment, you once again walk away from the native Americans of this country. Vote "no" on DeFazio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 275, not voting 8, as follows:

[Roll No. 484]

AYES—151

| | | |
|---|---|---|
| Abercrombie | Fields (LA) | Matsui |
| Ackerman | Filner | McCarthy |
| Andrews | Flake | McDermott |
| Barcia | Ford | McIntosh |
| Barrett (WI) | Frank (MA) | Meehan |
| Becerra | Furse | Meek |
| Bentsen | Gejdenson | Menendez |
| Berman | Gephardt | Mfume |
| Boehlert | Geren | Miller (CA) |
| Bonior | Gilchrest | Mineta |
| Borski | Gilman | Minge |
| Brown (FL) | Goodlatte | Mink |
| Brown (OH) | Gordon | Moran |
| Bryant (TX) | Green | Nadler |
| Cardin | Gutierrez | Neal |
| Chabot | Hamilton | Ney |
| Chapman | Harman | Obey |
| Clayton | Hinchey | Owens |
| Coble | Hoyer | Payne (VA) |
| Coleman | Jackson-Lee | Pelosi |
| Collins (IL) | Jacobs | Peterson (MN) |
| Collins (MI) | Johnson, E. B. | Petri |
| Conyers | Johnston | Poshard |
| Cooley | Kaptur | Rahall |
| Costello | Kennedy (MA) | Rangel |
| DeFazio | Kennelly | Reed |
| DeLauro | Kleczka | Rivers |
| Dellums | Klug | Roemer |
| Deutsch | LaFalce | Rohrabacher |
| Dingell | LaHood | Roybal-Allard |
| Doggett | Levin | Royce |
| Dooley | Lewis (GA) | Rush |
| Duncan | Lipinski | Sabo |
| Durbin | LoBiondo | Salmon |
| Edwards | Lofgren | Sanders |
| Engel | Lowey | Sawyer |
| Eshoo | Luther | Schroeder |
| Evans | Maloney | Schumer |
| Farr | Manzullo | Scott |
| Fattah | Markey | Sensenbrenner |

Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (MI)
Solomon
Souder
Stark
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Thurman
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wyden
Wynn
Zimmer

NOES—275

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Clyburn
Coburn
Collins (GA)
Combest
Condit
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gonzalez
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manton
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stearns
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Frost
Hall (OH)
Jefferson
McKinney
Moakley
Reynolds
Scarborough
Yates

□ 1653

The Clerk announced the following pair: On this vote:

Mr. Yates for, with Mr. Scarborough against.

Mr. ROSE and Mr. DIXON changed their vote from "aye" to "no."

Messrs. DEUTSCH, CONYERS, LAHOOD, KLUG, RAHALL, GILCHREST, TOWNS, and GILMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

## MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. CAMP) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTON of Texas: On page 24, after line 18, insert:

Sec. . Appropriations made available by the Energy and Water Development Act, 1995 (P.L. 103–316), for a medical treatment facility at the site of the terminated Superconducting Super Collider project shall be rescinded on the thirtieth day after the date of enactment of this Act if: (1) the withdrawal by the State of Texas of its application to the Department of Energy for a contribution to the completion of such facility remains in effect on such thirtieth day, and (2) prior to such thirtieth day, the Attorney General of the United States has determined that the United States has constitutional authority to rescind such appropriation.

In the fiscal year 1995 Energy and Water Development Appropriations Act, Congress permitted the Department of Energy to make $65 million of previously appropriated funds available to the State of Texas for a one-time contribution for the construction of a medical treatment facility at the site of the terminated Superconducting Super Collider. The Committee understands that the State recently withdrew its application to the Department of Energy for the $65 million grant. Accordingly, the Committee has included language to rescind the $65 million, provided that: (1) the State's withdrawal of its application remains in effect thirty days after the enactment of this act, and (2) the Attorney General of the United States determines that the funds are subject to rescission.

Mr. BARTON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARTON of Texas. Mr. Chairman, last year on August 10 before this body, we had the same piece of legislation, the Energy and Water Appropriations bill.

At that point in time there was an amendment offered by the Senate to specifically set aside $65 million as part of the settlement agreement with the State of Texas for the construction of the SSC to use to build a medical treatment center for cancer and research. I stood on this floor and supported that agreement, as did many other Members on both sides of the aisle.

At that time, there was some concern that the State might decide at a future point in time not to use the money for the building of the cancer treatment center, and I again said that that would not happen. To make a long story short, Since August 1994 the State of Texas has, in fact, decided not to use the $65 million to build and operate the cancer treatment center. They want to use the money for other purposes. I think that the only honorable thing to do, since I was a supporter of the agreement, is for me to offer an amendment to rescind that money, if it is constitutional to do so. That is what this amendment does.

I am told that a point of order can be made against it. The distinguished chairman of the subcommittee has reserved that point of order, so at the appropriate time, unfortunately, I will have to withdraw the amendment. However, I believe that we should put in the RECORD that we did intend for this money to be used to build a cancer treatment center. It was my purpose at the time to have the money spent for that reason. I still think that was the best use of those funds.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I just want to be sure that I understand the facts. I know that the gentleman for some 10 years was the most stalwart supporter of the super collider in the House of Representatives. I personally supported the super collider as well, and think that the House and the Congress as a whole made a terrible mistake when it turned its back on that productive science and chose not to go forward with what would have reaped great results for the American people.

However, Congress did decide to scrap the super collider as the project was well underway. There were facilities that were left, and there were moneys that were unexpended in the super collider account. If I am correct, Mr. Chairman, and I hope if I am not the gentleman would correct me, but as I understand it, the $65 million left in the super collider account which, in order to mollify, in effect, the people of Texas for the loss of this project that was begun and then abandoned by the Congress, was expected to go into a cancer research facility.

Mr. BARTON of Texas. Mr. Speaker, that is correct.

□ 1700

Mr. LIVINGSTON. Then the State of Texas asked for the money, accepted the money, and was to use the money for the cancer research facility, but since that decision has been made and all agreements were expected to go forward, the State of Texas has unilaterally decided not to go forward with that facility. Is that correct?

Mr. BARTON of Texas. That is correct. As a part of the settlement agreement, there is an alternative settlement procedure that gives the State the right to do so. That alternative settlement agreement was not a part of the public record.

What is a part of the public record is, and it was unequivocal in the conference report, in the report language and in all the public comments, was that if the House and the Senate would agree, this $65 million would in fact be used to build this cancer research and treatment center if it passed peer review, which it did.

Mr. LIVINGSTON. But if the gentleman would yield further, as I understand it, now that the State of Texas has decided to abandon its plans to go forward with the cancer research center, it still intends to use that $65 million on other projects that the State of Texas deems worthwhile; is that correct?

Mr. BARTON of Texas. That is correct.

Mr. LIVINGSTON. But was that not the intention of the Congress, when they decided to leave the $65 million with the State of Texas after the super collider project collapsed?

Mr. BARTON of Texas. That is correct. In fact, we have a monologue by the gentleman from Indiana [Mr. MYERS], the chairman, last year on that very point. He asked the Department of Energy and they said specifically that they did not believe that they could authorize $210 million unilaterally; that they felt like the most they could give to the State in cash was $145 million, but they could support the $65 million for the cancer treatment center if it passed peer review.

Mr. LIVINGSTON. If the gentleman would yield further, do I understand it is the gentleman's position that if the money is not to be used as a cancer research and treatment center, then indeed the money should be rescinded?

The CHAIRMAN. Does the gentleman from Indiana [Mr. MYERS] continue to reserve his point of order?

Mr. MYERS of Indiana. Mr. Chairman, I continue to reserve my point of order.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I understand it, now that the super collider project has fallen through and the State of Texas has decided unilaterally not to go forward with the cancer treatment and research center, that it is the position of the gentleman from Texas that the right thing would be to return that $65 million to the U.S. Treasury; is that correct?

Mr. BARTON of Texas. If the gentleman would yield, it would be the intent of my amendment, if passed, to put the money back in Federal control, and let the authorizing committees in the House and the Senate reprogram the funds to the best purpose that they see fit. That would be the intent of my amendment.

Mr. LIVINGSTON. But because of House rules and the structure of the rule for this bill, the gentleman is not permitted to go forward with his amendment, or if he were to go forward, it could be struck on a point of order; is that correct?

Mr. BARTON of Texas. That is correct.

Mr. LIVINGSTON. At this point, there is nothing really that the gentleman can do except to clarify the record that it was not the intent of the Congress when this legislation first went through in fiscal year 1995 that the $65 million would be used for anything other than the cancer treatment center.

Mr. BARTON of Texas. All I am trying to do is keep my word to the House of Representatives when I stood on the floor and said these funds would go for cancer treatment and research. I believe that. I still at this point in time think that was the most appropriate use, but our State leaders have decided otherwise. They have the legal authority to do so.

I would just hope that between now and the conference, the subcommittee chairman will work with the ranking member to work with the Attorney General to see if there might be some way yet to rescind these funds.

Mr. LIVINGSTON. I commend the gentleman on his position. I think he has been true to his word from the very beginning, from the inception of his support for the Super Collider project, throughout that project, and since then.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, this subcommittee did support the SSC up to its final blow. It is not quite as simple as has been presented here today.

In settlement for the SSC, the Federal Government agreed to a two-pronged approach, which this subcommittee opposed for quite some time, not so much the cash settlement with Texas but the fact that that $65 million is not left in the account, not at all. It was placed in escrow. It can be spent as far as this committee is concerned only for one purpose, the construction of the cancer treatment facility.

The subcommittee is not opposed to that by any means, but we did not feel that we should tie up the money. Texas should still have the right yet today to spend that money any way they wanted to. So it is not quite like leaving the money there so it can be spent any way it wants to. It was committed.

When I was a trust officer some years ago, when something was put in trust, we had to fulfill that trust. We could not change that agreement by anyone.

We tried to say, just take the $210 million and give it to Texas. DOE would not accept that. With an agreement with the authorities in Texas, they said the only way we can do this is to give the State of Texas $145 million in cash, which they got, and then place $65 million for this cancer center, for which we were told Texas probably would never vote.

They wanted to bypass the system in Texas to obligate the money; am I not correct on this point? Now I think there is a serious legal question. How do we correct the mistake—and I call it a mistake—that was made 2 years ago when this $65 million was put into escrow.

This is the reason I must object today, until we find out what we can legally do. We do not want to hang it up here and leave it hanging again. Let's settle it once and for all how we approach this problem.

Mr. LIVINGSTON. Reclaiming my time, would the distinguished chairman of the subcommittee be inclined to at least address this issue in conference so that we get all the facts and understand really what happened there?

Mr. MYERS of Indiana. If the gentleman would continue to yield, in discussion with the gentleman from Texas [Mr. BARTON], we discussed that. Let's settle the legal question, whether we can do this as simply as we are trying to do it today, before we try to do it. If it gets settled before we go to conference, of course, we will agree with that.

Mr. BARTON of Texas. If the gentleman will yield further, I thank the subcommittee chairman and the full committee chairman.

Mr. Chairman, I submit material from last year's RECORD for this RECORD, as follows:

Senate amendment No. 35: Page 19, line 19, after "tract" insert: ": *Provided further*, That of the amounts previously appropriated to orderly terminate the Superconducting Super Collider (SSC) project in the Energy and Water Development Appropriations Act, 1994, amounts not to exceed $65,000,000 shall be available as a one-time contribution to the completion, with modification, of partially completed facilities at the project site if the Secretary determines such one-time contribution (i) will assist the maximization of the value of the investment made in the facilities and (ii) is in furtherance of a settlement of the claims that the State of Texas has asserted against the United States in connection with the termination of the SSC project: Provided further, That no such amounts shall be made available as a contribution to operating expenses of such facilities".

Mr. BOEHLERT. Mr. Speaker, the conference report before us today in effect approves the tentative agreement reached to settle the claims of Texas against the Department of Energy for shutdown of the superconducting super collider [SSC].

Much about this settlement disturbs me—and should disturb every Member of this body. Under the settlement, taxpayers will be forced to shell out more money for a dead project to pay off spurious claims by Texas—claims that were expressly rejected by this body in 1990.

Worse still, the agreement sets up a mock peer review process to provide additional funds to the States. The review process in the settlement has more in common with a shotgun wedding than with normal scientific merit evaluation.

Under the settlement, if the reviewers—whom Texas will have a say in selecting—do not approve the $65 billion grant, the entire settlement is nullified. This sounds more like peer pressure than peer review. I hope no potential source of future funds for the linear accelerator is taken in by this unusual arrangement.

Finally, I'm concerned that the Department of Energy already seems to be sidling away from its initial statements that the settlement can be funded entirely from fiscal 1994 appropriations. I hope the Department proves more capable of living within cost estimates than it has in the past.

Still, despite all this, and despite the covert way the Department has proceeded, I will reluctantly go along with this settlement because I believe delaying the shutdown now will cost taxpayers even more money. There's a benefit to be gained simply in putting this entire episode behind us.

In addition, my two primary concerns have been addressed. In a letter that I will include in the RECORD, the Department has pleaded that this will be the last Federal money going to the SSC site and that termination costs should be held to the level already appropriated.

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 29, 1994.*

Hon. HAZEL R. O'LEARY,
*Secretary of Energy, U.S. Department of Energy, Washington, DC.*

DEAR MADAM SECRETARY: I appreciated the briefing I received from the deputy secretary and our staff last week on the terms of agreement with Texas. I hope the lines of communication can remain open in the future.

I do continue to have several concerns about the agreement with Texas that I hope you can allay.

First, the agreement seems to set up a situation in which Texas could be coming back quickly to the federal government for additional funds to operate former Superconducting Super Collider (SSC) facilities. The grant to complete the Linear Accelerator (LINAC) with its unusual peer review provisions and the continuation of the planning grant to Texas—also awarded under unusual procedures—would seem to indicate that Texas still wishes to encumber the federal government in the future with projects unrelated to national scientific priorities. Has the Department agreed—either in the agreement or in any other documents or discussions—to any future funding of former SSC facilities? I believe it is imperative that the federal government severe all ties (except those concerning liability) with the SSC site.

Second, I remain concerned that the settlement costs could exceed the funding available from existing appropriations. The uncertainties associated with environmental cleanup at the site, the proposed elimination of contingency funds and the continuing threat of claims and litigation from local authorities in Texas raise questions about the adequacy of the $735 million on hand to implement the settlement. And quite frankly, our experience with Department of Energy cost estimates is not good. How certain are you that the settlement outlined in the terms of agreement can be paid for out of existing appropriations?

The Department's proposed settlement with Texas goes much further toward satisfying the state's unreasonable claims than I would prefer. Still, like you, I would prefer to put this whole sorry chapter behind us (And in bills like the one Congressman Boucher and I have drafted, providing for high energy and nuclear physics, we are indeed looking toward the future.) I hope you can offer me the reassurances I need to back the proposed settlement on the House floor. I look forward to hearing from you.

Sincerely,

SHERWOOD BOEHLERT,
*Member of Congress.*

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THE SECRETARY OF ENERGY,
*Washington, DC, August 8, 1994.*

Hon. Sherwood Boehlert,
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN BOEHLERT: I was very pleased to receive the advice contained in your letter of July 28, 1994 that the briefing on the Department's settlement terms with Texas conducted by Under Secretary Curtis was helpful to you. I share your hope that our lines of communication remain open and constructive.

Turning to your specific questions, the Department has made no commitment for future Federal funding of former Superconducting Super Collider facilities. To the contrary, the $65 million grant toward completion of the Lear Accelerator as a medical facility is described explicitly as a one-time contribution. The settlement terms clearly state that the Department is to have no continuing or additional obligation in financing this or any other former Superconducting Super Collider facility.

The full scope of termination activities includes costs of a settlement of the Texas reimbursement claim and the above-mentioned grant associated with Texas' future use of the Linear Accelerator. During negotiations with Texas, the Department has emphasized the importance of minimizing the prospect of requiring any additional appropriations for Super Collider activities. Based upon our current cost estimates and planning assumptions, the Department fully expects that all anticipated termination expenses—including settlement with Texas and a $65 million one-time Federal contribution toward completion of the LINAC—can be accommodated with existing appropriated funds. We will work aggressively to achieve this goal through management efficiencies and, to the extent possible, changing the scope of termination activities.

Your letter notes concerns regarding the reliability of prior Department of Energy cost estimates regarding the Superconducting Super Collider project, I share those concerns. Therefore I must acknowledge that judgments about estimated costs of termination necessarily will be reassessed as our knowledge increases while project termination progresses. Nonetheless our actions are directed to the goal, which thus far seems an achievable one, of concluding all termination activities—including the settlement—from within the current appropriations of $735 million.

In order to maximize our prospects of meeting our goals of funding all termination activities from within the $735 million we are conducting a complete rebaselining in order to identify the management efficiencies and potential changes in scope of work described above. We will provide you a supplemental report on this work when it is concluded.

I hope this information will help allay the concerns that you have raised, and that they will enable you to conclude, as I have, that these settlement terms are in the national interest and merit your support.

Sincerely,

HAZEL R. O'LEARY.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. 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. KLUG: Page 16, line 1 strike "$2,596,700,000" and insert "$2,576,700,000".

Mr. KLUG. My colleagues, this is an amendment to try to attempt to terminate the GTMHR program, which is a gas turbine nuclear reactor project. But let me, if I can, put two numbers in perspective.

Taxpayers have already spent more than $900 million to develop this technology. This bill in front of us appropriates $20 million under energy research supply activities to fund the project and if we continue to fund the project, the General Accounting Office estimates that we will spend nearly $2.6 billion in additional funds.

It is always interesting to come to this floor to try to argue to terminate science projects, because we are invariably told that science projects are either are in two stages of development. It is early enough in the project where we do not know if the technology is going to pay off, so we cannot stop it, or we have invested so much money in the project over the years, cannot afford to terminate it so we still have to spend the money.

This amendment will simply eliminate the funding this year from the appropriations bill for $20 million the amount appropriated to GTMHR. But let me make it clear to my colleagues immediately that this year's science authorization committee in full committee specifically struck all funding for this project.

Now, you know, you ask yourself why we did not go to the Committee on Rules and ask them to strike on a point of order since we have an appropriations today which has never been authorized. But we were told by the Committee on Rules that we could not do it that way. We had to fight it on the floor in order to kill it. But I think it is clear by the rules of the House, when the authorizing committee kills a program by a vote of 2 to 1, there is absolutely no way this program can stand.

Now, who wants this project killed? Let me start back with the Reagan administration which recommended it be killed; followed by the Bush administration which recommended the program be terminated; followed by the Clinton administration. The Senate voted to kill it last Congress. The National Academy of Sciences twice rejected this technology; once in 1992 and once in 1994.

The National Taxpayers Union and the Citizens Against Government Waste, Friends of the Earth, U.S. PIRG and a number of other groups are all opposed to the technology.

And may I add that a number of my colleagues in particular have been very supportive in my attempts to kill this funding: My colleague, the gentleman from Wisconsin [Mr. OBEY] the distinguished ranking member of the committee, who we will hear from in a few minutes and, particularly, I would like to pay tribute to the gentleman from Florida [Mr. FOLEY], a freshman Congressman who led the fight in the authorizing committee, in fact, over the objections of his committee chairman, to defund this technology.

Mr. Chairman, where does the Department of Energy stand on this? This is from a letter written to the gentleman from Florida [Mr. FOLEY], June 20, 1995. The Energy Department,

> . . . does not support continued funding for the gas turbine nuclear helium reactor. There are significant questions about the viability of this reactor type, including whether the fuel will retain fission products to the extent necessary for safety.
>
> There is little utility interest in this technology and we believe that development of this reactor concept would require Federal expenditures in excess of $1 billion over the next decade."

Again the General Accounting Office says $2 billion.

> Gas cooled reactor technology has been under development by the Federal Government for approximately 30 years without tangible benefits. The Department, therefore, proposes to terminate work on the gas turbine modular helium reactor.

Signed by Terry Lash, who works for Hazel O'Leary, who is the Secretary of Energy.

So we have the Reagan administration, the Bush administration, the Clinton administration, the Senate, the National Academy of Sciences, the authorizing committee. The bottom line is that nobody thinks this technology will work.

In fact, once upon a time there actually was a commercial project which attempted to use this technology. It was run in Colorado at Fort Saint Vrain. The reactor was closed down after 16 years after operating at a very impressive 14 percent of capacity.

I think it is abundantly clear that after 30 years of funding this technology, it is virtually impossible to find any support for it in the scientific community. As we saw last month, there is no support of it in our own Committee on Science. Our Committee on Science voted 2 to 1 to kill authorization for it.

Again, the Department of Energy, the Reagan administration, the Bush administration, and the Clinton administration all recommended this program be terminated. I urge my colleagues today, once and for all, to finally put this technology behind us.

Mr. OBEY. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, as the previous speaker indicated, this is a bipartisan amendment. It is being offered by the gentleman from Wisconsin [Mr. KLUG] and by myself, and the gentleman from Florida [Mr. FOLEY], and by the distinguished gentleman from Minnesota [Mr. LUTHER].

This amendment, as has already been indicated, cuts $20 million in the bill for the gas turbine modular helium reactor. This program is a prime example of the continuation of corporate welfare for a mature segment of the nuclear industry for a program with questionable technology.

Mr. Chairman, as was pointed out, the Committee on Science recently voted 23 to 15 to kill the program, despite the support of the Chairman of that committee. No funds have been requested for this program by the President for 3 years in a row. That is fiscal 1994, 1995, and 1996. And yet somehow Congress finds room, within a brutal budget for working people, to allocate funds for this program.

Over the past 30 years, taxpayers have been asked to spend 900 million smackeroos on gas-cooled reactor programs. And what do we have to show for it? Absolutely zip.

Mr. Chairman, as was indicated previously, the only commercial version ever built was in Colorado. That operation had the worst operating record of any nuclear facility. It was shut down in 1990, after it operated at only 14 percent of capacity. And despite the claims of the proponents of this technology about a new design and 50 percent private sector match, the technology is still not proven.

The real question is simply whether we are going to continue to fund this program at an eventual cost of $5.3 billion. I would hope not.

□ 1715

I would point out there has not been a nuclear power plant successfully licensed in this country since 1974. The nuclear industry itself is lukewarm to this particular type of reactor, and, third, even nuclear advocates admit that there are no utility orders for this type of plant based on this technology that would be placed before the year 2010. So it seems to me this is a little premature.

I would simply say that this Congress appears to be all too willing to cut Medicare, all too willing to cut education, all too willing to cut job training programs, all too willing to cut other science, all too willing to cut anything that benefits directly the working people of this country, but when it comes to hardware items, whether it is the F-22, which we do not need until the year 2014, whether it is this or whether it is several other reactor technologies in the bill, evidently the Congress feels comfortable in funding and providing funds for that. I think that represents misplaced priorities.

I would urge you to vote for this amendment. Turn down this project. Save some money, leave a few table scraps for programs that affect the welfare of working people.

This is a turkey. It is a boondoggle. It is unaffordable. It is not needed. We ought to kill it and kill it right now.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I respect the gentleman's opinion. But let me put some actual facts.

First of all, it was said that the taxpayers were against this. This technology replaces $1 billion per week in oil that we are purchasing, $1 billion, and it is cleaner.

We say there is not benefit from this. There is 75 percent less nuclear heavy metal waste.

It was also mentioned that Colorado was a failure. It is because they used 25-year-old technology, mechanical technology. The system in Pennsylvania has been 86 percent efficient and produces 50 percent higher yield than any current nuclear operating plant that we have in existence. So there is benefit.

The private industry itself has put in over $800 million into this program, and it is good science. Only the modular helium reactor has got these characteristics, that it is also meltdown-proof, one of the problems that many people were afraid of in early nuclear technologies, which was that there was going to be a meltdown. This system will not do that, Mr. Chairman.

Early demonstration plans in Pennsylvania and Colorado have proved the integrity of the basic science. As I mentioned, in Colorado they used 25-year-old technology, and that is why you have a pilot program is to determine the pluses and the minuses. We determined that it was a minus. So we established a system in Pennsylvania which proved very, very effective.

The effort in the 1990's focused on driving down the cost, combining the modular helium reactor with direct drive gas turbine for higher efficiency. Combined with higher thermal outputs, it made dramatic increases in the power outputs.

I could tell you the per module kilowatt-hour, but I will not. It has more than doubled it, more than any current nuclear facility, and that is important, we feel, also.

The $20 million appropriation should be compared, as I mentioned, with $1 billion spent by U.S. foreign oil each week.

Several years ago the National Academy expressed some concerns over the economic competitiveness of GTMHR. Since the increase in power and the increase in costs have been lowered, we expect another report.

Nuclear provides 20 percent of our power today, nuclear energy. There are some Members on the floor, and they have a right to that opinion, are against nuclear energy. We feel that the energy policy of this country has got to involve nuclear energy.

And I think it is fair to ask the question: What would you replace it with? Do you replace it with oil at $1 billion a week? Do you replace it with hydro? Right now the environmentalists are trying to tear down dams because of salmon and fish and so on, and there is none left. Do you replace it with fossil fuels and coal, which is damaging to the environment? Of course, the answer is "no."

Twenty percent of our energy can be replaced with this system, and is, and it is a viable system.

Taxes and jobs and lower electricity costs: We heard about LIHEAP and that we are taking away the cost of supplementing because of energy costs for poor individuals in this country. Well, this reduces those energy rates for individuals not only in San Diego but across this Nation, and I think that is important also, Mr. Chairman.

Nuclear is part of a secure energy future. Can nuclear be improved? Yes, it can, and that is why we have these kinds of pilot programs.

If today's nuclear plants were as efficient as GTMHR, taxpayers would save about $10 billion a year just because of the increased proficiency that has been proven.

The Committee on the Budget said "yes" on the GTMHR. It fulfills the 6 criteria for priority funding for essential science.

I would also like to say to my freshman colleagues, this system was specifically mentioned in the Kasich budget because of its importance and is in the balanced budget. It specifically addresses it because of its importance. The Kasich budget that you voted for includes this program.

I would like to ask you to vote against this amendment and support the turbine because it is the future of energy and the future of science.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of continuing the modest funding for this gas turbine modular helium reactor.

I recognize that, as the distinguished gentlemen from Wisconsin indicated, that there is a bipartisan effort to strike this $20 million from the funding in this bill and hope that that will balance the Federal budget. I confess to having historic interest in this program and to indicate that there is bipartisan support for continuing with the program.

I note that Chairman WALKER and I both signed a "Dear Colleague" asking you to support this program, and when you get Chairman WALKER and me to agree, you cannot get any more bipartisan than that. And I suggest that our reasons for doing that are because we have been involved in supporting this program with good cause for the better part of the past generation. This is an evolving technology. It will not bear fruit overnight.

It has undergone several changes over the past decade. It has moved to the use of helium gas, for example, as the coolant because helium is inherently safer than any other kind of available coolant systems. There have been a number of other changes to improve the efficiency of the system. It employs a number of unique characteristics which take a great deal of time to fully develop. The pelletized system for containing the plutonium, for example, is a complex technology in itself. But it is my opinion and that of Chairman WALKER and obviously of the gentleman from California, Mr. CUNNINGHAM, who spoke so eloquently and has obviously done his homework on this technology about its potential value, it is our view that with the fairly modest expenditure of funds that this can make a substantial contribution to the energy technologies of the future.

Now, there is some complaint this is long-range, as much of our research and development is. It does not compare in long range to the fusion program, for example, which I have been trying to nurse along for the last 30 years, and I am still told that in another 30 years it may produce a commercially feasible energy technology, and I believe that it will. But that is quite a long-range program, and, of course, the cost of fusion is at least 10 times or more, 10 to 20 times what we are spending on this program, which could pay off sooner and could provide an opportunity for export in this country, which I think would be extremely useful.

The company that is mainly involved in developing this technology has spent tens of millions of dollars of its own money over the past 20 years. It is involved in conversations or discussions with the Russians about the possibility of using this to assist them to replace the present Russian nuclear commercial reactor facilities, and I think this is a very interesting and rater promising possibility.

There are reasons why this Committee on Appropriations, the authorizing committee, have both supported this over the past decade or more. It has this kind of promise that I have indicated. It is worth nursing along.

While we are pressed for funds, obviously, this is included in the budget projections, as the gentleman from California [Mr. CUNNINGHAM] has indicated, because it is a promising technology and it is a relatively expensive energy technology compared to most of the others that we are promoting at this time.

So I ask you to support the committee, support those of us admittedly in the minority on the authorizing committee. This was a generational thing. The senior Members voted for it, but we are outnumbered by the junior Members who want to make their impact by cutting out something, and this was their target of choice.

I do not think this is the proper way to legislate and disregard the efforts that have gone on, as I say, for the last 15 or 20 years to support promising technologies of this sort.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, the distinguished gentleman who offered this amendment

stated that there is no legitimate support for this reactor, but, in fact, there is, and I have a couple of letters, one here from Duke Power that says, "GTMHR represents breakthrough potential for nuclear power." Maybe its opponents do not want a breakthrough, but if there is no breakthrough, it is hard to explain where the world's electricity is going to come from in the next century.

The Nuclear Energy Institute similarly writes a letter of support, stating, "The nuclear industry also supports Federal funding for other advanced reactor technologies, such as the GTMHR. These technologies will have an important role in America's electricity supply, and the industry has invested more than $10 million in R&D efforts to date on advanced nuclear energy technologies."

Now, my colleagues, we have got a lot of conservatives and a number of Members who are more liberal, alike, but who are concerned about government expenditures, who say, "Well, doggone it, why is private industry not paying for this R&D?" And I think the American nuclear society states it best when they explain why private industry is not coming forth with that money. It is because there is presently a chilling effect throughout this country and throughout industry on any type of reactor. When did we build the last reactor? How many decades ago was it we built the last reactor?

Let me just quote what is stated by the American Nuclear Society, a group which incidentally very strongly supports this reactor. They say, "The United States no longer holds a position of competitive leadership within the international commercial nuclear industry, due, in large part, to a web of disincentives imposed upon nuclear energy technologies, including tax laws discouraging collaborative research and development among corporations." We cannot deny that. That exists today. That is why private industry is not coming forth. "Nuclear plant liability coverage requirements far in excess of other industries, despite demonstrably lower risks to public safety." We cannot deny, in fact, that exists, that liability exists. That chills the industry and deters private industry from investing. "Trade policies prohibiting sale of nuclear energy equipment," that does exist. "Failure of governmental agencies to fulfill mandates for spent fuel storage and waste management, which creates overwhelming economic uncertainties for potential investors," my colleagues, all of those things exist in the private sector, and that is why, if we are going to meet this challenge for a reactor technology which does not melt down and which greatly reduces waste, we are going to have to spend some government dollars, and we, as conservatives and liberals and moderates in this body, have to accept and understand that.

Let me just say, the gentleman from California [Mr. BROWN], who just spoke, was very eloquent on that point. We have a common interest in this body in following this technology.

So, if you just want to be anti-nuclear, vote for this amendment. But if you want to approach and continue development in a rational manner, to meet the two great challenges, that is, meltdown and, second, waste disposal problems, with respect to nuclear reactors, then please vote to reject this amendment.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from California.

□ 1730

Mr. BILBRAY. Mr. Chairman, I appreciate the gentleman from California [Mr. HUNTER], my colleague. I think those of us that were involved in the nuclear debate back in the 1970's would recognize that waste production was the major concern at that time, and if that nuclear could have come before America and said, "We will not only produce nuclear wastes, we will consume waste," then I think there would be a whole lot of different discussion by those of us who were involved in the debate at that time. This technology not only has the capability of avoiding those pitfalls, but it also has the ability of consuming a waste problem that has been totally ignored by this body at this time, and that is the fact that there is going to be over 100 metric tons of plutonium, military-grade plutonium between Russia and the United States; that all we are talking about right now is putting it in the ground and hoping, hoping that somebody does not know it is there, and use it for operations we do not care about.

I think one of the concerns we need to recognize is that this technology, it not only consumes waste, it not only produces power, but there is this national defense issue that I think we got to talk about. They will say, "Why doesn't the private sector do this?" I will tell my colleagues we cannot walk away from our obligation to address the plutonium issue, not only in the United States, but across the globe. We have 100 metric tons that this technology can address so that it would not be used against the people of the United States.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. BILBRAY. I think there is an issue there, and I would ask everybody that would love to vote for this amendment to recognize that if they want to try to kill this technology in this research, then be ready to go back to their district and say, "I don't think the issue of our military-grade plutonium, the hundred tons that is going to exist between Russia and the United States, is an issue that we really need to worry about right now." This technology takes a problem and creates an answer to it, and for those of us that have been involved in environmental issues, we use a term called appropriate technology, and this is the appropriate technology for the use of an existing system, and it is probably the best example, Mr. Chairman, of military conversion.

I say to my colleagues, "Let's take that military equipment, the plutonium, and let's convert it into power so the civilian use can help our economic prosperity built on past military expenditures."

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I will be very brief. I simply want to commend the committee chairman, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] for a very good bill, and on this issue I strongly urge the Members to resist the amendment and rise in support of the bill language.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from California, and I also commend the chairman and ranking member for their excellent work. Please oppose this amendment. The committee put together a responsible mark here, and this is specifically included in the balanced-budget resolution. It is within that resolution.

Mr. LUTHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as a cosponsor of this amendment. Recently, along with the gentleman from Florida [Mr. FOLEY] I was part of the bipartisan effort that has been referred to here in the House Committee on Science which eliminated a $25 million authorization for this particular project. Now I stand before my colleagues to urge my colleagues to support this amendment which would eliminate the appropriations for the same project.

I respect the motives of the supporters of this particular program, but I believe it should be terminated because, based on all of the available information, it is too unlikely to become a competitive energy resource for the

Congress to justify a request for more taxpayer dollars. The scientific community in this country has rejected the claims of the supporters of this project. Studies by the National Academy of Sciences, the Department of Energy and the Electric Power Research Institute have pointed out that this technology is expensive, inefficient, potentially unsafe, and a poor option for the disposition of excess plutonium.

Funding for this program is also opposed by the National Taxpayers Union and Citizens Against Government Waste.

Last November, Mr. Chairman, the voters in my State of Minnesota and across the country sent a message to the U.S. Congress. They said the time has come for us to balance our budget by establishing priorities and making tough decisions. Like all programs, a case can be made for this particular program. But this program has been rejected by the administration, the scientific community, the U.S. Senate, the House Committee on Science. It is simply not a high enough priority to justify further expenditure of taxpayer dollars with the budget crisis that we face in this country.

When I came to Congress, people warned me, "Be careful about what you start here because once a program is begun, it just keeps on going and going. You can never stop it here."

I believe that this particular project is a classic example of that kind of self-perpetuation. But today we can disprove that admonition. We can stop this project today on the House floor.

Quite simply, Mr. Chairman, I leave my colleagues with this thought. If we cannot cut this program, what program can we cut in this Congress? I urge my colleagues to make the tough decision and show the American people that Washington can change, that we can prioritize and that we can cut programs. A vote in support of this amendment is a bipartisan vote to change the way Washington operates and a step toward restoring the confidence people have in government.

Mr. FAZIO of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the sponsors of this amendment to terminate the gas turbine-modular helium reactor [GT-MHR] program appear not to appreciate the environmental benefits provided by nuclear power and the particularly unique environmental advantages of the GT-MHR technology. To exploit the benefits of nuclear power, the development of advanced nuclear technologies needs to be continued with the objective of achieving higher efficiencies, enhanced safety characteristics, lower costs, greater proliferation resistance, and less environmental impact.

The GT-MHR is the only foreseeable option that offers an improvement in these characteristics. Today, over 20 percent of the Nation's electricity is being produced by nuclear power which is displacing, on a yearly basis, 600 million tons of carbon dioxide, 5 million tons of sulfur dioxide, and 2 million tons of nitrogen oxides. However, 70 percent of the electrical power is being provided by burning fossil fuels—mostly coal, some natural gas, and some oil. Combustion of these fuels results in the production of significant environmental pollution—greenhouse gases such as carbon dioxide, acid rain gases such as sulfur dioxide, and smog effluents such as nitrogen oxides.

Concern for environmental quality is placing an increased emphasis on development of electricity generation options which avoid the environmental impact of burning fossil fuels. Nuclear power has stalled in the United States because of concerns with uncertain safety, marginal economics, waste disposal, and proliferation resistance. The GT-MHR is designed to mitigate or to resolve these concerns. The GT-MHR has: First, the highest safety of any nuclear power system; second, the lowest cost of any alternative system; third, the least waste of any nuclear system; and fourth, the highest proliferation resistance of any nuclear power system. It couples a high-efficiency gas turbine to the passively safe modular helium reactor developed specifically in response to our requests for a simpler, safe nuclear power system.

It achieves a 50 percent improvement in generation efficiency over present nuclear systems. This efficiency improvement plus the physics characteristics of the modular helium reactor result in a 75 percent reduction in heavy metal radioactive waste generation and a 50 percent reduction in thermal discharges per kilowatt hour produced. These environmental advantages coupled with the absence of emissions make the GT-MHR a clear choice to reduce the environmental impact of burning fossil fuels.

The unique safety, economic, and environmental characteristics of the GT-MHR system are the reasons why its development was undertaken in the first place. We have made a significant investment and have made major progress in this technology. In the absence of an energy policy which indicates otherwise, now is not the time to abandon this technology and discard our investment. We are on the threshold of realizing the promise of the high temperature reactor technology. I urge my colleagues' support to defeat this amendment, and I hope we can make valid the investment that this committee and this Congress have made for a number of years. We have eliminated many of the alternatives. It seems to me we should stay the course on those that show the most promise.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my strong opposition to the amendment. When a similar amendment was introduced by the gentleman from Florida [Mr. FOLEY] during the Committee on Science markup, I strongly opposed it then, and I strongly oppose it today.

Today, nuclear energy produces about 20 percent of our electricity. This is the largest producer next to coal. World electricity demand is expected to triple over the course of the next century and I feel it would be extremely short-sighted to eliminate this program when we are going to need a means to meet the worlds increasing electricity demands.

Living in a country which now consumes $1 billion in foreign oil imports each week, I think it is imperative to explore other energy options.

The GT-MHR is one of the most promising next generation nuclear reactors. As a scientist, let me tell you why I am supportive of this reactor. It combines a meltdown-proof reactor and advanced gas turbine technology in a powerplant that can provide 50 percent more electrical power per unit of thermal energy than other reactors.

The current design dramatically lowers the production of radioactive wastes and thermal emissions which results in a new kind of powerplant that is efficient and safe provider of low-cost electricity.

Mr. Chairman, this is a prime example of the kind of technology we need to pursue and I urge a no vote on the amendment.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have an important announcement for the American people. Pork-barrel politics is alive and well in Washington.

My colleagues may have thought that the change which took place last November would bring an end to politics as usual. But that is not the case when it comes to bringing home the pork. True, we are making significant efforts to cut overall spending to balance the budget—and I support those efforts. But despite the deep spending cuts, members of the Appropriations Committee have managed to slip wasteful, unauthorized and unrequested projects into this spending bill for the benefit of local or special interests back home.

As a cochair of the Porkbusters Coalition, I rise today in strong support of the Klug amendment to cut the $20 million in this bill which is earmarked for researching an impractical nuclear technology referred to as the gas turbine-modular helium reactor. The GT-MHR is a prime example of what the Federal Government ought not to be funding. This $20 million appropriation was not requested by the President in his budget and has not been authorized by the Science Committee. In fact, as a member of the Science Committee, I

participated in a bipartisan vote to eliminate the GT-MHR. This wasteful boondoggle was also opposed by the Reagan and Bush administrations. In addition, several expert organizations are opposed to funding the GT-MHR including the National Academy of Sciences, the Electric Power Research Institute, and the Department of Energy.

Mr. Chairman, over the past 30 years, American taxpayers have seen nearly 900 million of their hard-earned dollars wasted on this inefficient reactor technology without any tangible benefit. Incredibly, the General Accounting Office has estimated that it will take another $5.3 billion to complete the GT-MHR. I ask my colleagues: Do you think your constituents would approve of throwing more of their money into this black hole of waste? I think not.

I urge my colleagues to take the high ground and suppress efforts such as this to pull a fast one on the American people. If we are insistent on cutting spending, it should begin with cutting the wasteful pork projects which are squandering taxpayer dollars. Support the Klug amendment to cut the GT-MHR.

□ 1745

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a good deal of misinformation out here about GT-MHR, and I would like to at least clarify a point on a couple of things.

First of all, it was stated by someone that the vote in the authorizing committee to kill the GT-MHR was a two-to-one vote. In fact, that is not true. The vote was 23 to 15. A switch of four votes would have in fact passed the program in the committee. So it was nowhere close to a two-to-one vote in that committee.

Second, it has been stated that administrations for the past several years have not requested this program. Well, I have here the 1991 request from the Department of Energy. In fact, it was requested in 1991. It was only appropriated about half the level it was requested, but there had been in fact requests in the past.

This is also a program I would say that has been authorized. Back in 1992, when the Public Law 102-486 was passed, the Energy Policy Act of 1992, Congress specifically went on record saying "The goals of the program established under subsection (a) shall include—to complete necessary research and development on high temperature gas-cooled reactor technology—by September 30th, 1998." We specifically said we ought to go forward with this program in the Energy Policy Act only a couple of years ago.

So the Committee on Appropriations is acting not on a pork-barrel program. They are acting on a direct authorized program, done by the Congress of the United States and our energy policy.

Finally, there is a real myth being perpetrated here on the floor that somehow we are going to save money in 1996 by passing this amendment. The fact is not a dime will be saved by passing this amendment. The amendment purports to save $20 million in this fiscal year. The fact is that there is a legal obligation of the Federal Government to pay the closeout costs of the project. The closeout costs for the project are going to approximate the same $20 million. So we end up with an amendment that absolutely saves no money and would require the same money to be spent in 1996 to terminate a program that in a matter of a couple of years, after several hundred million dollars' worth of spending, will be complete.

You tell me what the sense is on that. You cannot come to the floor and suggest that there are rational ways of doing these things if what you are proposing is irrational. It's absolutely irrational to come to the floor, claim you are going to save money when there are no savings, and in fact cancel out a program in which we have invested hundreds of millions of dollars. I have to tell you, I think what we ought to do is go forward with this.

Finally, let me state that one of the best reasons for proceeding ahead here is what this could mean to us in terms of global competition in the years just ahead. This is a reactor concept which, if it proves feasible, can be done in small factory fabricatable designs that are of modular construction. Now, what you have is then an opportunity to produce electricity in increments of 300 megawatts or less. This is what utilities say that they need in order to meet steadily growing marginal demands.

But the most important factor here is this has an enormous potential for export into developed markets such as Japan. It is needed in smaller, less capital intensive bites for less developed power grids such as those in the Far East and in Eastern Europe. So here is a technology that we have a chance to sell into the global marketplace.

Also, this is something where Russians have expressed an interest in a joint venture with us, in large part because this can destroy all weapons grade useful plutonium in a once-through fuel cycle. Ninety-five percent destruction of PU-239 is involved in this particular technology.

So it seems to me that what we have here is an opportunity to really be economical in what we are doing, support good science, and, in the end, end up with a product that takes us into the global marketplace. That seems like a pretty good bargain for the amount of money we are proposing to spend.

Mr. Chairman, I would suggest we vote against this amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today as part of a strong bipartisan opposition to this amendment which would delete the funding for the GT-MHR Development Program.

I have heard the opponents to this program argue that it is a pork project, that it is an example of corporate welfare. They have said that this pork has cost the taxpayers $900 million. Well, let us set the record straight. Approximately $900 million has been appropriated from taxpayers' money to be spent on high temperature gas cooled reactor technology. But this expenditure has been a sound public investment for the following reasons. We have had in fact a sound public investment for these reasons:

Number one, an amount substantially equal to the taxpayers' $900 million has also been invested by private industry in the high-temperature gas-cooled reactor technology. This is the kind of government and industry partnership we want for research and development to advance promising technologies.

These funds together have permitted the design, development, and construction of two demonstration plants, permitted the gas-cooled reactor to be selected by the Department of Energy as a new production reactor, and provided the brood technology base which allows a GT-MHR project to proceed.

Second, much of the taxpayers' $900 million has gone to our national laboratories who are involved in research and development. At present, there are four prime contractors and several subcontractors involved in this technology. GT-MHR research and development is being performed throughout the country by several government laboratories and private companies. The prime beneficiary is our country.

Third, the breakthrough achieved by the GT-MHR provides high prospects—higher I am told than ever before—that there will be an investment payoff. Its safety, low cost, low environmental impact, and high proliferation resistance make it an ideal candidate for helping to meet the future electricity requirements which will provide jobs, an export product, and a technology to reduce our dependence on foreign oil.

The gas-cooled reactor was one of the two technologies selected in an exhaustive evaluation for development as a new production reactor and was evaluated to be the most cost-effective alternative. The project was deferred at the end of the cold war because of a lack of immediate need. However, the Department of Energy is now in position of having to identify a new tritium supply source and is in the process of spending significant additional taxpayers' dollars re-looking at tritium production alternatives. Why is this effort being performed again when it was

evaluated less than 10 years ago? This is the kind of thing that should be examined to avoid wasting taxpayers' dollars.

The GT-MHR breakthrough is a result of the foresight which went into past congressional actions on this technology, but it is imperative that the research and development be seen through to completion. To stop it now would really be a waste of the investment. Worse yet, another country may step forward and capitalize on our investment. We cannot let that happen. I urge a "no" vote on this amendment.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it would be useful to start by correcting a few statements that have been made here on the floor that are just not supported by fact. It has been stated that the Electric Power Research Institute has decided that this technology is not worth pursuing. I have here a fairly thick study by the Electric Power Research Institute done by Commonwealth Edison, Duke Engineering, Yankee Atomic Energy Electric, here is the conclusion in the executive summary. This is a 1991 study:

> In conclusion, the utility review team recognizes that the high temperature gas reactor design offers a viable potential nuclear option to the power industry for the next century potential and deserves continuing development. This endorsement is consistent with previous opinions expressed by the utility industry and more recently by the endorsement of the Advance Reactor Corporation in the January 10, 1990, report, and the corporation's ad hoc committee on DOE's advanced reactor development plan.

By the same token, it has been said here on the floor that this program was terminated by the Reagan administration and terminated by the Bush administration.

In fact, the high-temperature gas-cooled reactor was one of two candidates for the new production reactor that would have gone to Savannah River or Idaho National Engineering Laboratory for the next tritium production source.

In fact the NPR team, the new production reactor team at the Department of Energy, headed by Dominique Mineta, had settled upon this particular design, the high-temperature modular gas-cooled reactor, for the new tritium production source, when Admiral Watkins as the Secretary of Energy decided that we did not need to incur the expense of building a new production reactor.

Why? Because that fall, in late September 1991, the Bush administration had entered into an agreement with the Soviet Union for the drawdown of nuclear weapons, and we had far more tritium generated as a result of that drawdown than we needed and there was no urgent immediacy or need for tritium. Indeed, we do not need any until the next century. That was the reason that the Bush administration did no go forward with the high temperature gas reactor at that time.

For the statement here on the floor that that administration canceled it, has nothing to do with the merits of this program, and it does have merits. It had merits, first of all, still for the Department of Energy as a tritium production source. Indeed, the Department of Energy, while they are not pursuing this as their primary source, did single it out and did say themselves, their Energy Research Committee, said a couple of years ago, this concept has the highest probability for success if we choose a second generation reactor.

Furthermore, they said that this concept, the high-temperature gas-cooled reactor, presents an opportunity for significant advantages in the level of safety over current commercial reactor experience.

Mr. Chairman, it has been stated here on the floor that this particular design has inherent safety features. It is worth taking those one by one to show the House and the committee why it is worth pursuing this particular technology.

First of all, the fuel particles, these uranium kernels, are encased in a ceramic coating that is pyrolytic, that is fired, that is made of silicone and carbon, and, as a result, the uranium is in an impermeable, impervious case. Consequently, once it is irradiated, it gives off heat, but it does not give off fissionable products. So you do not get the inner area of the reactor contaminated with fissionable products, with radionuclides. These are still contained in the ceramic case of the fuel particle.

Second, to the extent that any of these radionuclides do escape, they are captured by a graphite matrix that is part of the fuel assembly. They absorb them.

Third, the reactor itself has a helium moderator or coolant. Rather than using light water or regular water, it uses helium. Helium is inert. It does not chemically react with the reactor itself or with the fuel elements of the fuel assembly. And, unlike water, it does not boil. This gives it another passive safety feature.

Finally, the fuel core is arranged so that there is a negative temperature coefficient. As the temperature goes up, radioactivity of the core goes down.

All of these are passive safety features. Why is it important? Because this reactor is safe without depending upon the operator's interaction.

Mr. CHAIRMAN. The time of the gentleman from South Carolina [Mr. SPRATT] has expired.

(By unanimous consent, Mr. SPRATT was allowed to proceed for 2 additional minutes.)

Mr. SPRATT. Mr. Chairman, the important inherent safety features of this reactor means that it does not depend for its safety on an alert, astute operator, who is wide awake. Nor does it depend upon backup systems and a power system to supply these systems.

□ 1800

It is passively and inherently safe by its own design. This particular system has been endorsed and supported by a number of people who believe that nuclear power still has a role to play in this country. One of those is Duke Power Co., which is a prominent electric utility in my own district. And the head or chairman emeritus of that company, Bill Lee, wrote us all a letter, wrote the chairman of this committee a letter. I would just like to read what the chairman of that committee said.

People in the utility industry, this is Bill Lee talking, who look ahead, want the improvements in nuclear power that are represented by this technology. The electric utility industry supports the light water technology for its immediate potential benefits, but most people in the industry recognize that breakthrough potential of the gas turbine modular helium reactor and belief that these breakthroughs must be pursued and that it is the proper role of our Government for our Nation's longer term energy competitiveness to underwrite them.

In my opinion, it is essential that this technology be continued along with the advanced light water reactor. If it is not, I fear we will be buying much of our nuclear power generating equipment in the next century from abroad. This would mean the loss of an industry larger than the commercial airplane market, and it would be sad indeed for the U.S. economy, U.S. jobs and the U.S. standard of living.

Mr. Chairman, I urge the defeat of this amendment.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment because I wanted to be part of this historic debate. The gentleman from Wisconsin [Mr. KLUG] has put together, in my opinion, the historic trifecta, Reagan, Bush, and Clinton, all supporting the position of the gentleman from Wisconsin; in addition, the National Taxpayers Union, the Friends of the Earth, and the National Academy of Sciences, a combination of truly all-star proportions, all gathered together to kill one technology.

Now, why does this technology deserve to be killed? Very simply, it is the second generation of the same technology. And it is not basic research that we are talking about, it is applied research. That is, it is the point at which they are building this monstrosity for commercial purposes.

Now, ordinarily if you are talking about a nascent industry, one that is

just beginning to get off the ground, it would be one thing; and we can debate out here what the proper role is of the Federal Government in subsidizing a new industry. This, however, is one of the oldest industries in the United States and one of the two or three wealthiest industries.

We are talking about the electric utility industry of the United States. Every one of us, all 275 million Americans, has a wire that goes into our home. And every one of us has an electric utility that every time we turn on a light bulb or have our toast pop up, gets ready to send us another bill to charge us for. This multi-hundred-billion dollar a year industry makes an enormous amount of money from doing that. We are grateful to them for the wonderful service which they provide for us and do not really begrudge them the incredible profits which this industry receives.

However, when they then turn to the very same 275 million people, as taxpayers, and say, by the way, we do not want to actually pay for the next generation of our electric utility generating capacity; we would like you, the taxpayers, to put up the money for that as well, well, this is the point at which the American taxpayer and Adam Smiths all begin to spin wondering what is going on with the capitalist system.

As we know, this technology is competing with oil and gas and geothermal and conservation and the new wheeling technologies and interconnection capacities which are reducing the need for electricity inside of our country or generating them in 20 and 30 megawatt size plants, using the new laws which we passed in 1992 to wheel that power to where it is needed around the country.

Now, the problem with the technology is that it goes back to an earlier era, the late 1970's and the early 1980's. During that period of time, the electric utility industry testified before Congress that we would need 500 more 1,000-megawatt nuclear powerplants by the year 2000 or else we would face blackouts of electricity across the country. And that was, I am sure, their sincere testimony before the Congress in the late 1970's and early 1980's. It resulted in a lot of this basic research at least being invested in.

Well, it is 15, 20 years later. We did not build a single new nuclear powerplant in our country during that period of time. We have electricity surpluses across the country because we have, because of the law changes, so many smaller independent generators of electricity who are using the wires to produce electricity using nonnuclear sources.

So as we hit the middle of the 1990's, we have a fundamental question to ask ourselves. Should we, as the Representatives of the taxpayers of the United States, be subsidizing the very wealthiest mature industry in the United States in applied research, as we build the reactor for them, when in fact the most that we can elicit from these electric utility executives are letters of support for us to spend taxpayers money?

The capitalist system demands that in the free market that private sector companies, especially those as well-to-do as the electric utilities of this country, make the investment in the new technologies. If they do not, they must step aside and allow these newer, smaller generators of electricity to continue to do the job for our country which they have over the past several years.

The gentleman from Wisconsin has an amendment which must be embraced, if capitalist, free market principles are to endure in the electricity marketplace of our country. I hope that all understand the importance of this amendment.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. Let me quote the Bangor Daily News in their editorial calling it a nuclear turkey: "What's tougher than the hide on a M-1 tank, more resilient than the hungriest garden pest and harder to shake than a bad reputation? Time's up. The answer is: a nuclear turkey.

"Most taxpayers remember the mohair subsidies that annually clipped them for millions before Congress recently found the courage to pull the plug.

"Today the target is the gas turbine modular helium reactor, a nuclear turkey that deserves to be carved from the Federal budget."

Taxpayers have been paying $900 million for this technology.

The gentleman from Massachusetts [Mr. MARKEY] made some nice points. He suggested that, if the nuclear and electric companies are so supportive of this, send a check. Send a check to support this technology. Do not just send a letter. The American public who is paying for this technology is paying over and over and over again for a system that clearly does not work.

You read all the documentation. I can read you editorial after editorial, the Oregonian, the San Francisco Chronicle, the Atlanta Constitution. All have weighed in on this subject. All have looked at the expert testimony. All have read the reports from the National Academy of Sciences. All have read the documentation.

Now, the gentleman from California, Mr. BROWN, suggested that it was only new Members of Congress that wanted to eliminate this technology. Let me correct the record, because three subcommittee chairman of the Committee on Science voted to end this project: The gentleman from New Mexico [Mr. SCHIFF], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman form Wisconsin [Mr. SENSENBRENNER]; all subcommittee chairmen stood up and voted against this appropriation.

This is not an antinuclear amendment. I recognize and support the important role of nuclear technology in the Nation's energy needs. In my home State, nearly one-third of the electricity is provided by nuclear facilities. But what I am interested in is cutting funding for things that simply are never going to occur in my lifetime.

Now, the chairman of the Committee on Science suggests that we cannot cut this today because it is going to cost us 20 million more dollars to terminate the program.

Let me give you a letter from the Department of Energy that suggests it will require an additional 1 billion of expenditures to bring this project to fruition.

I will take that bet. I will spend $20 million to get out of this boondoggle before I will spend $1 billion to find out if it works.

Let me say to you in the hallways of this Congress, those listening on their TV sets around our Nation, as a freshman Republican, I came here to make a difference. I came here to cut things that are wasteful spending. If we are to meet the priorities of this Nation, we are going to have to start looking at things like this and saying no to projects like this.

I ask those private utilities again if they like this technology so much, send a check. Bring a check for us.

Let me also suggest to the committee, we had a vote. It may have been 23 to 15, but in my book of politics, 23 to 15 wins; 23 to 15 wins. When I ran for office, I was telling people every vote counts. People have won offices by one vote. So I think 23 to 15 is a fairly significant victory in the committee, the authorizing committee, for this project.

The appropriation is unauthorized. We won in committee, and we are here on the floor to ask the appropriations process of this Chamber to agree with us.

We know the Senate will agree with us because they voted on killing this project before. We know the President's budget. The last three Presidents, as has been mentioned, have not authorized this. Again, the vast majority of my colleagues on the Committee on Science supported the efforts of the gentleman from Minnesota [Mr. LUTHER], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Wisconsin [Mr. OBEY], and myself to terminate this project.

Times have changed. Today we see a new coalition of Members on both sides of the aisle. These coalitions are taking the will of the American people into consideration on every single spending bill.

This amendment will keep the taxpayers from having to continue being high risk financiers for private corporations.

If this program holds the potential that its proponents claim, then let the private sector fund it. Stop ripping dollars out of the constituents hard-earned taxpayer monies for wasteful pork.

I urge every Member that comes to this floor to vote to do what is right for the American people and kill this boondoggle once and for all.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. My colleagues, when the National Taxpayers Union, the Sierra Club, the Council of Citizens Against Government Waste, the Cato Institute, Ralph Nader, the National Academy of Sciences and the House authorizing committee all agree, I would submit that we have to pay careful attention.

This diverse group has concluded that the gas turbine modular helium reactor, a proposed gas-cooled nuclear fission reactor in San Diego, fails the important test of scientific merit, environmental safety, and cost effectiveness. And yet, unless we act today, this project will continue to receive significant Federal support.

How much will taxpayers be saddled with before this project is completed?

The General Accounting Office says the project will cost $5.3 billion, and taxpayers will have to pick up half of that tab. Adopting this amendment will save taxpayers $20 million next year and more than $2.5 billion when all is said and done.

Two years ago the Senate voted to cut off funding for the reactor. Now is the time for this body, once and for all, to do the right thing.

At a time, my colleagues, when we are told that we must make massive cuts in Medicare that are going to affect thousands and thousands of people in my district and all of our districts and when we are going to be cutting student loans and when we will be cutting a whole range of education programs, it would be a shameful abdication of our responsibilities not to stop this wasteful spending.

I urge a yes vote on this amendment.

□ 1815

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gas turbine modular helium reactor fails to meet the basic test of spending Americans' hard-earned tax dollars: Does it work? The only commercial version of this reactor closed after 16 years of operation and never achieved more than 14 years of capacity. Based on this failure, the National Academy of Sciences determined the reactor has low market potential and endorses its elimination. Even worse, as has been pointed out on the floor, the gas turbine is a budget-buster. Eliminating it will save $20 million now in fiscal year 1996 and $2.5 billion later.

Several opponents of this amendment, proponents of this boondoggle, have said it does not really save $20 million now. The fact is, every time there is a huge budget-busting engineering project on this floor, whether it is super collider, whether it is the space station, whether it is this reactor, the proponents of these boondoggles always argue "It will not save any money today," and they do not talk about how much money it will save in the future. That cost savings, that $2.5 billion cost saving in the long run, is what is so important.

Additionally, the gas turbine modular helium reactor, Mr. Chairman, is a potential environmental hazard. The reactor does not have a containment structure to prevent an accidental environmental catastrophe in the event of a problem. The gentleman from Massachusetts [Mr. MARKEY] called the support for this by Presidents Reagan, Bush, and Clinton, as a trifecta.

On this day, Mr. Chairman, of the baseball All Star game, I would use a slightly different metaphor. As six Cleveland Indians represent murderers' row in the American League this year in the All Star team, I would say that our murderers' row of Presidents Reagan, Bush, and Clinton, the National Taxpayers Union, Friends of the Earth, and Citizens Against Government Waste underscores the public opposition to this huge hunk of pork.

Mr. Chairman, I urge House support of the amendment.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment, and in support of the subcommittee. This is a project that this subcommittee is familiar with. We have supported it over the years. We hear all these things about the National Academy of Sciences, criticizing this technology and actually the last word on the GT-MHR from NAS was a letter to Senator BRADLEY dated December 10, 1993. The National Academy of Sciences' committee chairman notes and points out, "The National Academy committee did not examine and therefore could not evaluate the gas turbine reactor."

Then we hear about the Department of Energy's opposition to this project. The Department of Energy—we consider them the experts and we listen to them. Unfortunately, many times we have regretted listening to them. We have the Clinch River breeder reactor, which is a hole in the ground in Tennessee, because we followed DOE's advice. They said this is a great project. We put $1 billion in it, or so, and then DOE decided they had something else better and the project was terminated.

Then they start the gas concentrifuge plant, and the same thing happened. Then the mirror fusion, and again, the same thing. They get us to start these projects and then they come in and tell us they found something better. We just keep going.

Therefore, do not get carried away with what the Department of Energy says. I think there is more reliable information from people who actually deal with nuclear power and who so enthusiastically support this source of energy—the public utilities who use nuclear power.

Here is a letter from a friend of mine from the State of Alabama who has been involved with nuclear power ever since it came into being. He served as president of Southern Company Nuclear that handles all of Southern Companies' nuclear powerplants in Georgia, Alabama, and northern Florida. He says,

> One of the most promising technologies for the future is the gas turbine engineering reactor program, which has been supported by the nuclear industry and by the Congress for a number of years. It is an extremely safe and efficient technology . . . and it creates less waste for disposition. With a program such as this, if it was terminated, it would be extremely difficult if not impossible to renew our investment. Valuable technology would be lost if we discontinue it.

Duke Power Co. Chairman Emeritus, another person who knows what they are talking about, who deals with these matters every day says, "The cost of the gas turbine is very small when compared to its potential benefits. The gas turbine is a dramatically different helium reactor from that considered by the National Academy of Science." He states that; "The gas reactor represents a breakthrough potential for nuclear power."

These are people that deal with nuclear power and are sold on this project. So, I urge my colleagues to vote against this amendment and support the subcommittee's recommendation. This project has a future. It is long-range research. We are not talking about a large amount of money, as the former chairman of the Committee on Science and present ranking member, Mr. BROWN of California, has pointed out.

Japan and other countries are quick in pursuit of this project. They are putting money into it. They are working on it. They are very supportive of it. We support this research and urge Members to support the subcommittee and the full Committee on Appropriations of the House by voting against this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the King-Foley-Luther-Obey

amendment to cut $20 million to terminate the gas turbine modular helium reactor, the gas-cooled reactor. The fact is that before I came to the Congress of the United States I spent over 10 years building up an energy company. That energy company worked in oil, in gas, electricity. It worked in a range of renewable energies, from solar energy to conservation energy.

We ought to have a very simple energy policy in this country which is, "Cheaper is better." If we followed that rule, we would be pumping not billions of dollars into this ridiculous technology, but we would be putting money into energy conservation. We would recognize that we could dramatically reduce the amount of administering that this country needs. We could dramatically reduce our balance of trade problems with all the countries around the world, where we have such tremendous difficulties these days. We could increase our own independence if we had a simple policy, if we got away from the kind of corporate welfare that this is the best single example of that exists in the budget of the United States.

Why should we be writing a taxpayer check to the richest industry in this country? The fact of the matter is that what we need is the kind of wheeling capabilities that allow us to trade energy among different utilities all across America that in and of itself will bring down our cost of electricity and increase our capability dramatically. Those are the kinds of areas that we ought to be concentrating in.

Mr. Chairman, if we want to create greater energy independence, put money into basic research. However, this notion of applied research funded by taxpayers is absolutely outrageous. It does nothing to help out our country. All it does is line the pockets of a specific industry.

If we look at the actual technologies that are going into this particular thing, we have a proven failure. Colorado's Fort St. Vrain reactor, the world's only commercial version of this technology, has had one of the worst operating records of any nuclear facility and has consistently operated at a very low capacity. Both the National Academy of Sciences and the Electric Power Research Institute have concluded that the reactor is not commercially viable.

Therefore, why do we pick this particular technology to pump $1 billion into? Nobody can give us a reason. I know it has to be located in somebody's congressional district, but that is no reason to override the authorizing committee. That is no reason to override the best judgment of three Presidents, no reason to do anything other than finally kill this program, put the funds that are necessary into where this country can gain its efficiencies, can gain its independence, can do things that will help out ordinary citizens in their electrical utility needs.

There are a great many areas where we should be putting our money into research. Just because we are opposed to this kind of boondoggle does not mean that we should oppose the basic research budgets of this country. Our country needs vital investments in basic research, so we can have that kind of independence that America has always striven for. This is not basic research, Mr. Chairman. This is money to line the pockets of particular utilities that have already made this investment, and now want the taxpayer to bail them out. Let us not bail out the utility industry, let us bail out the American taxpayer and support the Obey-Foley amendment.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

First off, Mr. Chairman, I would ask the gentleman, are his children and grandchildren going to have power, the electric energy we are using now to cool this building? The light water reactor has been the workhorse for the past 40 years for the Department of Energy, the only reactor we have. What is going to be the power source for our children and grandchildren? This is what we are looking to now. Sure, it is looking down the road a ways, but do we want safe, available power? Then this gas-cooled, yes, helium-cooled, but it is a gas turbine, an entirely different reactor than most of the Members have been describing here today.

First off, Mr. Chairman, I would say to the gentleman from Florida [Mr. FOLEY] and the gentleman from Massachusetts [Mr. KENNEDY], who mentioned the utilities putting their money up. There is more than $800 million spent by the utility companies, the utility consortium, they have put in $800 million of their own money so far, and they are still supporting it, as has been expressed here. It was said it cost over $2 billion, $2.6 billion, to continue the research. That would be a new power reactor which would be the reactor to destroy high level fuel. That has nothing to do with that, it would be entirely owned by government, entirely paid for by government. It is a different reactor entirely.

It has been estimated to us that this gas turbine modular helium reactor can be completed, all the research, all the development, and the certification can be completed for about $2 billion. The question here is, Mr. Chairman, are we going to have a new reactor or are we going to continue with the old workhorse, the light water reactor.

It has been stated here about the National Academy of Sciences. A letter by the chairman of the national committee says, "The National Academy Committee did not examine and therefore could not evaluate the gas turbine reactor," only the old reactor, which was the high temperature gas reactor.

The one test they did in 1992, they only tested HTGR, which is an earlier version, not the modern one we are discussing here now. In 1994 the discussion there was about using HTGR to destroy plutonium. Again, it was decided it was not the efficient way, because the gas reactor could be used. However, if you were interested in destroying plutonium, as has been earlier said, this gas turbine can destroy 95 percent of plutonium, compared to about 50 percent with the light water reactor.

This is a reactor that can be used. It is of utility interest. That has been already discussed here. There has been one letter that no one has discussed. Many will remember Eddy Teller, Dr. Teller. He just sent us a letter, and I will just quote a couple of things, and he was kind of the father and knows more about nuclear industry and nuclear research than anybody else that I know of in the country:

> Of all the nuclear technologies, the GT-MHR is a promising and essential step to the ultimate reactors which will some day be deep under ground and have no moving parts . . . . The research and development of the gas turbine reactor is promising and I strongly recommend the continuation of its funding by the House.

In closing, it has been discussed about Fort St. Vrain in Colorado. Yes, it operated I think for 17 years, but here again, it is like comparing a Model T to the modern vehicles we have today. It was the first generation. It did have some problems. However, the problem was not with the reactor itself, the problem was in the cooling system. They could not keep the bearings and all of the cooling system working. It had a very low availability.

However, at the same time, Peach Bottom I, which was a gas reactor, had an 85-percent availability. Therefore, Members only looked at one, did they not, Fort St. Vrain in Colorado? The Public Service Company of Colorado sent us a letter saying it would be a serious mistake for the Department of Energy to turn its back on this superior technology. Mr. Chairman, it is easy to cut the money out, but if Members want to have a new source of reactor that is reliable, safe, then we have to start looking for the 21st century, and this is the reactor we should look to.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. KLUG. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KLUG. Mr. Chairman, I just want to make two points. The National Academy of Sciences in a report from this year says the basic HMHTGR design has been available for many years and has not been commercially successful. Let me reiterate the point

made by the gentleman from Wisconsin [Mr. OBEY], the gentleman from Minnesota [Mr. LUTHER], and the gentleman from Florida [Mr. FOLEY]. If money talks, then in this case the utility industry has fundamentally walked.

□ 1800

Nothing in this amendment prevents any private utility company in the United States from going ahead with this design. It simply says, after $900 million, $2 billion more to finish the project, we have had enough of it.

It used to be called the MHTGR. It is now called the GTMHR, which is an interesting anagram. But, Mr. Chairman, I suggest that any way you spell it, it ultimately is a waste of billions of dollars and fundamentally it is a radioactive boondoggle and I urge a "yes" on the amendment.

Mr. ROEMER. Mr. Chairman, world electricity demands are expected to triple in the next century—we will need nuclear power to meet this need. We need technologies that reduce our dependence on foreign energy sources—we now consume $1 billion in foreign oil imports each week.

The Gas Turbine-Modular Helium Reactor produces only two-thirds of the high-level waste and one-third of the heavy metal waste as current reactors. Contrary to opponents' claims, the National Academy of Sciences has never evaluated this project. The 1988 study opponents of this project are waving around was for a completely different design of gas-cooled reactor.

The direct-drive turbine system of this reactor make it far more efficient than traditional steam-driven reactors. The GT–MHR could be meltdown-proof modular technology, creating a safe as well as efficient reactor technology. And contrary to opponents' assertions, the project enjoys wide support from the utility industry.

The GT–MHR will also create economical production of hydrogen, and can destroy over 90 percent of surplus weapons-grade plutonium by using it as fuel to provide electrical energy. Development of new and advanced energy sources requires government support. Continued government support of this technology will create the technical base needed for industry to assume complete development.

Mr. Chairman, this is an important technological investment, and I urge my colleagues to oppose this amendment which would end the GT–MHR program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 306, noes 121, not voting 7, as follows:

[Roll No. 485]

AYES—306

Allard
Andrews
Bachus
Baesler
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Camp
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Crane
Cremeans
Cubin
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fields (LA)
Fields (TX)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hancock
Hastings (FL)
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hutchinson
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCrery
McDermott
McHale
McHugh
McInnis
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Moran
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roberts
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Thompson
Thurman
Tiahrt
Torkildsen
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Williams
Wilson
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—121

Abercrombie
Ackerman
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Boucher
Brown (CA)
Bunn
Burton
Buyer
Callahan
Calvert
Canady
Chenoweth
Clement
Clinger
Coleman
Cox
Cramer
Crapo
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Doolittle
Dreier
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Filner
Flanagan
Gallegly
Gekas
Gilchrest
Gonzalez
Goodling
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Houghton
Hunter
Hyde
Inglis
Jefferson
Johnson, E.B.
Johnson, Sam
Kim
Knollenberg
Lazio
Lightfoot
Livingston
Lucas
Matsui
McCollum
McDade
McIntosh
McKeon
Mica
Mineta
Mollohan
Montgomery
Moorhead
Murtha
Myers
Oxley
Packard
Parker
Pastor
Peterson (FL)
Pickett
Pombo
Quillen
Regula
Riggs
Roemer
Rogers
Rohrabacher
Rose
Schaefer
Skeen
Skelton
Smith (TX)
Solomon
Spence
Spratt
Stearns
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Torricelli
Traficant
Vucanovich
Walker
Walsh
Weller
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Cardin
Frost
McKinney
Moakley
Reynolds
Stark
Yates

□ 1849

Mrs. CHENOWETH, Mr. WELLER, and Mr. BUNN of Oregon changed their vote from "aye" to "no."

Messrs. HANCOCK, SAXTON, BROWDER, and HERGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment, amendment No. 23.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 16, line 1, insert "(less $18,000,000)", before "to remain".

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I wonder if the gentleman from Wisconsin [Mr. OBEY] would consider limiting the time on his amendment

equally divided between yourself and myself, say, at 20 past 7 for this amendment?

Mr. OBEY. Half an hour, with three speakers on each side?

Mr. MYERS of Indiana. I would like to equally divide a half hour, but make the time certain and equally divided, yes.

Mr. OBEY. Surely. I have no objection.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent for such a request.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The Chair understands that the amendment and all amendments thereto will be debated for 30 minutes, divided evenly between both sides. The gentleman from Wisconsin is recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the House for their support on the last vote, and I would ask that they continue that support for the next two amendments.

This amendment simply cuts $18 million from the nuclear technology research and development program.

Mr. Chairman, last year the Congress voted decisively to kill the advanced liquid metal reactor program. It was judged to be too costly at $3.3 billion, and the technology too questionable to continue.

The Department of Energy, which has never been able to end a program on its own, sought and received approval from the subcommittee to reprogram $21 million to terminate this program. After receiving approval for this reprogramming, the department reneged on its commitment, terminated only a few people with buyouts, and sought $37 million more in fiscal 1996 to continue to pay the people affected while searching for a new mission for them.

One part of DOE claimed the concept of nuclear fuel reprocessing technology may be a potential treatment for DOE spent fuel, but internal documents from another entity of DOE show that there is no consensus within the department on the use of this technology and, in fact, DOE's waste managers have developed plans for spent fuel which do not involve reprocessing.

In fact, their preference is to obtain approval to haul spent fuel in canisters and dispose of it directly in a repository.

Opponents of my amendment are sending around a Dear Colleague saying that this program will actually save taxpayers' dollars. But, in fact, the National Academy of Science's report yesterday, on page 412, states that the pyro processing approach would require substantial additional engineering development and construction of major new facilities, and I am quoting now,

> including what would amount to a sizable liquid metal reactor fuel reprocessing plant to provide feed material, and it would produce a waste form that has not been characterized at all for long-term deposition, and it would probably be unsuitable for emplacement in Yucca Mountain. All of this is, it strikes our panel.

They went on to say,

> As a prescription for long delays and big investments in pursuit of a program for which satisfactory approaches are much closer at hand.

It would, therefore appear that the jury is still out, at minimum, on the position of the National Academy of Sciences on the issue of electro refining of spent nuclear fuel. It would also appear that the agenda of those who advocate this funding is to keep alive the possibility of reviving the advanced liquid metal reactor program or a hybrid of it.

What is really going on here is that the Department of Energy is seeking funds to keep Argonne National Labs in Idaho and Chicago going until somebody figures out a new mission for them.

The Department of Energy was singled out for elimination in the House budget, but the inability of this committee to recommend the termination of this tiny program, I think, is a perfect illustration of the difficulty that people seem to have in going from the general to the specific, when it comes to budget cutting.

How on Earth are we to take seriously all of the rhetoric about the necessity to abolish the Energy Department, if you cannot even abolish this tiny little program which most unbiased people recognize is a waste of money and a turkey?

Now, what made matters worse is that the committee added $8 million to the original subcommittee mark at the time we met in full committee at the request of the distinguished gentleman from Illinois [Mr. FAWELL].

Now, I have great respect for the gentleman, and I have great respect for the people whom he is trying to defend. But I can recall many an occasion when he has come to this floor saying we should be knocking out congressional pork in other peoples' districts. Well, this is, to me, an example of congressional pork which has no justification. It is an agency and a program in search of a mission. We ought to save this money.

Mr. Chairman, I reserve the balance of my time.

□ 1900

Mr. MYERS of Indiana. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, it is too bad the time is a bit short, but, Mr. Chairman, I certainly rise in opposition to the Obey amendment. This amendment would zero out an appropriation of $18 million for what I believe is an extremely important ongoing environmental nuclear waste reduction research program being conducted by the Department of Energy in Illinois and Idaho. This environmental nuclear waste treatment program was funded at $25.7 million in fiscal year 1995, the current year. The administration and the Department of Energy requested funding this year at approximately $36 million. The House Committee on Science and the Subcommittee on Energy and Environment of that committee have both authorized funding for that amount in fiscal year 1996, so there is no question about authorization here. The House energy water appropriation bill wrestled with this. They have a long background and knowledge obviously of what they are talking about, and they cut the appropriation down to $18 million from the $36 million that had been authorized, a 50-percent reduction so that there has been some cutting that has taken place.

Now the Obey amendment would zero out this nuclear waste reduction program altogether, and apparently, and I want to stress this point on the mistaken conclusion that it represents continued funding for the Department of Energy's advanced liquid metal reactor IFR program, which was terminated by Congress last year, I think mistakenly, at a cost of something like $330 million over 4 years; but this is not the ALMRIFR program, an advanced nuclear research program aimed at developing a new and safe nuclear reactor which recycled and consumed its own nuclear waste, which I felt was good, but that is gone. It is terminated; it is in the process of termination at a cost, as I said, of $330 million.

Now the environmental nuclear waste treatment program here, which is the subject of this amendment, involves research on an electrometallurgical process that is aimed at decreasing the toxicity and the volume of over 2,700 metric tons of more than 150 different types of nuclear waste stored at the various DOE sites around this Nation in Idaho, Washington, Tennessee, South Carolina, and other places. In fact, Congress last year specifically reaffirmed the importance of this nuclear waste research program precisely because of its applications to help solve current problems with the storage and treatment of nuclear waste. I want to reemphasize it has got nothing to do with the program that was terminated last year.

Is this research supported by the sciences? Yes. The National Academy of Sciences does support continued funding of this research saying that it represents, and I quote, promising

technology for treating a variety of Department of Energy spent fuels, end of quote. Indeed further funding of this research is predicated on the continued approval of the National Academy of Sciences, and I have the most recent report from the National Academy of Sciences, which came this day, which deals with the electrometallurgical process that we are talking about here in regard to the treatment of spent fuels, and their quotes, and I set this forth as a quote: "Notwithstanding the above," and they went over disadvantages and concerns, "it is desirable that this process technology based at Argonne National Laboratory be kept viable as a problem-solving research program." This is specifically in regard to the electrometallurgical process, and I believe that the gentleman from Wisconsin was talking about a National Academy's report of yesterday.

The safe disposal of more than 2,700 metric tons of nuclear waste is a dire responsibility of the Federal Government. It will not go away. We are not doing anything about being able to store this properly, and now we have reticence, I gather by some, to do something about the problem of treatment. We need places in which to store spent nuclear waste, and we need the technology to electrometallurgically treat these wastes in order to lessen their volumes and toxicity as well as to assure their safe disposal.

Now I want to emphasize this:

The committees of jurisdiction, both authorizing and appropriations, the administration, the Department of Energy, the National Academy of Sciences all have recommended continued funding of this research, and I believe it is good science. I certainly urge my colleagues to vote no on the Obey amendment.

Mr. OBEY. Mr. Chairman I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, just so everyone can understand what it is that we are debating out here on the floor, this is basically a baby breeder reactor. The name has been changed to protect the guilty, but it is just the next generation of the breeder reactor, that whole debate we had about the Clinch River Breeder Reactor and all of that. I say to my colleagues, "If you remember, this miracle technology is going to produce electricity too cheap to meter, and it is also going to solve our reprocessing problem, if such existed."

The problem with it was that it created two problems. One, it, in fact, cost more than anyone had ever imagined that it could cost to generate electricity; and, second, it blew a hole right through our nonproliferation policy because, as we began the process of constructing a technology to reprocess plutonium, we were sending a signal to North Korea, and Iran, and Iraq, and Libya, and every other country around the world that was contemplating the use of this technology to extract nuclear-weapons-grade fuel and telling them, "Don't listen to what we say. Don't in any was believe that we are sermonizing on the subject. Just look at this huge amount of money that we are willing to spend on the same technology that we are telling you that you should not in fact invest in."

So the $18 million which the gentleman from Wisconsin seeks to cut out of this budget goes right to the heart of this debate. One, we should not be subsidizing once again private-sector technology which is supposed to ultimately reuse this spent fuel for other purposes. That would be wrong. Eighteen million dollars for the nuclear utility industry would be about $100,000 in electric utility per year. If they think it is such a wonderful technology for a hundred thousand bucks apiece, the wealthiest industry in America should be able to finance it.

But second, we all have to ask whether or not our 20-year-old policy of turning our back to this reprocessing technology which blows a hole into our nonproliferation regime is something we want to destroy. Now they can use this new term of pyral processing, but, if we are pyromaniacs here, we are basically going to burn up 18 million bucks and burn up our nonproliferation policy simultaneously out here on the floor this evening. The vote, the correct vote, is to insure that the private sector funds this if in fact it is deemed to be worthy as a generator of a new era of nuclear powerplant fuel, and second, we should understand that the $18 million we spend absolutely makes us look like hypocrites on the world stage, and we try to convince North Korea and others that the nonproliferation regime of the United States has any credibility.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. It is 18 million this year. How much next year, the following year, and the following year?

Mr. MARKEY. It is a pile as high as the Moon because ultimately this technology will never produce any final product which was an unfortunate experience which we had with the Clinch River Breeder Reactor. It never resulted in a final product.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Illinois.

Mr. FAWELL. I simply want to point out the gentleman said this is private-sector technology. We are talking about spent nuclear fuel that the public owns and creates. This is Department of Energy spent nuclear fuel which is spread all over this Nation at public sites. The private entities have nothing to do with this metallurgical processing of waste products. It has got nothing to do with any physical reactors.

I say to the gentleman, you have got all your information wrong.

Mr. MARKEY. Reclaiming my time, I do not have my information wrong. In fact, as the gentleman knows, the DOE has not even decided whether or not they want to use this technology at all. The gentleman is substituting his own scientific judgment for that of the Department of Energy.

Moreover, we are not even talking about the reprocessing of the spent fuel from the 40 years of the cold war. So what is at the heart, as the gentleman knows, is the plan to reuse this fuel in a civilian context. It is a source of fuel that could be used. The Clinch River Breeder Reactor was originally intended for that purpose. This technology ultimately has the same purpose. It is nothing more than a second generation of that same objective.

So, the DOE says that it will, in fact, cost $85 billion if we do reprocessing for spent fuel from civilian reactors. Eighty-five billion dollars is the number of the Department of Energy. There is no way we are going to spend that kind of money. This is a civilian pork barrel project that blows a hole through our nonproliferation policy.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS], who was a practicing scientist. A lot of us have been quoting scientific facts here today from what we have read, but our colleague is one of the few scientists we have in Congress.

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Chairman, in the middle of the desert and underneath a mountain in the western United States we were building or trying to build a repository for nuclear waste. It is commonly known as Yucca Mountain. We have already collected billions and billions of dollars from the consumers in this country, consumers of electric power, in order to pay for that waste storage facility and the problems that arise from it in the future. And we are talking about billions and billions of dollars for that purpose alone.

The question is can we perhaps improve the operation of that facility, can we perhaps save some money by not simply dumping things in there, but rather processing them first, categorizing the waste, putting the short-lived waste in one type of container, putting the long-lived waste in another type of container?

One of the advantages of the project that is before us is that it is an attempt to separate waste into the high-activity, long-life waste and the high-activity, short-life waste, and, if we

can do that, I would expect that to result, result in a substantial savings to the American taxpayers who are currently paying for the Yucca Mountain facility.

Getting rid of nuclear waste is a very complex business. If it were easy, it would have been done long ago, and I hope that in fact we do manage to resolve this problem and deal with nuclear wastes in a safe, sane, and less costly fashion in the future.

I do not claim to be an expert on the technology that is under discussion here in this particular amendment, but I will certainly say this is not a nuclear reactor, and certainly it does not deal with purely the private sector's waste. In fact, it is aimed primarily at the nuclear wastes that are produced by the Federal Government and its facilities at Hanford and elsewhere.

I think we ought to continue this. I agree with the report. That is we have a pre-publication copy of the report from the National Research Council. You have heard the Congressman from Illinois read a section from that a few moments ago.

□ 1915

They recommend that even though there are substantial concerns at this point, it is desirable to continue working on this process and keep it viable until we determine whether or not it in fact will assist us in disposing of our nuclear wastes at a lower cost.

I agree with that conclusion. I believe we should continue this project. We should try to determine whether or not it will work, because if it does work, the payoff is large.

The report goes on to say if this does not prove out, we should not hesitate to terminate it. I am sure if this does not prove to be a valid technology, the maker of the motion and those speaking in favor of the motion will be back next year or the year after, waving this language at us and saying "See, it did not work. Let's cut it out."

My response is if in fact that does happen and the National Research Council agrees with the conclusion it does not work, all of us should vote to cut it out. But at this point it looks like a promising, useful approach to dealing with nuclear waste, and I urge defeat of the amendment and continuation of the project until we determine precisely whether or not it will or will not work.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would simply like to make four points once again. After the Congress voted to end the advanced liquid metal reactor program, the agency asked Congress for money to terminate that program and to begin to lay off people at the labs associated with that program.

After they got permission from the Congress to do it, the agency then decided they wanted to change their mind. They asked for $37 million to continue employing 900 people at these labs who were going to be doing work on that project. They asked to continue to employ them rather than to terminate them. Yet they do not have any new mission. That seems to me to be a very big waste of money.

Second, DOE claims that reprocessing technology might be a treatment that can be used for disposing of spent fuel. But the fact is that internal documents in that very same agency show that there is no consensus within that agency on the subject, and they show that in fact their planners are proceeding ahead under the assumption that their plans for dealing with spent fuel will not involve reprocessing.

Third, I will read once again from the report of the National Academy of Sciences released just yesterday entitled "Plutonium Disposition Reactor Related Options," page 412. It says, "The pyro processing approach would require substantial additional engineering development and construction of major new facilities, and it would produce a waste form that has not been characterized at all for long-term disposition, and it would probably be unsuitable for emplacement in Yucca Mountain," which has just been mentioned.

They go on to say, "All of this strikes our panel as a prescription for long delays and big investments in pursuit of a problem for which satisfactory approaches are much closer at hand."

In plain English, it seems to me that says Don't waste the money.

Now, the last point I would simply make is that if you voted for the budget resolution which called for the abolition of the Energy Department, then you have no logical choice, it seems to me, but to vote to end this program. Why on Earth should the country believe that you are serious about abolishing the Department of Energy if you cannot even vote to abolish a program which the Energy Department itself decided they had to close down and asked permission from the Congress in fact to do so? So if you voted for the budget resolution, which called for the abolition of that department, then how on Earth can you not follow through by voting to abolish some of the tiny programs which that department runs, programs which obviously right now are just spinning their wheels, spending money in search of a mission?

Mr. Chairman, I urge Members to defend the taxpayer rather than a piece of pork. I urge Members to vote for this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, let us be blunt and call a spade a spade. There are two kinds of people supporting this amendment. One is what I call the "Screaming Greenies," the Green Peace group that goes out there and has been trying to sink the nuclear power industry in this country for years. Thank God they did not.

Then you have the other kind that are kind of political and they want to go after the gentleman from Illinois [Mr. FAWELL] because he is a noted pork buster.

Mr. Chairman, there is nothing in this amendment dealing with pork whatsoever. There is nothing in here that this gentleman put in this bill. It has been there. This is an ongoing program.

If you want to cut something, here is $900 billion in cuts, which I have given to every appropriator in this House and every Member of Congress. You can take it page by page, and you can cut, cut, cut, cut, cut. We want to see these amendments offered on the floor. They are real cutting amendments. It is how we can really balance the budget and bring back some fiscal responsibility to this body.

Please, I ask all Republicans, vote "no" on this, and you fiscally responsible Democrats, you do the same thing. Let us defeat this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, once again I stand in strong opposition to the efforts to eliminate some of the critical nuclear research that is necessary for our country's nuclear energy programs. We fought these kinds of battles repeatedly, but I think it is important that we recognize, as we did in previous years, that the National Academy of Sciences has recognized this technology as critical, and the reports that have been talked about today do not correctly reflect the information that has come out of the National Research Council and their testing.

In fact, as the gentleman from Illinois has already indicated, today's report states that notwithstanding the above information in the report, it is desirable that the process technology here that we are talking about based at national laboratories be kept viable as a problem solving resource. We must recognize that, according to the DOE, this research can significantly reduce the amount of high level waste in spent nuclear fuel. This offers us the potential key for the safe treatment of our spent nuclear fuel.

Funding fur nuclear technology research and development was requested by the Clinton administration and the Department of Energy and authorized by the House Committee on Science. At these amounts, we are already seeing significant reductions for budget balancing purposes. Now we must follow the strong science in this country and support continuing nuclear research.

We have a problem in this country in dealing with spent nuclear fuel and nuclear waste. We have a scientific opportunity to find the solution, to unlock the problems and to get past the roadblocks that are facing us in the handling of our spent nuclear fuel, its storage and treatment.

This technology is critical. The scientists in the country say it is needed, the Clinton administration says it is needed, the Department of Energy says that it is needed, the authorizing committee says that it is needed. It is time that we stop undercutting the nuclear research in this country and move forward to the kinds of solutions that are critical to the handling of these issues.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is awfully important to understand that in this case there is no National Taxpayers' Union opposition to what we are doing here. There is no Citizens Against Government Waste opposition to what we are doing here. This has been authorized by the authorizing subcommittee, by the House Committee on Science itself, and then when it came over to the appropriators they did their job in cutting. I felt they cut too much, because it went down to $18 million.

So the job has been done. It has gone through the process. You have a National Academy of Sciences report that deals with electrometallurgical processing, and the gentleman from Wisconsin is talking about one that deals with plutonium disposition options. We are not talking about plutonium disposition options. We are talking about a metallurgical process on spent fuel that the public, that the DOE, has created.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the argument during the last amendment that successfully reduced by $20 million research for a reactor for the next century was the fact that, first, the President had not requested it, second, that the Department of Energy did not favor it and, third, it was not authorized.

This program meets all three of those criteria. The President requested $37.3 million, it is authorized, and DOE has strongly supported the program. So if you are going to be consistent, the 300 of you voted a while ago to cut funds for those reasons or some other reasons, now you have no other choice but to vote for this because it meets the three criteria you spelled out during the last amendment.

Mr. Chairman, one of our greatest threats today is nuclear waste. This is an attempt to, and hopefully it will, find a solution to the problem. I ask for a strong vote of no on their amendment.

Mr. MINETA. Mr. Chairman, I rise today in support of the Advanced Light Water Reactor program, and in opposition to the amendment by my friend, Mr. OBEY.

Mr. Chairman, countries around the world recognize the important role nuclear power must play in the production of clean, safe, economical, and abundant electricity. These countries continue to look to America for leadership in nuclear power technology, but increasingly we are falling short of the challenge.

While the market for nuclear reactors is stagnant in this country, there is increasing demand in Asia and elsewhere. Global markets for United States industry are rapidly opening up in countries such as Japan, Taiwan, Korea, and Indonesia. The nuclear power plant market potential in the Pacific Rim nations during the next 15 years is estimated to be over $175 billion. This represents thousands of U.S. jobs.

Mr. Chairman, if we refuse to continue the Advanced Light Water Reactor program we will be shooting ourselves in the foot. We will be relinquishing the fertile world market to our competitors. And we will cease to be a major contributor to the world's need for clean, safe, and low cost electricity.

The $40 million in this legislation for the Advanced Light Water Reactor is very important to our domestic nuclear reactor producers. It will allow them to proceed with design certification and standardization activities—the next steps toward commercialization of these reactors.

The Advanced Light Water Reactor program is a relatively small investment that will pay great dividends. I urge my colleagues to vote against the Obey amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 266, not voting 13, as follows:

[Roll No. 486]

AYES—155

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Berman
Bishop
Blute
Bonior
Borski
Browder
Brown (FL)
Brown (OH)
Chabot
Chapman
Christensen
Clayton
Clyburn
Collins (GA)
Collins (MI)
Condit
Conyers
Danner
DeFazio
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Engel
Eshoo
Farr
Fattah
Fields (LA)
Foglietta
Furse
Ganske
Gephardt
Geren
Gonzalez
Goodling
Gordon
Green
Hall (OH)
Hamilton
Harman
Hefley
Hefner
Hilleary
Hinchey
Hobson
Holden
Hostettler
Jacobs
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klug
LaFalce
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Moran
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Orton
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pomeroy
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Rose
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Thompson
Torkildsen
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Zimmer

NOES—266

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Chrysler
Clay
Clinger
Coble
Coburn
Coleman
Collins (IL)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilliard
Hoekstra
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Owens
Packard
Pallone

| | | |
|---|---|---|
| Parker | Schaefer | Thornberry |
| Pastor | Schiff | Thornton |
| Paxon | Seastrand | Thurman |
| Payne (VA) | Shadegg | Tiahrt |
| Peterson (FL) | Shaw | Torricelli |
| Pickett | Shuster | Traficant |
| Pombo | Sisisky | Upton |
| Porter | Skaggs | Vucanovich |
| Portman | Skeen | Waldholtz |
| Poshard | Smith (MI) | Walker |
| Pryce | Smith (NJ) | Walsh |
| Quillen | Smith (TX) | Wamp |
| Quinn | Smith (WA) | Watts (OK) |
| Radanovich | Solomon | Weldon (FL) |
| Regula | Souder | Weldon (PA) |
| Richardson | Spence | Weller |
| Riggs | Stearns | White |
| Roberts | Stockman | Whitfield |
| Rogers | Stump | Wicker |
| Rohrabacher | Talent | Wilson |
| Ros-Lehtinen | Tate | Wise |
| Royce | Tauzin | Wolf |
| Rush | Taylor (MS) | Young (AK) |
| Salmon | Taylor (NC) | Young (FL) |
| Saxton | Tejeda | Zeliff |
| Scarborough | Thomas | |

NOT VOTING—13

| | | |
|---|---|---|
| Boehner | Jefferson | Reynolds |
| Brown (CA) | Longley | Stark |
| Cardin | McKinney | Yates |
| Clement | Moakley | |
| Frost | Oxley | |

□ 1947

The Clerk announced the following pair:

On this vote:

Ms. McKinney for, with Mr. Yates against.

Messrs. EVANS, PETERSON of Florida, DE LA GARZA, and ENSIGN changed their vote from "aye" to "no."

Mr. MFUME changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding there has been a discussion and an agreement from the minority that this last vote will be the last vote for the evening, but we will have some colloquies with Members who have some expression here of the intent of legislation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would tell the gentleman, I certainly hope so.

Mr. MYERS of Indiana. Is that my understanding of the agreement we have?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, that certainly would be my hope and expectation. We are being asked to go into a markup at this point at 8 p.m., and it seems to me if we are going to have an appropriation subcommittee markup we should not have to be in two places at the same time, so I see no reason for us to continue the session this evening.

Mr. MYERS of Indiana. Mr. Chairman, we will have the colloquies and the Committee will rise. There will be no more votes this evening, if it can be avoided.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. 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. SKAGGS: On page 19, line 7, strike "$5,265,478,000" and in lieu thereof insert "$5,411,478,000".

Mr. MYERS of Indiana. Mr. Chairman, on this amendment I reserve a point of order.

Mr. SKAGGS. Let me just reassure my colleagues, Mr. Chairman, even though we have called this up as an amendment, this will not involve a vote.

Mr. Chairman, I expect that the distinguished gentleman from Indiana [Mr. MYERS] may insist on his point of order. I appreciate the opportunity to have made these arguments on behalf of this issue.

Mr. Chairman, this amendment would add a modest amount, $146 million, in order to partially correct a serious mistake in this bill.

That mistake is a reduction in funding for the Energy Department's environmental management program—the program to clean up the enormous mess at the various nuclear weapons facilities—a reduction of more than $740 million. In making that reduction, the committee's leadership was taking its lead from the authorizing committee, which cut the authorization for these programs in order to increase spending for missile defenses—the "Star Wars" programs—by a like amount.

In this respect, the priorities in the defense authorization bill were exactly wrong. We shouldn't repeat the mistake. We need to clean up our room before we spend our allowance to buy new toys.

Through its environmental management programs, the Energy Department carries out the work of cleaning up the Rocky Flats site in Colorado, and the other facilities where America developed and built the nuclear weapons that enabled us to win the cold war.

The costs of this cleanup are part of the costs of that victory.

They have to be paid. There is nothing speculative about the environmental and safety problems at Rocky Flats, or Savannah River, or the Hanford Reservation, or any of the other sites. While the benefits that might come from spending more than the Defense Department proposes for the Star Wars programs are at best speculative, there is nothing speculative about the health, safety, and environmental benefits from cleaning up Rocky Flats and the other sites. Nor about the serious risks posed to worker and public health and safety unless funding is at least partly restored.

Much has been done already. The Office of Environmental Management has already safeguarded more than 20 metric tons of weapons-usable plutonium; prevented explosives in tanks of high-level wastes; treated more than 4 billion gallons of contaminated water; and removed or stabilized enough contaminated soil to fill trucks stretching from Alabama to Los Angeles. But more—much, much more—remains to be done.

Progress has been made recently in improving the efficiency of the cleanup. For example, the administration expects to save a billion dollars by privatizing some operations, to let market forces push costs down, and by changing contract incentives to reward efficiency and costs savings, reducing work forces, and focusing research and development on the areas of most pressing needs. But these improved efficiencies cannot make up for the excessive cuts that would be made by this bill.

The effects of this bill's underfunding are more severe because they come down on top of reductions self-imposed by DOE and rescissions adopted for fiscal 1995 funds. Last year, we cut these programs by more than $89 million below the fiscal 1994 level, providing $124.7 million less than the administration had said was needed for fiscal 1995. Compared to the nearly $6.58 billion requirement for fiscal 1996 contemplated in its previous budget submission, the Department this year has requested only $6 billion in the actual fiscal 1996 budget submitted this year. That reduction, more than $557 million, reflects an enormous internal effort by the Department to search out and implement savings and efficiencies on its own.

Unless it's amended, this bill would fall another $742.5 million below what DOE says it needs to do the job. That's why I am urging the House to adopt this amendment and to provide more funding than is now in the bill.

Even with this increase, the bill will not provide all that's necessary for this vital work in the next fiscal year. In fact, even with the amendment's increase the bill will fall short of the administration's request by nearly $600 million. But adoption of the amendment will at least partially close the gap, and I urge its adoption.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, what the gentleman speaks he speaks firsthand, because Rocky Flats in his State is one of the worst in the country as far as environmental cleanup. The committee has been well aware of the problem there. We have been trying to clean that up for the last several years. We finally, I think, are making more progress today.

However, the committee has realized that almost a $1 billion increase each

year occurs in the environmental restoration and the clean-up, and it is a very serious problem this committee and the country faces, but we have not had much success that the gentlemen has been addressing here as far as DOE is concerned.

What we have done, without prejudice to the future, we have said, "Look, you have to improve the efficiency and effectiveness of your clean-up," This is what we are trying to do here. We will work very closely with the gentleman to make sure we do get the most bang for our buck.

Mr. SKAGGS. Mr. Chairman, I understand and share the Chairman's interest in promoting greater efficiency in this area, DOE. As the gentleman knows, the department has taken some important steps itself. I hope the chairman would agree with me that while greater efficiency is desirable, that these programs meet an important responsibility and that we need to continue to provide necessary resources.

Mr. MYERS of Indiana. We certainly do.

Mr. SKAGGS. I hope we can work together on this in connection with the 1997 legislation.

Mr. MYERS of Indiana. The committee makes that commitment to all Members.

Mr. SKAGGS. With that in mind, Mr. Chairman, rather than putting the chairman to the point of order, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TORKILDSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my colleague, the gentleman from Indiana [Mr. MYERS], the chair of the Subcommittee on Energy and Water Development of the Committee on Appropriations, in a colloquy regarding H.R. 1905.

Specifically, I rise to inquire about title 3 for the Department of Energy in general science and research activities, subheading for nuclear physics. It is my understanding that the $304.5 million will be appropriated for fiscal year 1996. Of those dollars, I understand that is the intention of the committee to support the university-based accelerators under the nuclear physics account within the funds available.

Furthermore, I understand that it is the intention of the committee to support the Bates Linear Accelerator Center in Middleton, MA, again within the available funds. Is this understanding correct?

Mr. MEYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TORKILDSEN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is correct. The committee continues to support university-based research in high physics, recognizing that much of the research is done by universities. But even maybe more importantly, it supports the development and teaching of scientists for the future, so it really serves two purposes. The committee has been a long supporter and will continue. The gentleman is correct, we are continuing that support.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman, and I want to thank the chairman of the appropriations subcommittee for clarifying this very important point.

Mr. SCHAEFER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do rise for the purpose of entering into a colloquy with the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, as I understand it, H.R. 1905 provides $425 million for the nuclear waste program, which is a reduction from past levels. The committee report on H.R. 1905 states this funding level is insufficient to aggressively pursue site characterization activities at Yucca Mountain, and that the Appropriations Committee will be unable to provide resources to match the project's ambitious funding profile for the coming years.

The committee report also directs DOE to concentrate available resources on the development and implementation of a national interim storage program. I would ask the gentleman if this is correct, if I am reading this right.

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Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. The gentleman is correct. This committee has supported long-term storage. At this time we have continued to support the characterization of the site in Nevada known as Yucca Mountain, while recognizing our contractual responsibility as well as our moral responsibility to accept the nuclear waste that is now at 71 locations with 109 reactors around the country where much of the storage is outside in dry storage. We recognize we have to do something about meeting that obligation we have by accepting that storage of the nuclear fuel, spent fuel, from these reactors. That has to be accomplished by 1998. The only way we can see being able to do that is to focus on interim storage.

Mr. SCHAEFER. Reclaiming my time, I appreciate the gentleman's comments. The committee report also directs DOE to downgrade, suspend or terminate its activities at Yucca Mountain. It is my understanding that the energy and water development appropriations bill does not force DOE to abandon site characterization work at Yucca Mountain and that DOE has testified in hearings before the Energy and Power Subcommittee that the funding level for the nuclear waste disposal program in H.R. 1905 is adequate to both develop a Federal interim storage facility and maintain site characterization activity at Yucca Mountain, although site characterization activity would be slow down.

Is it the gentleman's view that H.R. 1905 would permit continued site characterization at Yucca Mountain, although at a slower pace than in the past?

Mr. MYERS of Indiana. If the gentleman would yield further, the committee has of course worked with your subcommittee very closely on this issue. You have visited this mountain more recently than we have. It is exactly the criteria that we developed in this appropriation that while we are not trying to prejudice any future decision, the aggressive program we have had in the last year especially would have to be slowed own. Site characterization of some type will continue, but we just do not have the dollars to do both the aggressive characterization by the drilling in the mountain that we would have and still find the interim site.

Mr. SCHAEFER. Reclaiming my time, the committee report on H.R. 1905 also states the Department should anticipate enactment of expanded authority to accept waste for interim storage and should refocus the civilian radioactive waste program accordingly. I want to assure the gentleman from Indiana that the Committee on Commerce will soon take up the legislation to direct DOE to develop an interim storage site. I thank the gentleman for engaging in this colloquy.

Mr. MYERS of Indiana. I thank the gentleman for bringing the issue up and look forward to working with him in the future development of a site for our nuclear waste.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I represent the First District of Kentucky, which includes the Land Between the Lakes. LBL is a 170,000-acre national recreation and environmental education area managed by the Tennessee Valley Authority. LBL supports a $400 million regional tourism industry and provides high-quality recreation and environmental opportunities to over 2 million visitors a year.

Mr. Chairman, TVA has been working to create a new public and private partnership to increase the rate of return from LBL. User fees are being collected from the public, and the need for Federal subsidies is expected to decrease as management builds more efficiencies into the LBL system.

As reported by the Committee on Appropriations, the recommended Federal contribution to LBL is $3.1 million, a reduction of $3 million from the budget

request of $6.1 million. Although I appreciate the serious budgetary constraints under which the committee is operating, I fear that this reduced level of funding will frustrate TVA's ability to manage a smooth transition to LBL self-sufficiency.

In the past, TVA has used stewardship account funds to support functions of LBL. To the extent that TVA is able to realize reductions, savings, or efficiencies, I presume the committee will allow TVA the flexibility to allocate available resources so that stewardship funds could be used from LBL if necessary.

I would just like to enter into a colloquy with the chairman and ask him if he agrees with that understanding.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. This is exactly the position the committee took. We have long supported TVA but we realize with the limited resources you spoke of, we just cannot continue all of these. But we would be glad to work with the Tennessee Valley Authority and the Congressmen from that area, both Tennessee and Kentucky, because this is a problem we have to address but that we are not expecting to be addressed and solved overnight. We will be glad to work with the gentleman.

Mr. WHITFIELD. I appreciate the hard work that the committee has done and commend the chairman for trying to balance the needs of the public versus the resources that we are working with. I appreciate your working with TVA and allowing them some flexibility on these funds.

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at the outset, let me express as one member of the Subcommittee on Energy and Water Development of the Committee on Appropriations my appreciation to the gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee, and the gentleman from Alabama [Mr. BEVILL], the ranking member, for their help in including in the fiscal year 1996 Energy and Water appropriations bill $250,000 in funds for the Sonoma County, California Vernal Pools Task Force. These funds which I sought along with my colleague the gentlewoman from California [Ms. WOOLSEY] will enable completion of the second phase of a preservation plan for Vernal Pools which are a very sensitive and fragile form of ecosystem and wetlands.

As the subcommittee chairman knows, the Vernal Pools Task Force was established at my initiative in 1991 before my sabbatical from Congress and its primary goal is simplification of the Army Corps of Engineers permitting process for areas that do not contain high-quality vernal pools. In Public Law 102-580, the 102d Congress directed the Secretary of the Army to provide technical assistance to the task force in drafting a plan for the development and preservation of high-quality seasonal wetlands on the Santa Rosa plain.

The task force has now completed the first phase of developing an application to the Army Corps of Engineers general permit, namely, identifying the areas to be considered potential high-quality sites. Specifically at this point, I would like to express my understanding of actions that the subcommittee encourages the Vernal Pools Task Force to undertake with respect to modifying its operations in a number of areas and then ask the subcommittee chairman if he concurs in those expectations.

First of all, approximately one-half of the current task force consists of representatives of Federal and State agencies. The involvement of the agencies as voting members of the task force has inhibited development of a plan that is community-driven. To rectify this, it may be preferable for Federal and State officials to serve in an advisory manner and not to have a vote on the task force.

Second, the committee understands that a large amount of land under consideration by the task force is agricultural in nature and in use, yet the agricultural community does not have sufficient representation on the task force. We would encourage three additional members be added to represent the agricultural community as determined by the Sonoma County Farm Bureau.

Third, the task force does not currently include a representative from my congressional office representing California's First District. The task force should include one nonvoting representative each from the First and Sixth Congressional District offices.

And finally, we believe that affected property owners should have a mechanism to appeal any task force decision to list their property as high-quality wetlands. Before completion of phase II with the funds appropriated by the subcommittee, all owners of property designated as high-quality wetlands should be notified of the pending designation and the task force should develop an appeals process for affected property owners.

So at this point, Mr. Chairman, I would like to yield to the gentleman from Indiana [Mr. MYERS], the subcommittee chairman, again commend him for his fine work in drafting this complex and important piece of legislation, and ask the gentleman if I am correct that the committee views these actions as appropriate.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman from California [Mr. RIGGS] is correct. Under his strong leadership before, when the gentleman was here the first term, he became a leader in this field and much of what has been accomplished so far is because of the gentleman's endeavor and hard work. He continues to do the same job as a member of this subcommittee. We work closely with the gentleman and continue, as we have in the past, and the gentleman is correct in what we are trying to do .

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his very kind remarks.

Mr. DICKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Indiana [Mr. MYERS]. I first want to compliment the gentleman and his staff for this fine bill, particularly in light of the fiscal situation with which we are faced, and the yeoman's job the gentleman has done today just staying with it and I know we will continue tomorrow.

Of great importance to Arkansas, and many other states in the Southwest United States, is the McClellan-Kerr navigation project on the Arkansas River. Grain, steel, lumber and finished products are shipped and received on this inland navigation system.

The surface level of the Mississippi River is expected to decline to 95 feet above sea level, roughly 15 feet lower than the original design elevation at the confluence of the river and the McClellan-Kerr project. Without corrective action, not even empty tows could go either way on the river. They would be resting on the bottom with no water for navigation.

Delays and unreliable service due to these low water levels will adversely impact industry as far west as Texas and Colorado and as far north as Iowa and Nebraska. As the President of Century Tube Corp. of my hometown of Pine Bluff, AR, Robert Pfautz, indicated in a letter last month,

> We have experienced river closing in the past which lasted several weeks and caused us to take emergency actions to keep our production lines running at significant cost and possible plant shutdowns. If barges are unable to enter into the Arkansas River from the Mississippi, then we are forced to offload steel at ports on the Mississippi and transport the steel by truck to our plant. This process is very expensive.

Shortage of water not only stops traffic on the river, it also causes people to initially choose more reliable and expensive transportation during certain times of the year.

In 1993, the Army Corps of Engineers finalized a study that detailed the necessity of the construction of lock and dam at the confluence of the Mississippi and the entrance to the McClellan-Kerr project. The other alternative was dredging. Dredging, which is a process that digs land from the bottom of the river to ensure that

water levels are maintainable, costs between $6 million and $7 million every year.

I might add that the disposal of the dredged material is an environmental issue. At this time, there are few places we can dispose of this material, as it may risk 2,400 acres of hardwood-wetland wildlife habitat.

The highlights of the important of the Montgomery Point Lock and Dam thus are twofold. By constructing this lock and dam, we can provide industry with a less expensive means of transporting its good in and out of the Midwest and the Southwest United States.

Mr. Chairman, the gentleman from Indiana [Mr. MYERS], in his bill, indicates his recognition that this is a problem and has included $5.4 million to begin land acquisition for the planning and construction of roads and facilities for the Montgomery Point Lock and Dam.

For the past 5 years, Mr. Chairman, as you know, language has been included expressing congressional intent that this project be built. Unfortunately, the Corps, despite Congress' intent to move on this project, has not seen fit to act.

Mr. Chairman, I would ask the gentleman from Indiana [Mr. MEYERS] if it is his intent to direct the Army Corps of Engineers to undertake the activities in fiscal year 1996 as outlined in this bill's accompanying report, thereby enabling Century Tube of Pine Bluff, farmers, and other shippers to use this critical waterway year round.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman from Arkansas [Mr. DICKEY] has very accurately described the conditions on the McClellan-Kerr Waterway and it is a very severe problem and we are well aware of that. We have been trying to tell the Corps that we intend it to be built. We have had some difficulty getting it started, but we will work you and the Corps to make sure that they do fulfill the intent of Congress.

We thank the gentleman for his diligence. Perseverance is not lacking in his character.

Mr. DICKEY. Mr. Chairman, also patience and tolerance is not lacking in the gentleman's qualifications either. Let me ask the gentleman one other question. Does this action that he is directing constitute the start of the construction process?

Mr. MYERS of Indiana. Mr. Chairman, we think it is, yes. We will be working with the Corps to make sure that is carried out, and with the gentleman, I am sure.

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 505. The Secretary of Energy shall transmit a report to the Congress each time the Secretary authorizes the payment of travel expenses of the Secretary or other employees of the Department of Energy in excess of an aggregate of $5,246,200 for fiscal year 1996. Such report shall describe the amount authorized, the purposes for which such funds were originally allocated, and the travel expenses for which they are used.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The amendment as offered by the gentleman from Ohio [Mr. HOKE] goes to title V.

Mr. HOKE. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection the gentleman from Ohio withdraws the amendment.

There was no objection.

Mr. HOKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Indiana in a colloquy. Mr. Chairman, as you know, I recently submitted for the RECORD this amendment which was designed to restore some degree of sanity to the official travel policies at the Department of Energy. I want to take a moment just to discuss the reasoning behind the amendment.

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Some months ago I began an investigation of the Secretary of Energy's proclivity to spend generously on herself and her aides in the course of what has been called or billed as "official travel." Through a preliminary inquiry into the agency's activities, it is apparent that Secretary O'Leary has already transferred in excess of $400,000 from nuclear accounts, including accounts used by scientists and technicians in the department's nuclear safeguards and security programs by pay for this travel.

Although the Secretary claims that her use of official funds is not out of the ordinary, the facts paint an entirely different picture. According to a recent L.A. Times article, the Secretary believes in traveling in business and first class more often than not, and she spent approximately $815 per trip, for a total of nearly $50,000 on her domestic travels alone. That does not include the costs associated with those who are traveling with her, her staff, which has included as many has 10 people, nor does that take into account the Secretary's overseas junkets, which include bank-busting visits to Russia, to Italy and to France.

It is truly shocking and without precedent that the Department of Energy seems to become a travel service for the Secretary of Energy. In fact, she has recently demanded that program offices responsible for safeguarding our Nation's nuclear deterrent cough up additional funds to pay for an August trip to South Africa.

The onset of this travel investigation has coincided with the resignation of the No. 2 official in the dependent and with rumors of other top-level officials leaving the department.

As we can all no doubt recall, the President campaigned in 1992 on a pledge his administration would be free from even the taint of inappropriate activity.

In light of all of these recent developments and because I am mindful of the fact my amendment may constitute legislating on an appropriations bill, I do not intend to offer it later today on part 5. However, I do intend to revisit the issue in the very near future, for that reason, I would like to yield for your thoughts and comments on this important issue.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for bringing up this issue. The committee is well aware of the press coverage and the accusations of extravagant, if not unnecessary, spending on travel.

We have reduced the administrative resources for the Department of Energy this year. They have done their part. We will be watching this very closely. Also, we appreciate you working with the committee. We will be watching it very closely. I assure you of that.

Mr. HOKE. I do appreciate the chairman's offer and expression of support on that.

Mr. MYERS of Indiana. Thank you for drawing our attention to that.

Mr. HOKE. I know the gentleman from Kansas also wanted to add some thoughts on this.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Kansas.

Mr. TIAHRT. I know we have some limited time. We do not have time to talk about how the Secretary averages more on a 3-day trip than the next person in the Cabinet averages on a 5-day trip. We really do not have time to talk about the time when the Secretary went to Boston and spent $337 per night in a hotel when the head of the EPA was just there subsequently and only spent $83 per night. We do not have time to talk about how the Secretary

of the Department of Energy always travels with 7 or more, as an average, aides. We do not have time to talk about upgrading costs when she took a trip from Chicago to London along with members of her staff, and the upgrades alone cost $10,265 to the taxpayer.

What really is kind of bothering me about this is it is being charged not to just this budget but also to the future. We are borrowing this money. We are going to go out and borrow this money.

On July 4, I had a nephew born, Keenan Tiahrt. He was born July 4, 1995, and because of spending like this that goes to the debt, he is going to have to pay $197,000 in taxes just to pay the interest on the debt. So we are charging it to his account and to my children's account and to the next generation's account.

So it is a little bit difficult. We do not want to micromanage this. But I am not sure what we are going to have to do, whether we have to shame the Secretary of the Department of Energy to travel on the same budget the rest of us travel on. Why does she have to be excessive on the taxpayers' dollars?

I wanted to say I understand why you cannot offer this because of the way the rules are written, but I think that we should have some sanity in the way of traveling. I appreciate Chairman MYERS watching the Secretary.

I know that I had an amendment that I was going to offer. I am not going to offer it because he has done a good job of reducing the Administration's budget, forcing the Secretary of Energy to travel differently.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

I just wanted to, before I yield to the gentleman from Ohio, I would just like to say I think Chairman MYERS has done a good job of taking one step forward in seeing we reduce the administrative budget by about approximately 20 percent.

All the corporations across the United States have reduced, and I think it has made them more efficient. If you talk to the corporations, you will find out that by downsizing, they have become more efficient.

So I think this is a good step in the right direction. That is why I am not offering my amendment. I understand the rules, you know, that we cannot micromanage and we cannot put this onto the appropriations bill. I think we are taking the right steps to downsize.

I have a bill that will eliminate the Department of Energy. I think we are in line towards even that goal. So we are taking the right steps as a Congress, and I just want to commend Chairman MYERS.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Ohio.

Mr. HOKE. The fact is we have got a problem at the Department of Energy with travel, and it is not just a small problem, because what it does do is it takes money away from the accounts that safeguard our nuclear energy program, and it is spending it in a way that is very difficult, to say the least, to understand by Members of Congress who are charged with oversight of the Department of Energy.

I will give you one other example of this, because I think it is instructive, because I think it is important that our colleagues know that there is a real problem. It is a genuine problem, and it is a problem that we want the Department of Energy and the Secretary of that department to take seriously and to get under control and to do it now.

As you know, government officials are permitted to claim up to 100 percent of the maximum per diem in special or unusual circumstances. However, Secretary O'Leary has sought reimbursement for expenses in excess of the maximum per diem on 61 of the 71 occasions when she stayed at a hotel in the United States. She appears to believe that the special or unusual circumstances are the rule when she travels.

Now, she has transferred $400,000 from other program accounts to finance this travel. She has just returned from a trip to Paris, Florence, and Baku. She is currently in Russia for the 8th time, and she is soon going to be off to South Africa. It is enough. Enough is enough, Mr. Chairman, and we want this kind of extravagant travel to stop, and we want the money to be stopped being taken from the accounts and wasted on the travel account.

Mr. TIAHRT. Reclaiming my time, I wanted to note, I want you to know this goes beyond just the travel budget. We have instances pointed out by Vice President GORE in his National Performance Review that the Department of Energy, in their environmental management area, has missed 20 percent of their milestones, which means they are behind schedule. They are 40 percent inefficient. It could cost us $70 billion over the next 30 years. I think Vice President GORE's National Performance Review is clear we need to do something about the management practices at the Department of Energy.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope the Secretary was watching C-SPAN in Russia and got the message firsthand.

We are about to finish here the committee's business this day. On behalf of the committee, I want to thank the professional staff here as well as our staff members for the patience and understanding and cooperation today.

Tomorrow will be chapter 2, and we expect to finish by noon tomorrow, noon someplace, anyway, but we have a few more amendments tomorrow, but with the understanding and cooperation, we can finish it. Be here at 10 o'clock sharp, tomorrow morning.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I was listening to the latest discussion by the gentleman from Ohio and the gentleman from Kansas.

Sitting here, it just struck me, if we are really talking about saving money, and I am not taking up with the Secretary of Energy, Secretary O'Leary, the amounts, or urge the amounts that have been set out. I am not taking up for her. But what was interesting for me to hear that we are running up the big deficit by Secretary O'Leary charging hotel rooms and airplane flights and everything else and just, well, an hour ago, everybody had a chance to save $18 million. I do not think Secretary O'Leary has spent $18 million.

Mr. MYERS of Indiana. She is not home yet.

Mr. VOLKMER. She has not spent $18 million. We could have saved $18 million. They did not want to save that.

Mr. MYERS of Indiana. Mr. Chairman, today's business for the committee is finished at this point.

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. BARR) having assumed the chair, Mr. LAHOOD, Chairman pro tempore 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. 1905), making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

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## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–182) on the resolution (H. Res. 185) providing for consideration of the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF ROMANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–93)

The SPEAKER pro tempore (Mr. BARR) 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 Ways and Means and ordered to be printed:

*To the Congress of the United States:*

On May 19, 1995, I determined and reported to the Congress that Romania is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Romania and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of Romania. You will find that the report indicates continued Romanian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1995.*

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## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARR). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

## COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
*Washington, DC, July 10, 1995.*

Hon. NEWT GINGRICH,
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 30, 1995.

The first table in the report compares the current level of budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490) were revised to reflect the changes in committee jurisdiction as specified in the Rules of the House of Representatives adopted on January 4, 1995.

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 21, 1994.

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the International Revenue Service compliance initiative.

Sincerely,

JOHN R. KASICH,
*Chairman.*

### REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218—REFLECTING ACTION COMPLETED AS OF JUNE 30, 1995

[On-budget amounts, in millions of dollars]

| | Fiscal year | |
|---|---|---|
| | 1995 | 1995-1999 |
| Appropriate Level (as set by H. Con. Res. 218): | | |
| Budget authority | 1,238,705 | 6,892,705 |
| Outlays | 1,217,605 | 6,767,805 |
| Revenues | 977,700 | 5,415,200 |
| Current Level: | | |
| Budget authority | 1,233,103 | (1) |
| Outlays | 1,216,173 | (1) |
| Revenues | 978,218 | 5,383,557 |
| Current Level over(+)/ under(−) Appropriate Level: | | |
| Budget authority | −5,602 | (1) |
| Outlays | −1,432 | (1) |
| Revenues | 518 | −31,643 |

[1] Not applicable because annual appropriations Acts for Fiscal Years 1997 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $5.602 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $1.432 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measures producing any net revenue loss of more than $518 million in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

### DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

| | 1995 | | NEA | 1995–99 | | NEA |
|---|---|---|---|---|---|---|
| | BA | Outlays | | BA | Outlays | |
| HOUSE COMMITTEE | | | | | | |
| Agriculture: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 4,861 |
| Current level | 499 | −155 | 0 | 497 | −152 | 0 |
| Difference | 499 | −155 | 0 | 497 | −152 | −4,861 |

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

[Fiscal years, in millions of dollars]

| | 1995 | | NEA | 1995–99 | | NEA |
|---|---|---|---|---|---|---|
| | BA | Outlays | | BA | Outlays | |
| National Security: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 42 | 37 | 0 | 221 | 210 | 82 |
| Difference | 42 | 37 | 0 | 221 | 210 | 82 |
| Banking, Finance and Urban Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −25 | −25 | 0 | −75 | −75 | 0 |
| Difference | −25 | −25 | 0 | −75 | −75 | 0 |
| Economic and Educational Opportunities: | | | | | | |
| Allocation | 0 | 0 | 309 | 0 | 0 | 5,943 |
| Current level | 8 | −13 | 297 | 104 | 81 | 1,674 |
| Difference | 8 | −13 | −12 | 104 | 81 | −4,269 |
| Commerce: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| International Relations: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 5 | 4 | 0 | 11 | 11 | 0 |
| Difference | 5 | 4 | 0 | 11 | 11 | 0 |
| Government Reform and Oversight: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 4 | 4 | −3 |
| Difference | 0 | 0 | 0 | 4 | 4 | −3 |
| House Oversight: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Resources: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −8 | −8 | 4 | 0 | −2 | 4 |
| Difference | −8 | −8 | 4 | 0 | −2 | 4 |
| Judiciary: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | −58 | −58 | 0 | −6 | −6 | 0 |
| Difference | −58 | −58 | 0 | −6 | −6 | 0 |
| Transportation and Infrastructure: | | | | | | |
| location | 2,161 | 0 | 0 | 64,741 | 0 | 0 |
| Current level | 2,161 | 0 | 0 | 4,375 | 0 | 0 |
| Difference | 0 | 0 | 0 | −60,366 | 0 | 0 |
| Science: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Veterans' Affairs: | | | | | | |
| Allocation | 0 | 0 | 340 | 0 | 0 | 5,743 |
| Current level | 2 | 2 | 334 | 3 | 3 | 1,888 |
| Difference | 2 | 2 | −6 | 3 | 3 | −3,855 |
| Ways and Means: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 214 |
| Current level | 44 | −37 | 98 | −3,674 | −5,711 | −3,655 |
| Difference | 44 | −37 | 98 | −3,674 | −5,711 | −3,869 |
| Total Authorized: | | | | | | |
| Allocation | 2,161 | 0 | 649 | 64,741 | 0 | 16,761 |
| Current level | 2,670 | −253 | 733 | 1,460 | −5,637 | −10 |
| Difference | 509 | −253 | 84 | −63,281 | 5,637 | −16,771 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

| | Revised 602(b) Suballocations (September 21, 1994) | | | | Current level | | | | Difference | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | General purpose | | Violent crime | | General purpose | | Violent crime | | General purpose | | Violent crime | |
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Agriculture, Rural Development | 13,397 | 13,945 | 0 | 0 | 13,396 | 13,945 | 0 | 0 | −1 | 0 | 0 | 0 |
| Commerce, Justice, State | 24,031 | 24,247 | 2,345 | 667 | 23,821 | 24,205 | 2,345 | 667 | −210 | −42 | 0 | 0 |
| Defense | 243,432 | 250,515 | 0 | 0 | 241,405 | 249,636 | 0 | 0 | −2,027 | −879 | 0 | 0 |
| District of Columbia | 720 | 722 | 0 | 0 | 712 | 714 | 0 | 0 | −8 | −8 | 0 | 0 |
| Energy & Water Development | 20,493 | 20,888 | 0 | 0 | 20,293 | 20,784 | 0 | 0 | −200 | −104 | 0 | 0 |
| Foreign Operations | 13,785 | 13,735 | 0 | 0 | 13,492 | 13,717 | 0 | 0 | −293 | −18 | 0 | 0 |
| Interior | 13,521 | 13,916 | 0 | 0 | 13,516 | 13,915 | 0 | 0 | −6 | −2 | 0 | 0 |
| Labor, HHS & Education | 69,978 | 69,819 | 38 | 8 | 69,678 | 69,807 | 38 | 7 | −300 | −12 | 0 | −1 |
| Legislative Branch | 2,368 | 2,380 | 0 | 0 | 2,367 | 2,380 | 0 | 0 | −1 | 0 | 0 | 0 |
| Military Construction | 8,837 | 8,553 | 0 | 0 | 8,735 | 8,519 | 0 | 0 | −102 | −34 | 0 | 0 |
| Transportation | 13,704 | 36,513 | 0 | 0 | 13,622 | 36,511 | 0 | 0 | −82 | −2 | 0 | 0 |
| Treasury-Postal Service | 11,741 | 12,256 | 40 | 28 | 11,575 | 12,220 | 39 | 28 | −166 | −36 | −1 | 0 |
| VA-HUD-Independent Agencies | 70,418 | 72,781 | 0 | 0 | 70,052 | 72,780 | 0 | 0 | −366 | −1 | 0 | 0 |
| Reserve | 2,311 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | −2,311 | −6 | 0 | 0 |
| Grand total | 508,736 | 540,276 | 2,423 | 703 | 502,664 | 539,133 | 2,422 | 702 | −6,072 | −1,143 | −1 | −1 |

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, July 10, 1995.*

Hon. JOHN KASICH,
*Chairman, Committee on the Budget,*
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995. These estimates are compared to the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and are current through June 30, 1995. A summary of this tabulation follows:

[In millions of dollars]

| | House current level | Budget resolution (H. Con. Res. 218) | Current level +/− resolution |
|---|---|---|---|
| Budget authority | 1,233,103 | 1,238,705 | −5,602 |
| Outlays | 1,216,173 | 1,217,605 | −1,432 |
| Revenues: | | | |
| 1995 | 978,218 | 977,700 | 518 |
| 1995–1999 | 5,383,557 | 5,415,200 | −31,643 |

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.*

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS JUNE 30, 1995

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 978,466 |
| Permanents and other spending legislation | 750,343 | 706,271 | |
| Appropriation legislation | 738,096 | 757,783 | |
| Offsetting receipts | −250,027 | −250,027 | |
| Total previously enacted | 1,238,412 | 1,214,027 | 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 | −1,923 | 3,154 | |
| Total Current Level [1] | 1,233,103 | 1,216,173 | 978,218 |
| Total Budget Resolution | 1,238,705 | 1,217,605 | 977,700 |
| Amount remaining: | | | |
| Under Budget Resolution | 5,602 | 1,432 | |
| 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 for funding of emergencies that have been designed 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.

## VALUE AND IMPORTANCE OF THE PEACE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR. Mr. Speaker, I rise today with my colleagues who will be on the floor a little bit later tonight to discuss the value and the importance of the Peace Corps and how the corps is affected by this year's budget.

As with most other Federal programs, the Peace Corps is facing cuts. The current budget for the Peace Corps is $231 million. Let me repeat that. The current budget for the Peace Corps is $231 million. That is a very little amount of money in light of what we have been discussing here today in relevance to the history that the Peace Corps has played for this country.

But today the House only appropriated $224 million, a cut of $7 million from the current budget. This cut is going to have a profound effect on the Peace Corps operations. It will cut at least 500 volunteers who could be serving, who would be sent overseas next year. There are approximately 6,500 currently serving this country in countries all over the world. Given the enormous contributions just a few of the volunteers can provide, this means major loss of aid for thousands of needy people.

I am a former Peace Corps volunteer, now serving in Congress. There are six of us in this House, and we are very proud of that service. We remember the vital programs that served the countries that we were invited by those countries to serve in, Programs will be ended entirely in many countries, several countries, in addition to the programs in Nigeria and the Cook Islands, which are already scheduled to be closed.

What my colleagues and I are here to discuss today is the valuable and effective Peace Corps experience, that experience that is shown everywhere around the world, and how we will need to guarantee a stable budget for the Peace Corps in the future, not to go on a roller coaster road that this Congress is starting on.

Let me give you just a few examples of what makes the Peace Corps so unique and effective. Then I will yield time to my colleagues who have also served in the Peace Corps.

In Lesotho, wells and rain catchment systems built by volunteers provide drinking water for 32,000 people. In Benin, volunteers trained 400 people from 1,700 villages in parasite eradication, and worm cases in those areas fell by some 64 percent. In Ghana, volunteers created locally staffed vaccination clinics in 20 villages, which today serve nearly 50,000 people.

Now, I would like to remind the viewers and my other colleagues who will be here in a minute, and particularly Mr. SHAYS, who served in the Peace Corps in Fiji and has been a strong supporter of the Peace Corps, and Mr. WARD, who served in Gambia as a Peace Corps volunteer.

Cuts in the Peace Corps are going to hurt States with large populations, and I represent one of those, California, with 32 million people. Our State has more volunteers serving than any other State in the Union, 827 this year alone. A recent study by the University of Maryland found that 85 percent of the public support maintaining or increasing Peace Corps's budget.

The Peace Corps consumes only $1.50 of every $10,000 spent by the Federal Government. These dollars are well and cost-effectively spent. In Kazakhstan, volunteers are teaching English to 3,000 primary, secondary, and university students; in Armenia the first independent radio station in the country was established with help from the volunteers; in Cameroon, volunteers helped to develop a textbook for teaching AIDS prevention. The result is there are 5,000 students learning how to prevent AIDS. In Ghana, over 1 million seedlings are planted each year to help volunteers helping in the prevention of erosion.

Mr. Speaker, let me conclude by just saying that the Peace Corps has had over 30 years of bipartisan support. It has earned this support because everyone knows that the Peace Corps works. Just ask the villager who learned how to irrigate his farm, or the hundreds of people who did not die from parasites because their doctors were taught how to prevent them, or the thousands of students around the world that now speak English because of the Peace Corps teaching them English.

We need to continue this valuable and cost-effective program. Let us not let our budget cutting frenzy cut merely for the sake of cutting. The Peace Corps is probably one of America's proudest symbols of how we, living in this affluent country, can reach out and help countries around the world. I cannot think of a more cost-effective program in the Federal Government. I would urge my colleagues to reconsider the cuts that were made.

## COST EFFECTIVENESS OF THE PEACE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I just want to be here tonight to say that the Peace Corps changed my life in an extraordinary way, as it did my wife, but I get my greatest satisfaction in thinking about what volunteers have done through the course of the past 30 years to change the lives of so many people around the world.

Joining with my colleague to just express the tremendous satisfaction I have in knowing that Peace Corps volunteers are not those fancy consultants, high priced consultants going to countries, staying for a month or two and writing a report, the thing about a Peace Corps volunteer is that they are actually living in the communities. They are riding the buses that the indigenous people ride, they are living in the same communities, in the huts that they live in, eating the food and speaking their language.

While I am not here to criticize the 4-percent reduction in cuts to the Peace Corps, given the other cuts that are taking place throughout our budget, I am here to just caution my colleagues to make sure that we recognize that the Peace Corps is one of the most cost-effective organizations that you could possibly have. The real fact is that you cannot ask for an organization that has done more to help people

in Third World countries than this organization begun by President Kennedy and continued by Presidents of both parties.

At this time I would like to yield to the gentleman from California [Mr. FARR] and just thank him for his willingness to speak out on this issue.

Mr. FARR. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, we wanted to show tonight that there is a bipartisan support for the Peace Corps, that this is not an issue that has ever been just a one party effort.

I would just caution my colleagues in the House that as the world grows smaller and as we need to have more effort to sort of hypereducate the world population, there is not a more cost effective way of doing that than allowing young Americans and old alike, because there is no limit on serving in the Peace Corps, to be able to volunteer. They get paid, we got paid a small amount when we were in the Peace Corps, a stipend.

Mr. SHAYS. Reclaiming my time, it was not quite the minimum wage, but it sure met our needs.

I notice our colleague from Kentucky, and we have very little time left. I would love to yield time to my colleague.

Mr. WARD. Mr. Speaker, I appreciate the gentleman yielding that time. I have a 5-minute opportunity coming up, and we can continue this discussion, because I think it is important to recognize and to emphasize that this is a bipartisan effort.

Mr. Speaker, there are six former Peace Corps volunteers who serve in the House of Representatives, and it is evenly divided, three Democrats and three Republicans. I think that speaks to the fact that all sorts of folks have made the commitment, have been willing to spend the time and go far afield from where they grew up to give a little back and to learn a lot, because one thing that I often tell people about my time in the Peace Corps is that I benefited far more than the people I was there helping.

Mr. SHAYS. Mr. Speaker, I just would say to my colleague, I think about this experience, remembering being in a Fijian hut and seeing a picture of President Kennedy, and how much the Third World reached out to this President who was reaching out to the Third World, and thinking about a great African leader who visited President Kennedy, and President Kennedy, who was sensitive to the culture of the African community, instead of inviting him into the East Room or the Green Room or the Blue Room, invited him up into his own personal living quarters. And volunteers know the symbolism and the significance of when we were visiting a neighbor, if they would actually bring us into the most personal part of their own home, it was a great honor. That electrified the Third World, that he had shown such respect to a great African leader by inviting him into his own personal quarters.

Becoming sensitive to the concerns and the ways that people live in other countries was just a definite part of this whole Peace Corps experience. Candidly, this has brought a tremendous ability for me to interact with people of all income levels and all different social economic circumstances, all educational levels, and realize that behind that income level or that education is an extraordinarily real person that I am about to interact with.

## IMPORTANCE OF THE PEACE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, I yield to the gentleman from California.

Mr. FARR. I thank the gentleman from Kentucky.

Mr. Speaker, I was commenting that one of the unique feelings we all had was that each of us had the ability to live in a minority in another land and learn another language and learn another culture, and essentially be able to really understand what it is like to be outside of our own culture and our own values, because I think in order to educate people and bring them into changing behavior patterns that may have been in existence for hundreds of years, behavior patterns that might not have been good health, sanitary conditions, or nutritional habits, that you really have to be a part of them in order to bring that about. That learning that other culture, that other language, and the language I learned in Spanish, they say with every language comes a second soul.

Mr. SHAYS. I notice that the gentleman from New York [Mr. SOLOMON] is here, who has been so active in support of the veterans and what they have done. In Fiji, Mr. SOLOMON, the impact that Americans had during World War II had such an incredible result to the people of Fiji, because this was a British colony and yet the Americans went and just comfortably lived with the Fijians where they lived and went in the same buses they did.

In fact, there is a wonderful story of an American soldier being driven by an Indian in Fiji, because there are a lot of Indians around the world as we know, and when he came to this British hotel, the Indian was not allowed in. And the American soldier said the hell with that, and just brought his Indian taxicab driver in to stay with him. But this kind of interaction, this one on one on the street, living as they live, has a tremendous benefit to helping us understand their culture, but also having them appreciate Americans. So it is not just the Peace Corps, but it was our American soldiers who were there before us.

Mr. WARD. Mr. Speaker, reclaiming my time for a moment, that was one of the things that was most striking to me, as an American in Gambia, West Africa, which was also a former British colony. And when I would meet folks, meet Gambians and begin to talk to them, I would find there was in the country a certain negative feeling about Europeans, as you might expect, in a former colony.

But I found that the minute I said I was a Peace Corps volunteer, a Peace Corps, the "s" was pronounced, although I was pronouncing the "s" before I got in it, the minute I said that though I found that barriers fell, just as the gentleman from Connecticut says. I found that people became more open, more willing to listen.

Then as the gentleman from California said, when I began to speak Wolloff, which is the language of the Ollif people, there may be 1.5 million people in Western Africa who speak Wolloff, when I began to speak the language, certainly not with the ability to discuss nuclear physics, but with an ability to go through a number of greetings and to ask after family and friends and, to get to the point, we discussed about the total familiarity of saying "Summa harit, sa harit," "My house is your house."

□ 2045

That was the phrase that really tended to bring people together and to bond us, as humans, as people who populate the Earth. I think that there is no better way for America to be represented. That is why I was very discouraged when I heard proposals which have since been dropped but proposals that would have made the Peace Corps part of the State Department. I feel very strongly that the Peace Corps needs to remain an independent entity so that there is no question of its allegiance, of its goals, of its motives.

Mr. SHAYS. When I was in the Peace Corps, one experience you are talking about, we were visiting with a whole number of villagers. We were landing on the moon. And I can remember the aura that my villagers had with the fact that Americans were on the moon and the pride that I had as an American. But to be able to sit with them in their environment and to talk about what we were actually doing was quite an experience for me.

Mr. WARD. Of course, as I would remind the gentleman, I was in high school that year. Sorry. But that is the kind of reaction that you got. When I was up country one time to go to a little tiny store, literally 200 miles in the interior of Africa and there is a picture of Mohammed Ali, another great American who is probably the most famous person in the world, along with President Kennedy. And I said that he was

from my home town. And there were a lot of questions, they wanted to discuss it. That is what we really get with the Peace Corps.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding to me.

## GOVERNMENT 101

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, a good friend of mine Dave Reed from Savannah, Georgia sent me an article which he entitled Democracy and Government 101. It was an article written by Cecil Hodges, also from Savannah, Georgia who is a friend of mine and pastor of Bible Baptist.

He talks in the article about the size of government and basically what happens when government gets too big. I am going to read parts of this article, Mr. Speaker:

> When government is strong, especially when it is centralized, it poses a real threat to its citizens who are liable to many abuses. Every democracy faces the tendency of government demanding more and more taxes because some of its citizens are seeking ever-increasing benefits of the state.

I thought this was a very telling article. It goes on to say that a great portion of the manpower in the country becomes employed in governmental services. This becomes a problem because when the government seeks to establish a strong bureaucracy, it has to support itself. And of course, we know in this Congress that the way it supports itself is by requiring the citizens through confiscatory policies to pay more and more taxes.

Then it says: All people living in a democratic society must be aware that the more government provides, the more they take from the producing citizens, and the more they control and exercise over the people. And in fact the article goes on, Dr. Hodges points out to us that eventually it enslaves its people.

This is a problem that we are faced with in our Government today. This is one of the things that I am so proud of, the current freshman class, the 73 new Republican freshmen who have come in here to cut down on the size of Government because they cannot do that without cutting down on the bureaucracy.

Just to give you an idea, most people always say, I hate to see the land all going away. The size of the Federal Government, Mr. Speaker, I know you probably will be shocked to learn; the Federal Government owns, listen to this number, 726,686,000 acres of land in the United States of America. The Federal Government, not mentioning the State and local government, owns 32 percent of the land in America.

Now, what does that mean? Of course it needs the taxes to support the services required on that land, people who have to take care of it. What does it also mean? It means 32 percent of the land cannot be owned by the private sector. Therefore, to pay for the upkeep of that land and all the other governmental services, we are only working with 68 percent. But actually it is less than 68 percent when you take out the state and the locally owned land.

Two hundred seventy million acres is managed by the Bureau of Land Management. This is the size, Mr. Speaker, of California, Oregon, Washington, and Arizona. And about half of the 270 million acres is severely restricted for environmental reasons, and the public cannot even go on it.

You may remember the story last year of a Boy Scout troop that was hiking in the wilderness area and one 12-year-old got lost on the trail. And the Boy Scout troop started looking for him and could not find him. Finally they called out all the correct authorities, and he was located by helicopter. They found the 12-year-old boy by helicopter. They spotted him and then they called, I believe it was the Park Service, Mr. Speaker. They said: We need permission to land because this is a motorized vehicle, and this is a public land that restricts motorized vehicles. And sure enough the jar-headed bureaucrats said no, you cannot do it.

How would you like to be that 12-year-old. How would you like to be the parents of that 12-year-old? They told the kid to wait where he was, that they would try to locate him on foot. Eventually they figured out they could not find him on foot. They did give permission for the helicopter to land. But what an absurd notion that we have. But that is what happens when the Government owns too many things, when the Government gets too big for practical and common sense.

Mr. Speaker, I bring that up just to further illustrate the story of what Dave Reed called, Dr. Hodges' article, Government and Democracy 101.

Government gets too big, our own freedoms pay the price.

Mr. Speaker, I include for the RECORD the article to which I referred.

GOVERNMENT FOR THE PEOPLE

(By Cecil Hodges)

When government is strong, especially when it is centralized, it poses a real threat to its citizens, who are liable to many abuses.

Every democracy faces the tendency of government demanding more and more taxes because some of its citizens seek ever-increasing benefits from the State.

For three hundred years a nation was governed by Judges. They brought chaos to this nation. The people demanded a king. They were warned to be prepared for dangers inherent in government under sinful men. Three hazards to a strong centralized authority were given.

They were warned that a king would conscript their sons for military service. He would appoint leaders and engage workers to render civil service to him and his organization of bureaucrats.

Thus a great portion of the manpower of the country would be employed in governmental service. This has been one of the problems of every society when government seeks to establish a strong, self-serving bureaucratic organization.

They were also warned that in order to pay for an ever-increasing bureaucratic organization, they would pay more and more taxes.

All people living in a democratic society must be aware that the more government provides, the more they take from producing citizens and the more control they exercise over the people.

Whenever the State increases its control over the nation's economy, enlarging its staff of officials and workers, and exacts an ever-growing portion of the nation's wealth through taxation, it becomes a monster which no longer serves the people but enslaves them.

The great privileges of a free people must be safeguarded by every citizen's commitment to and participation in government that maintains law and order, administers economic justice, prevents oppression of the weak, and resists the temptation to serve its own ends.

All Americans should ask themselves, "Is the government here for us or are we here for the government?" Our government should be of the people and for the people.

## TRIBUTE TO SHARON PORTMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to a community activist whose passing has left a void in the lives of our many friends at the New Jersey shore and in the lives of many other people who did not know her personally but who have been touched in one way or another by her good work.

Sharon Portman of Ocean Township, NJ died last week at the age of 54 after a two-year battle with cancer. She was one of the most caring members of our community in Monmouth County. Sharon received much praise and honor for her many years of kind and generous contributions to both the Jewish community and the community at large.

Back in September of 1993, on the occasion of the historic signing of the peace accord between Israel and the Palestinians on the White House lawn, I brought Sharon as my guest. She had dedicated so much of her time and energy to working for a strong and secure Israel. She believed passionately that one day Israel would achieve peace with her Arab neighbors, and she recognized that the best way to accomplish this goal was to build a State of Israel that remained true to the values of Jewish teaching and a democratic political system process, while maintaining the ability to resist military invasion and terrorism.

When the PLO leadership finally decided to give up its relentless hostility

against Israel and work for mutual recognition and peace, the view that Sharon Portman had always supported and worked for was finally vindicated.

Sharon Portman was a lot of things to a lot of people. She was a staunch environmentalist and advocate for the disadvantaged, a women's rights advocate, a friend of animals, and a businesswoman, as well as a wife and mother. I knew her best because of her love of politics. She exemplified for me that motto that we often see on bumper stickers that says, think globally, act locally.

She commented incessantly on international and national issues, but she understood that the best way she could influence public policy was by working in New Jersey for candidates and causes in which she believed. But Sharon did not just work herself. She had an incredible ability to get others involved.

At her funeral service last Sunday, I was talking about politics with a group of people and one person said that he had little interest in running for office. If Sharon were present, she would have talked to that man and encouraged him to participate for the future of his local community, for the State and for the country. She would know how to get him involved.

Sharon was above all a friend to me and everyone else that she could help in difficult times. She suffered for 2 years from a brain tumor, and she refused to give up. She wanted to help others who were afflicted by the same disorder.

Last summer my father-in-law was diagnosed with brain cancer, and every time I spoke to Sharon she asked me about him and wanted to help. She suggested literature, hospitals, methods of treatment, and just general information on how our family could deal with the problem and all this while she suffered so much herself.

Sharon Portman will be remembered by me and others for a long time because she served as such a wonderful example of what helping others is all about.

## THE FIRST 6 MONTHS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I stayed late tonight to tell the American people that we have come a long way in the first 6 months of this new Congress. We came here realizing that this Nation was $4.8 trillion in debt, $19,000 for every man, woman, and child in the United States of America. For a family of five like mine, the Nation faces a $95,000 debt. In our district, the income, the average income is about $32,000 a year and to do nothing but pay the interest on that Federal debt, the families in my district will be saddled with the payment of over $6,000 a year, $6,000 a year out of a $32,000 average household income going to do nothing but pay the interest on the Federal debt.

We came here, the 104th Congress, realizing that something had to be done about it. And after 6 months, I am happy to tell you that something has started. We have a long way to go but we have taken a lot of steps in the right direction.

First, we have passed a 7-year balanced budget plan that at least is going to stop the continued growth of this debt that seems to be endless when we start looking at it and how big the numbers are. Although we have passed that, we have done some other things that I think are equally significant. We have talked about budgets that go even further than the 7-year plan.

Out of my office we introduced a plan that would have balanced the budget in 5 years, and for the first time out here in Washington we started talking about paying off the debt. Our plan included a repayment plan so that in a 30-year period of time we could have repaid the entire Federal debt.

It did a third thing as we produced this plan on the floor of the House about 3 months ago, our first 6 months in office. For the first time we did not use the Social Security surplus as part of the computations to balance the budget. That is a significant step forward for this country.

Our plan would have balanced the budget in 5 years, paid off the debt in 30 years, and not used the Social Security trust fund to do it. It is important the American people understand that the Social Security system every year collects more money in taxes than what it pays back out to our senior citizens in benefits and those extra monies that are collected should be set aside and our budget plan would have done just that.

In addition to the budget plans that were debated here, we also had introduced by my good friend from New York a plan that actually would have balanced the budget in 5 years. The specific cuts were laid out item for item that would have gotten us to a balanced budget in a 5-year period of time. This bill is still pending in the House of Representatives and still may pass during this term of Congress. It is my hope and my desire that we see our way clear to actually passing those cuts that get us to a balanced budget in 5 years instead of 7.

The best news of all is that the people that are here right now in this Congress realize that Government cannot keep doing for people what people ought to be doing for themselves. It is with that note that I would conclude this evening. We have got a great start, folks. We have a long ways to go. I am happy to tell you that the first 6 months have been successful, and I look forward to continued successes here in this Congress.

## DRUG INTERDICTION STRATEGY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 30 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

### NOVEMBER'S ELECTION

Mr. SOLOMON. Mr. Speaker, I am here tonight basically to commend something that has happened in this House, and that was the election that took place back in November, because you know it brought 73 new Republican faces to this Congress that have literally changed this Congress.

I can recall last year, the year before, the year before that, when very few of us even talked about a balanced budget. The real problem facing this Nation being the national deficit that is literally turning this country into a sea of red ink and is threatening our children and our grandchildren.

□ 2100

Mr. Speaker, when I look at what has happened now, when we brought the budgets to the floor of this Congress, all the alternatives this year were with a balanced budget. Even the liberals were forced to come on this floor and offer a balanced budget. Their decimated the defense budget, it ruined our foreign policy. Nevertheless, every vote that was taken was on a balanced budget. Now we even have the President of the United States talking about doing it sometime into the next century, which is not satisfactory.

Mr. Speaker, what we were debating was this. Here is a 1,700-page document that is a legislative encyclopedia containing more than 500 specific spending reform proposals, as the gentleman from Wisconsin, MARK NEUMANN, has spoken to earlier. It contains more than $900 billion in budget savings over 5 years, itemized program by program in a format that is so easily transformed into other individual bills or amendments.

The bill is not intended to be used in total but as a resource document that any Member of this Congress can use. Whether it is page 47 or page 1,600, the work has been done for each of the 435 Members of Congress that want to live up to their rhetoric, and that is to bring about a balanced budget and stop this irresponsible spending by this Congress.

Mr. Speaker, I will not go on any further, but the bill, of course, does something that needs to be done. I recall back in 1985 when we had something

called a Gramm-Rudman bill that was supposed to balance the budget in 5 years. Of course, the bill was well-intentioned, but the truth of the matter is that after a couple of elections, and the changing faces of the Congress, Congress decided they could not live up to the Gramm-Rudman piece of legislation, and consequently, we abandoned it entirely, and so did we abandon any kind of fiscal responsibility.

Mr. Speaker, I would offer this again to every single Member of the Congress, and hope that as we debate these appropriation bills one by one over the next 5 weeks, that Members will take advantage of what has been done here in this legislation, use it, and let us bring about some fiscal sanity to this Congress.

Again, Mr. Speaker, I want to commend the freshman Republican class for what they have done. We are really going to do it this time, and it is so exciting. The American people really ought to be excited about it. I commend all of the Members for their great work.

Mr. EHRLICH. Mr. Speaker, on behalf of the freshman class, the chairman of the Committee on Rules is an honorary Member of the freshman class. His enthusiasm, his leadership, has pulled a lot of us through, not just during the campaign, but certainly during the first 6 months of our term here in the 104th Congress. We love him and we look to him for leadership and we thank him.

Mr. Speaker, I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Maryland for yielding to me. Mr. Speaker, I came to Washington because I was concerned about the future for my children. I have three children: Jessica, who is 14; John, who is 10; and Lucas, 7. They are very important to me. I wanted to preserve for them the same opportunity I had while growing up in this free society. I wanted to preserve a future for them. However, when I look at the budget and our mounting Federal debt, and the obligations we have for the trust fund, like the Social Security trust fund, I get very concerned.

There are some schools of thought that think that this country may in fact be bankrupt, that our obligations actually exceed our assets, including all the ground that we have accumulated and highways and buildings. Mr. Speaker, I was very concerned about the future, and I think many others of us are. We want to see that we balance the budget.

As the gentleman from Wisconsin, Mr. NEUMANN, has pointed out, we have made great strides to get the budget balanced and restore faith in our economy. However, it is also important that we do other things like preserve Medicare. In order to achieve those goals we are going to have to look with a close eye to the details of what has been going on inside Congress.

I have headed up, with a group of others and over 50 cosponsors, a bill that will eliminate the Department of Energy as a Cabinet-level position. We are not doing this just to put some type of a goal to achieve, we are doing this because we are concerned about the future. When I got home before July 4 for the in-district work period, I landed about 9:30 at Wichita, Kansas. I got out of the airplane, walked out of Midcontinental International Airport, my necktie blew over my shoulder, I knew I was in Kansas. At home I saw out in the wheat fields farmers that were combining at 10:30 at night, trying to get a few more bushels before the next rainstorm came through.

I thought about how hard they are working for their dollars, and that over half of their money goes to the government, by the time you add up State and local and Federal taxes, and taxes upon taxes, about half their income. I thought about the factory workers who work at Boeing, where I used to work, that works a little overtime so their kids can have something extra.

I saw my brother-in-law who had been working some overtime, he works at Boeing. he showed me his overtime check. Over half the money was going over to taxes for the Federal Government, and how he is struggling to provide a little extra for his kids, and most of it is going to the government because we have so much we are spending.

I think about the single mother who is working a second shift trying to provide a future for her children. That is what balancing the budget is about. It is about that single mother who is working so hard, trying to preserve a future, just like I am for my children. She is trying to preserve a future for hers.

We are all off on the task of trying to balance the budget, and in doing that we are going to have to eliminate agencies, to quote Fred Smith from the Competitive Enterprise Institute. He said, "If we cannot eliminate the Department of Energy as a Cabinet-level position, we have no hope of downsizing government." If we have no hope of downsizing government, we have no hope to balance the budget and preserve the future for our kids.

Mr. Speaker, in looking at the details of the Department of Energy, I found out that we have been spending billions of dollars trying to create jobs, but actually we have failed at it. The government has not done a very good job. In fact, there is $293 million that has gone to eight large corporations.

In spending this money for them we have in effect given them corporate welfare. We have required that welfare reform comes to those who are truly in need, and they are going to have to work for their benefits and do a lot of things through block grants. Now it is time I think that we look at corporate welfare.

I just have eight big beneficiaries here that I have uncovered that have been receiving corporate welfare. Some, I think, are notable because they are spending less and less money on research and development and yet they are spending government money whenever possible.

One is Citicorp. They are a $250 billion corporation according to 94 revenues. Their profits were $3.4 billion. Yet, they required $10 million from the government to help them with research.

They are taking scientists off of their payroll and funding them with our tax dollars, even when they have $3.4 billion in revenues. Another company that I would like to talk about was IBM, $64.1 billion in revenues, and $3.0 billion in profits in 1994. Yet over the last 4 years, we have spent $58 million helping them with research. I think it is time we get a handle on this. All this by the way goes through the Department of Energy. That is how I uncovered it.

What we have been trying to do is create jobs and encourage the private sector. They say "We have some success stories." They do not really name the factories or the individuals that have been successful. They usually talk about their CRDAs, cooperative research and development agreements, with companies. They have about 1,400 of those. How many jobs have they actually created?

Here is one they think is a success story. A guy up in Fairbanks, Alaska has come up with a self-composting toilet. We gave him $90,000, and we thought it was a great idea. We gave him that money in 1990. Since then he has sold 12, for $10,000 each. They declared that a success story.

We have another gentleman that used to work for the Los Alamos lab, but he had a good idea, so he went home and he wanted to create this software package that he could use as kind of electronic mail. He was going to sell it to a Japanese company.

Then he found out that his biggest competitor was the United States Government. The very people that he worked with in Los Alamos wanted to give away this software program to the same Japanese company that he was trying to sell it to. It is going to cost him $600,000 because we are giving away this money.

We have a lot of problems in the Department of Energy, and I think it is time we start uncovering these. If we look at the way it has been run, as many parts of government, it cannot withstand the scrutiny of the public eye. It is time for us to look. It is time for us to work to balance the budget, to get rid of the waste, and preserve the future for our children.

Mr. EHRLICH. Mr. Speaker, I congratulate all my colleagues for the wonderful job they have done in bringing the true message about the budget and the fiscal problems we have in this country today to the American people.

Mr. Speaker, I rise today to engage my colleague, the gentleman from New Hampshire [Mr. ZELIFF], the honorable chair of the Subcommittee on National Security of the Committee on Government Reform and Oversight, in a colloquy.

Mr. Chairman, I know we have a lot of things to talk about tonight. I know we have a lot of numbers, we have graphs to show the American public, but before we get into that I would like to thank you as your vice chairman on our subcommittee for the leadership you have shown with respect to what is in my mind the most important issue confronting this country today, the drug epidemic that drives so many of our social problems in our country.

Mr. Speaker, I know the gentleman brought some graphs and he has some opening remarks. What the gentleman does not know and what I had actually not planned on was a group of kids came to my office today from the Hickey school in Baltimore County, Maryland, troubled kids. These kids had made a wrong decision at some point in their life but now they are turning their lives around. They came to tell me about the fact they had chosen the right way. This was what in past days would have been referred to as a reform school, but we have privatized it and the vendor there is doing a good job.

Just out of curiosity, I asked every kid, there must have been a dozen kids in my office, "How many of you abused drugs?" Every one raised their hands. I asked them "How many thought that drug abuse had led you down the wrong path?" which ended them up at the Hickey school, and every one raised their hands. What a timely incident in my office today to be the predicate to our colloquy here tonight.

I really want to thank you for talking about this issue. We talked about so many different issues on this floor in the course of our campaigns, the first 6 months of the 104th Congress: drug abuse, prison construction, welfare reform, the budget deficit. However, in some way or another, every major issue in this country today, every major issue, is in some very direct way related to the drug epidemic that has hit this country, particularly in the last 15 years. I know you have some charts you want to share with us tonight. Mr. Speaker, I yield to the gentleman from New Hampshire.

Mr. ZELIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for his leadership as a vice chair, and particularly his leadership within the committee that has made this such an important priority. We are dealing with Waco, a bunch of other things, but the most important thing we can possibly deal with is the drug war for America.

If we combine drugs and crime into one statistic, it has to be the most overriding issue of national importance to our national security. It is our hope within our committee that we are able to put this on the front burner again and start getting everybody to take a leadership role. I think it is absolutely vital to the future of our country and to our kids.

You just reminded me of my trip to Framingham, MA, to a women's prison, the first time I have ever been inside a prison. That is pretty scary when you hear the closing of those doors.

We visited, Dr. Lee Brown, the President's drug czar, and myself, visited with some of those ladies in there, in their probably late thirties that were in for 7 or 8 or 9 times. They were in involving drug abuse. That is basically where they started going wrong, finally they have hit the bottom and are trying desperately to put their lives back together.

It is a tragic set of events, and what is happening right now, drug use is up in all age categories and drastically up. As these charts will show, you can just see, 17- to 18-year-olds, 15- to 16-year-olds, 13- to 14-years-olds, each category, and particularly I just broke it up into various administrations, Reagan, Bush, and Clinton.

We can just see the difference here where when we stop talking about leadership in drugs, we stop as a country talking about this in our living rooms, in the rotary clubs, in the chambers of commerce, and every day talking about just say no, like Nancy Reagan talked about in her leadership, when we stop doing it, we stop doing interdiction. You just see as we stopped on the chart of interdiction, we stopped putting resources into interdiction, drug use starts to go up. It coincided with our national policies.

We are desperately trying very hard to get the President to join us in this war. I hope he will. We talked to BOB DOLE in the Senate and NEWT GINGRICH in the House. What we are hoping to do is through the efforts of our committee, get a nonpartisan across-the-board support group going where we take leadership roles.

We individually go across the States, across the country, and we go to our TV stations, our radio stations, give public service announcements. Let us start bringing this issue out front. It is very, very serious. I know the gentleman has some thoughts that he would like to add to that.

Mr. EHRLICH. Mr. Speaker, harking back to our visit from the former First Lady, Nancy Reagan, and her testimony before our committee, was it not interesting when she said she never thought "Just say no" would take off the way it did. I know you recall and we all recall Nancy Reagan just offhand, at some stop on her tour, on her anti-drug tour, talked about "Just say no, it is wrong." It was funny, in a very cynical sense, because she became the target of some people in this country who like to make fun of "Just say no."

Mr. ZELIFF. Right, but she also became a role model for those people.

Mr. EHRLICH. Absolutely, absolutely, because there are some people in this country who had just given up. Nancy Reagan never said the entire strategy consists of "Just say no." She never did. But for some, really on the cynical side of politics, she became a target of abuse. How unfortunate that a part of our total strategy must be "Just say no," because there is a moral context to this whole argument. That is what we are trying to bring back as well.

Mr. ZELIFF. Mr. Speaker, I would ask the gentleman, if I can, do we not need to have the leadership of just saying no, role models, along with treatment programs, along with interdiction programs? Do we not need to combine all of these pieces together to have an effective package that will confront drug use in America?

Mr. EHRLICH. It is demand, it is treatment, it is source country, and it is interdiction zone, the transit zone. I know we are going to talk about that, those four elements more in the future. We have talked about this a great deal. As I have said earlier, I really commend your leadership on this, because there is no more important issue facing parents in this country today.

Like you, when I go to schools, particularly junior high schools and senior high schools, I search for something, anything, I can say to leave a message, to maybe just impact one kid. We have taken a trip recently down South, down to Florida, and talked to DEA, talked to Customs, talked to the Coast Guard, talked to Navy.

Mr. ZELIFF. People in the front lines.

Mr. EHRLICH. Right on the front lines, people truly putting themselves in harm's way for our country.

□ 2115

One thing that I feel very positive about as a result of our trip and something that I intend to talk about a lot, on many occasions during my visits to schools, is the relationship between young American men and women being put in harm's way, many miles from home, and the demand for illegal substances in this country.

I really trotted this out recently at a high school in my district. I talked to the kids. Their eyes became wider when I said, you know, there's a relationship between a demand for cocaine at this school in Baltimore County, MD and deaths of American DEA agents in South America. There was a disconnect

there. They never really thought about that relationship. But in our unending campaign to strike a responsive chord with the youth of this country in trying to get this message across, I think we have to be innovative. One way certainly is to draw that direct parallel, that direct line, between the demand for drugs in this country, which some people just laugh off, saying we cannot win the war, and the fact that we put DEA agents, FBI agents, CIA agents and Coast Guard personnel and Navy personnel and all these fine young men and women that we met in the course of our trip in harm's way. Making that connection in the minds of young people I think is certainly one very positive way we can get the message across.

Mr. ZELIFF. Another interesting thing, we visited on Saturday afternoon down there the folks that served on board the USS *Mellon*, the Coast Guard cutter that had a successful pickup on the high seas of some 5,000 pounds of marijuana. Each bale is $88,000. Just picture how that can influence people, how that can influence basic infrastructure in terms of the money value, how that can destroy economies, how that can destroy countries, how that can destroy people.

What it is doing to us is just a quiet cancer day by day. The amount of drugs that are coming up through Puerto Rico, because once it gets into Puerto Rico, it is just like a State, it goes straight into the United States. The amount of drugs coming out of Colombia and going right into Mexico, being dropped off in the middle of Mexico and then just transported across the border into the United States. Yes, demand is important.

Here is yesterday's Washington Post: U.S. Falling Far Short in Drug War, Global Criminal Groups Expand Production, Markets.

The United States and other developed countries are falling further behind in the war on drugs as criminal organizations in Latin America and Asia have increased production and become more sophisticated in distributing cocaine and heroin, according to recent U.S. intelligence reports.

We have got to wake up. If we don't we are going to be in serious trouble.

Mr. EHRLICH. I have some more recent statistics to back up, in fact, that story. If our purpose is to awaken the American public, hopefully colloquies like this will assist us in that goal. A 1994 University of Michigan study showed that 33 percent of all 8th graders, 40 percent of all 10th graders, and 50 percent of all 12th graders, high school seniors, have used some type of illicit drug.

Marijuana. Among eighth graders, twice as many have experimented with marijuana in 1993 as compared to 1991. Daily use by high school seniors in this country is up by 50 percent. The drug abuse warning network showed an 8 percent increase in drug-related emergency room visits in 1991 due to overdoses, suicide attempts, and drug-related diseases.

The numbers go on and on. I have many, many numbers here. Approximately 70 percent of the illegal drugs coming into our country today enter by land, in cargo trucks, in cars over the Mexican border, an issue we have talked about a great deal. Over half of all cocaine, 20 percent of all heroin, and 60 to 80 percent of foreign-grown marijuana available in the United States pass through or originates in Mexico. The demand in this country is so great.

We have talked a lot about putting more resources into the transit zone. The Clinton administration, as you know, has taken resources away from transit, put it into source country. The source country is part of the strategy, but the fact is the demand in this country drives this problem.

Mr. ZELIFF. Let me just add a couple of things to your very important comments.

Our third and fourth drug hearings which were held on June 27 and June 28 had testimony from the head of the DEA, head of U.S. Customs, head of the Coast Guard, President Clinton's interdiction coordinator and GAO investigators who revealed they have just completed, and this is GAO, a major study of the Clinton administration's drug strategy in source countries.

Here is what we learned:

The head of the DEA, Administrator Constantine, admitted that our exploding drug use in this country which was falling until 3 years ago and the international drug cartels should be seen as the No. 1 national security threat. He ranked it above ballistic missiles for the impact on our Nation. Yet he admitted that it is not given that ranking by his own administration's National Security Council. He spoke from the heart and called this threat a time bomb.

What he is saying is that if you put crime and drugs together, the National Security Council should look at this threat as being the No. 1 issue facing our country.

The President's interdiction coordinator, Admiral Kramek, admitted that his office which is supposed to coordinate the Nation's whole drug interdiction effort has just 6 people and that the whole interdiction effort has been cut for 3 straight years. We got admissions from DEA, the President's interdiction coordinator and the head of U.S. Customs that Clinton's drug strategy is not fulfilling expectations.

I just hope and pray that we can all get this thing together and start putting this on the front burner.

Most important of all was the GAO bombshell dropped in the hearing. This is available to anybody that would like to have a copy. After investigating the drug strategy in source countries, including extensive interviews in Colombia and Mexico, they released a study that shows that the Clinton antidrug strategy in the source countries is very badly managed, poorly coordinated among agencies, and holds a low priority in key embassies including the United States embassy in Mexico, even though 70 percent of the cocaine coming into the United States comes in through Mexico, and that the Clinton administration's drug strategy in the source countries has serious accountability problems.

What we need to do together in a nonpartisan way, we need to declare war on this effort. We need to pool resources that are needed. Yes, we do have budget problems, but we need to place priorities. We need to beef up the interdiction effort. We need to declare this a No. 1 issue. We need to go after it in a serious way and win that war.

Mr. EHRLICH. Very well put. The numbers are indeed compelling. There is one last point I would like to make. You have cited the numbers. Our strategy obviously needs to change. But people always come up to me, particularly parents, and say, "What can I do?" We have talked about this a great deal in our private conversations. There is one thing that every single man and woman in this country can do, particularly those who enjoy leadership positions, not just Members of Congress, not just the President, not just Members of State legislatures, but Cub Scout troop leaders, Lions Club presidents, little league coaches. If anyone in this country is in a position of authority, I believe it is incumbent upon that person to renew our commitment to a coherent drug strategy in this country.

That means when you have a stage, whether you are addressing your Lions Club, your little league team, your neighbors, it does not matter the forum, venue is irrelevant. When you have the opportunity to talk, particularly to kids, we need to get the message across. It is incumbent upon every adult in this country to help our kids make the right decision. Because we all know, it only takes one night, one single occasion, to make the wrong decision and you can be dead.

Mr. ZELIFF. Right.

Mr. EHRLICH. We have wonderful parents in this country and most parents do a wonderful job. We have peer pressure in this country on the other side. But the fact is parents and coaches and politicians cannot go with kids when they go out on Friday night and they are with their friends. That is really the troublesome time. That is the time that these kids need to make the right decision. One bad decision out of a million could end them up on the wrong side of the street.

Mr. ZELIFF. I just want to add, again to all of the things you have just

said very ably, I was with Dan Golden on Monday with astronaut David Lowe, and I also had Rick Seerfoss, the astronaut on a previous mission that was up in New Hampshire, we went and in 2½ days visited with 7500 kids. You talk about a 38-year-old colonel with 3 kids, an Eagle Scout, a role model that can talk about math and science and doing your homework and reaching out and doing the things that we should be doing in an exciting way and how exciting life is in general and talking about his travels in space and some of the products that we have been able as a by-product of the space program, the space station, and all of this.

I asked Dan Golden on Monday morning if he would be willing to have the astronauts join us in our effort in terms of role models so that we can start talking about this in space as the next mission goes up. I hope that will be successful. We have just got to be able to reach out. We ought to think about doing drug testing for Members of Congress in terms of a volunteer effort, and then staffs, and then potentially maybe every person that gets a Government paycheck, because what is the big deal if we really want to do this, we have got to declare war on it and we have got to be prepared to win the war. We have got to just say that, hey, we have a choice. We can lose everything we have got in terms of the next generation, we can lose our country, we can lose, for example, in Puerto Rico, in those source countries, in Mexico, but the bottom line is we have got to start speaking out so that we curb demand.

Mr. EHRLICH. Roles models become role models because they set an example. I look forward to working with you and the members of our subcommittee in a bipartisan manner to reenergize the leadership in this society. As I said, not just the political leadership, the leadership in all respects as we again reemphasize the message that just saying no is the right thing. It is the right thing for your future.

Mr. ZELIFF. I publicly invite, on behalf of the committee, President Clinton, NEWT GINGRICH, and BOB DOLE to join us at the very top as we will support their efforts at the very top across this country as we fan out to every single State in this country, and hopefully we can get it back on the front burner.

Mr. EHRLICH. There is no more important thing that we are going to accomplish in the 104th Congress than to reenergize the people with respect to this issue. I thank the gentleman again for his leadership.

## THE REVOLUTIONARY 104TH CONGRESS

The SPEAKER pro tempore (Mr. BARR). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 30 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to have some of my colleagues join me tonight.

I first wanted to thank Chairman ZELIFF and Vice Chairman EHRLICH for the outstanding job that they have conducted, not only tonight the colloquy but for the ongoing work they have done in the war against drugs. We look forward to working with them on legislative matters that are coming up, not only their hearings but the other work that follows. We congratulate them for their efforts.

### IN MEMORIAM SISTER JUDITH CLEARY

Mr. Speaker, before beginning or colloquy tonight with the gentlewoman from Washington [Mrs. SMITH] and the gentleman from Minnesota [Mr. GUTKNECHT], I did want to discuss just for a moment if I could a special part of the order tonight dealing with someone who was close to me and I think close to many people in my area, the Delaware Valley. This week just suddenly a tragic death, Sister Judith Cleary of the St. Joseph Order in Philadelphia who suddenly died.

She was someone who was 50 years old, did many accomplishments in her lifetime, many more than those who may live twice her age. She was a great humanitarian, a great teacher, dean of students at Bishop Conwell Egan, a great friend to all.

What was great about Sister Judith Cleary and I think that her life is instructive to all of us who are looking for role models and heroes and heroines, Sister Judith Cleary would take those students, making sure no one was left behind and no one left out, she would look to each person to find that which was special about them and to inspire them to greatness. I think that is really what made her life and her accomplishments a special milestone in the St. Joseph Convent and the Bishop Conwell Egan School and, for that matter, in the life of those who are in Philadelphia and the Delaware Valley.

She was really the spirit of the St. Joseph Convent where she made sure that everything got organized and done in a real humanitarian way. The world will not be the same without her but it is richer for her contributions. While God will need another angel in heaven to help in His works, we will continue remembering Sister Judith Cleary by making sure that what we do in our life for many of us whose lives she touched, to try to live life a little bit closer to others who need us, to do those things that have to be done that could be forgotten but are often remembered because we took the time to do them.

I hope that this one great American is someone that others who hear about her and who have seen her will try to carry on her great work. We will always miss her. We love her.

At this time, I would ask the gentleman from Minnesota [Mr. GUTKNECHT] and the gentlewoman from Washington [Mrs. SMITH] to join us in this special continued presentation dealing with the 104th Congress march to revolution for change, a revolution to be more accountable, a revolution to spend less of the public's money and return more to the American people.

□ 2130

In that regard I would ask Congressman GUTKNECHT to give us an update where he thinks we are in the first 6 months of this revolution as a new entering freshman; how he thinks we have done to date and where he sees us going from this point.

Mr. GUTKNECHT. Representative FOX, I want to thank you for reserving this time tonight to speak to other Members who are watching in their offices, and Americans who may be watching, to talk a little bit about what has happened in the last six months. It really has been an exciting and historic time to be here in Washington.

And I think it is important. As I flew home for the 4th of July recess, I said to myself, how lucky we are to be a part of this important point in history. And more importantly, how much has really been accomplished, if you look back in just six short months.

In fact, I remember when some of our critics and cynics were saying in October, "Well, the Republicans have this Contract With America, but they will never be able to pass it." And then as we went through the contract on the first day, as you will remember, as Representative SMITH will remember, our very first official act in this congress was to pass the Shays Act, H.R. 1, which was to make certain that Congress had to play by the same laws and the same rules as everybody else. So that process began.

We also cut the size of Congress itself. We eliminated three full committees. We eliminated 25 subcommittees. We cut our committee staff by a third. We banned proxy voting, which had become so customary, where Members would not even show up for committee meetings anymore. Now we have to actually show up to cast our vote.

Those meetings are open to the public so people can see what actually happens. And we also required a three-fifths vote to pass any kind of a tax increase. That all happened on the very first day. Then we went through the Contract. The Fiscal Responsibility Act, Take Back Our Streets Act, Personal Responsibility Act, the Family Reenforcement Act, the American Dream Restoration Act, right on down through the list.

We passed all of those bills with one exception, and that was term limits, and the Speaker has promised that

that will be H.R. 1 in the next Congress. And I would not hesitate to mention that we got 85 percent of our Members on this side of the aisle to vote for it, while approximately 85 percent of the people on the other side voted against it. But even with that, the American people I think ultimately will prevail.

We have made tremendous progress in beginning. As Representative NEUMANN said so well, when we came here the budget was a serious concern to all of us, the legacy that we are going to leave for our kids. And now as the appropriations bills come to the floor, we are seeing bill after bill that is actually meeting the mark and we are moving on that path toward a balanced budget. I think things are happening.

Let me just mention one other thing. I serve on the Washington, DC, subcommittee and when I volunteered to serve on that subcommittee, I did not realize how serious the problems were here in Washington, DC. The more I learned, the more I wished I had volunteered for a different subcommittee.x

But even there, I think there is reason for hope and there is progress being made. We have appointed a special oversight board to watch over the District, and largely, I have to give a tremendous amount of credit to our chairman on the subcommittee, TOM DAVIS, from just across the river in Virginia, who has been a tremendous leader and negotiator. But we are on the right path, I think, even in the city of Washington to getting the city's fiscal house in order.

More important than even that, it was announced just last week that the Mayor and the chairman of the school board now have come together and they are talking about privatizing at least 11 of the most troubled schools here in Washington, DC, and if that is not enough, they are even going to experiment with vouchers here in Washington, DC.

Mr. FOX of Pennsylvania. Whoever thought that we would have such a revolution right here in the Capital?

Mr. GUTKNECHT. It is amazing. I am just amazed, and I would like to see their voucher plan expanded to nonpublic, private, religious-related schools. That is not going to be the case, at least for the first phase of this.

But as I said, back in the Midwest we have an expression. When people say that will never happen, one of the ways of saying that is "When pigs fly." Believe it or not, here in Washington we are seeing vouchers and experimentation with privatizing the schools. So I am not going to criticize them for not going full scale with a voucher plan, because when pigs fly, I do not think we should criticize them for not staying up very long. So, we are making tremendous progress.

Mr. FOX of Pennsylvania. I think what you are talking about is what the freshman class is working on, and the gentlewoman from Washington, LINDA SMITH, has been a leader on that, when it comes to our Federal agencies looking at reducing, privatizing, consolidating and eliminating. I know that Congresswoman SMITH from Washington State was a leader in her own state in making sure that the taxpayers got their money's worth and no tax increase got through as long as she was around.

I would like to get her impression on where we are in the reform movement now after the first 6 months.

Mrs. SMITH of Washington. This was a person who this time last year said I was not going to run for Congress because Congress never did anything. And then I was a write-in candidate, and in about seven weeks I was here.

I have to say I was wrong. This is a new Congress. Those first votes were the most exciting things I have ever done; cutting this place by a third. We did not just say we were going to do it. And starting to sell a building. How exciting. We are going to cut back the staff, and there is not going to be an office if they try to expand it again.

This is a new place and it is absolutely exciting. One thing that we have done that I like a lot, too, is that we are actually going after the size of the budget in tangible ways. We have had amendment after amendment, on top of the appropriations bills already coming out lower, that are trimming them back or peeling back each layer of bureaucracy, looking underneath it to see if it is necessary.

And even today we took out millions of unnecessary bureaucracy that just did not need to be there. We passed an amendment today that said we will not build sewers and water systems in Egypt. Egypt and Saudi Arabia, where the money was going to, have their own money.

So we are just marching on, but I think there is something that we have not done and something that keeps getting shuffled around, because it is so difficult, and that is clean house. We still have things that are old ways, because they have always gone that way, that we have to fix, and one of those is any fund-raising in Washington, DC.

There is a little bit of trouble when you have to explain that to people and they say, "Why don't you do that at home?" A lot of good people are elected here. They come here, often running against, like one man in our state had to run against a woman called the "PAC Queen." She was an incumbent. She raised millions from PACs. So he ran against her, ended up with a debt, came here and has to raise money all the time to try to pay off his debt. Good man; bad system. We need to go to and change that system.

Mr. FOX of Pennsylvania. Do you not have legislation to try to address some of these reforms?

Mrs. SMITH of Washington. Yes, there is a package coming out with a group of people, freshmen and old-timers too, that will literally stop fundraising in Washington, DC. It also abolishes all gifts and all trips.

You know, good people do things because the system is the way it is. In our State of Washington in 1992, we passed a package of legislation in an initiative that literally changed Washington, and we just got the 1994 reports out. When we abolished all these big groups' ability to give a lot of money, it dropped the cost of campaigns down by over a third and it increased individual involvement.

We literally had an explosion of grassroots activity. And people would have never thought they could run because they were not running against these big groups. If they could get a grassroots group together, then they could run.

Mr. FOX of Pennsylvania. Do not you think these kinds of reforms that Congressman GUTKNECHT is talking about, and the ones you are talking about, are going to restore the confidence of the public in the institution so that more people will want to run? We will have the term limits, so we will have the infusion of new ideas and we will be more accountable back home about spending less?

Mrs. SMITH of Washington. Yes.

Mr. FOX of Pennsylvania. Do you see that already happening in your district?

Mrs. SMITH of Washington. Yes, and when people see that they are not going to have to be running a campaign against every big special interest group in the Nation, it kind of encourages them to get involved.

And I am encouraged because I believe that there is enough guts in this area now to make this big change. But can you just imagine just running your election in your district, not having to worry about tobacco money from the South or Jane Fonda or actors from California?

I had to run against all the PAC's in the Nation, including most of the money from outside my district. But I want to tell you, you can do it. My race was so short, but it was mostly people, and it shows you can do it.

Mr. FOX of Pennsylvania. The power of the individuals over the special interests.

Mrs. SMITH of Washington. That is right. I was an incumbent in our State. I had an 88 percent name ID, and so that gave me a help. But what if you were just some good person that wanted to run and you were going to have to run against an incumbent called the "PAC Queen," would you have much of a chance?

I think when we change the selection system to where you put the elections back in the States, you take good people and allow them to run good, clean

campaigns, and you do not put them here, having to work, I consider it like swimming around in a polluted pond. It would be a lot more fun to swim in a clean structure. And we put good people here under a system that just needs to be changed.

Mr. FOX of Pennsylvania. It is certainly true. One of the items that I would like to get the Congressman from Minnesota to talk about.

Mr. KINGSTON. If the gentleman would yield.

Mr. FOX of Pennsylvania. Before you could, Congressman KINGSTON, reglatory reform was an area that I wanted to touch on.

Mr. KINGSTON. I just wanted one second. I never would have accused the gentlewoman from Washington [Mrs. SMITH] of being concerned about Jane Fonda. And I was curious about that, because I see her pawing the ground each night in the House Chamber looking for somebody to debate. So, I just could not let that go by, and I yield back.

Mr. FOX of Pennsylvania. Congressman KINGSTON, thank you. I would like you to join us in this colloquy. We do want to see the continuation, I believe, of what Congressman GUTKNECHT has been working on; that is, the regulatory reform.

Many of the businesses and individuals in this country have been stifled in their individual effort to try to start a business, to in fact have the quality of life they want, because regulations and taxation have been so heavy that they cannot move forward. And the problem has been the Federal Government.

GIL, if you could take a moment to reflect on where you think we are on that war against over-regulation, burdensome rules, and over-taxation, I am sure the American people would like to hear, and my colleagues, where you think we are on that issue.

Mr. GUTKNECHT. I thank the gentleman from Pennsylvania. I would just, in follow-up to what Representative SMITH was talking about, I think the key component of what is happening here in Washington today is something, it is a line from Representative PAT ROBERTS, he said, "The status quo doesn't live here anymore."

And we were talking about this earlier today and one of our colleagues used the example of Cortez, when he came to the New World, he had his people burn their ships because there was no turning back. And hopefully we have come to a new world here in Washington. And there is going to be no turning back.

In fact, the Vikings when they would invade the foreign country, Vikings are more popular in the neighborhood where I come from, they would do the same thing. They would burn their ships so they understood that there was no turning back and there was only one way they were going to leave and that was victorious.

And the battles that we have in front of us, whether it be on regulatory reform, ethics reform, campaign finance reform, downsizing the Federal Government, bringing real sanity to the way the Federal Government spends our tax dollars, and more importantly our grandchildren's tax dollars, I think we have to keep that reformist attitude that there is no turning back. We cannot go back. There is only one way that we can leave.

I want to share a couple of things, because we talked about the six-month anniversary that we celebrated last week of coming here as the new Members of the 104th Congress. But we also celebrated a couple of special holidays last week.

One was, of course, Independence Day, the Fourth of July. But most Americans do not know that we celebrated on July 9th Independence from Government Day. Most people know that we work for the Federal and State government for a long, long time, but what most people do not know is if you add the total cost of regulations, regulatory reform has got to be on our list and certainly is, but the average American will work this year through Sunday, July 9th to pay all the costs of Federal, State, and local taxes and regulations.

Mrs. SMITH of Washington. Will the gentleman yield? Average?

Mr. GUTKNECHT. July 9th. The average American will work this year until July 9th to pay all of the costs of government.

Mr. FOX of Pennsylvania. Regulations and taxes and all fees?

Mr. GUTKNECHT. Regulations and taxes. The average American, and this is according to some research done, and most of the numbers I think originally came from CBO, the average American will work 190 days this year to pay his or her share of government.

That is 13 days to pay interest on the national debt, 15 days to pay for national defense, 29 days to pay for Social Security and Medicare, 36 days to pay for all other Federal programs, 42 days to pay for Federal regulations, and 55 days to pay for State and local taxes and other local regulations. The remaining 175 days, they get to work for themselves.

Mr. KINGSTON. Will the gentleman yield?

Mr. GUTKNECHT. I would be happy to yield to the gentleman from Georgia.

Mr. KINGSTON. You know, one of the tax statistics we do hear over and over again is that in the 1950's a middle-class family paid as a percentage of their income tax on the Federal level 2 percent. In 1972, that was 16 percent. In 1995, on an average, that is 24 percent.

□ 2145

So you can imagine the middle-class tax squeeze. The Secretary of the Treasury says often that we are not gaining. Of course, we are not. Any gains we make the Federal Government takes, and they are just taking it right off the plate.

Mr. FOX of Pennsylvania. I thank the gentleman from Georgia. We appreciate your leadership, being an honorary freshman and keeping your enthusiasm for the positive things we do.

Mr. KINGSTON. Does that mean I get paid what Rush Limbaugh is getting paid? He is an honorary freshman.

Mr. FOX of Pennsylvania. I do not think so. You would not want the money anyhow.

The gentleman from Florida [Mr. FOLEY] has been a leader on another reform, and I would like him to join our colloquy, if he would, on the idea of having a lockbox to make sure when we have savings achieved they actually go to deficit reduction. I think you should share with the colleagues what you did this morning on the Government Reform and Oversight Committee and joint committee with Rules, and if you would share that with us now, we would appreciate hearing about it.

Mr. FOLEY. I thank the gentleman from Pennsylvania. You have been a leader of the freshmen, and I really enjoy working with you.

The thing that is so exciting, as the gentleman from Minnesota [Mr. GUTKNECHT] and the gentlewoman from Washington [Mrs. SMITH] and the gentleman from Georgia [Mr. KINGSTON] mentioned, is the fact that the new Congress is about change. It is about proving to the American public we did not come to Washington to be a part of a system. We came from the communities. We love our communities. We want to go back to our communities. More importantly, we want to go back to our communities with the respect that we asked them to send us here in Washington.

The lockbox will provide us the opportunity for monies we save in the budget; if members of the freshman class or Members of Congress in general find $5 million or $10 million, the concept basically is to put that money in a reserve account, a lockbox, to pay off the Federal debt and deficit of this country.

For too long, if somebody found a savings, if somebody found $10 million, and around here that is small money, I am sad to say to the American public, and $10 million to me is a fortune, so much money I cannot even envision, but up here they talk about billions as if it is, Do not worry about it, America, that is not a lot of money. The lockbox provides us an opportunity to put that money aside, take it away from the hands of the politicians and say you cannot have access to that $25 million, $50 million, $100 million, $1 billion. It is in a lockbox for deficit reduction.

Now, we testified before the Committee on Rules, because they are finally

getting serious about it. For the longest time, the Committee on Rules said, no, we cannot use a lockbox; that takes away the power of the appropriators, that really ruins the system of Congress being able to negotiate, you know, you hear all the terms around here, negotiate, satisfy, placate, work it out, conference. The American public did not send us here for happy games, Here, you take care of me this week, I will take care of you next week.

Mrs. SMITH of Washington. If the gentleman will yield, I think I get this, it just simply means when my amendment passed today, when we got rid of money going to Saudi Arabia and Egypt, I could have put that against the deficit.

Mr. FOLEY. Absolutely; absolutely.

Mrs. SMITH of Washington. Instead of maybe somewhere along the line somebody says, "Oh, she saved $500,000, let's use it over there." We have to do this. I totally agree.

Mr. FOLEY. A greater tragedy was the other day in the Science Committee I saved $25 million on one project. I did not commit it to anything else. I said that money should be saved.

The next day, a colleague on the other side of the aisle found that $25 million, fully committed it to another program. So after my efforts to save $25 million, they were all in vain. Today, you had that excellent amendment on the foreign operations budget. That money represents savings for the American public for the first time if we, in fact, have a lockbox, and LINDA SMITH can say to her constituents, "I saved millions of dollars, and it is tucked away, no longer available for pork projects."

Mrs. SMITH of Washington. If the gentleman will yield, see, I do not look at it as savings to people right now. I look at it and look at my five grandchildren and I say it is not charging that to your future, because we are spending $200 billion a year, and it is like the charge card with my grandchildren's picture on it. We are charging away their future, and so for me it is just like every time I find something, I want to make sure that it goes to reducing the deficit, the debt, and establishes a future for my grandkids. They are just tiny little tykes, but I do not know how we can face them after a while if we do not do something serious now.

Mr. FOLEY. It is important you mention that. But you have to think of your families. The wonderful wife of the gentleman from Pennsylvania, Judy, is home in Pennsylvania talking to the constituents that sent her husband here. She has to explain the work he is doing while we are in session. We come to Washington.

We get caught up in that beltway mentality; this charge card, this card we vote with, is the largest credit card in the world, unlimited expenditures.

We have got to be able to once and for all explain to our constituents we are serious about saving their money.

I suggested the other day on a radio show maybe some Members of Congress need to go on Oprah Winfrey, have a therapist there, and talk about working it out.

They are so hungry and hell bent on spending money that does not belong to them.

If this was my Master Card or your Visa——

Mrs. SMITH of Washington. I would be maxed out. They would not let me charge more.

Mr. FOLEY. You would be very cautious about charging on that account.

Mrs. SMITH of Washington. No, the difference is they would tap me somewhere.

Mr. FOLEY. This is phony.

Mr. KINGSTON. I had an interesting experience the other day. A friend of mine from Savannah, where I am from, asked me, he has a son up here, he said, "Would you mind taking an engagement ring up to them?" They did not want to mail a diamond ring at the Post Office. I could not imagine why. They did not want to trust this family heirloom, and they wanted me to take it up there, so I said I would be glad to take it up tomorrow. So I picked up the ring, and I started, and, you know, in the airplane, I started thinking, you know, I have got a $5,000 or $10,000 diamond ring here in my briefcase. I pulled the briefcase up closer to my chest, put a bear hug around it. I started getting a little nervous. I went through the Charlotte airport on the way. I did not go to the bathroom. I did not want to part with my briefcase and the diamond ring. I got real nervous about it. I came up here, and I think within 30 minutes of being here, I voted, as you said, on $2 billion or $3 billion of appropriations. I thought how silly I am, getting worked up and paranoid, about this diamond ring, and yet with that same voting card, I have got one, too, readily vote for billions and billions of appropriations, and as the gentlewoman from Washington [Mrs. SMITH] was saying about that $25 million from Egypt or your amendment on $25 million, what we have been doing is we cut it, but we really just non-earmark it. We free it up, and then the bill goes to the Senate. Your $25 million is sitting there, and some Senator says, "Ah-hah, I have got a new water project in my district. I am going to get that $25 million," and if for some reason it goes through the Senate and that $25 million is setting there, then it comes back to the House, and then the conference committee, they see that $25 million, and you can bet every single dollar ends up being earmarked. So these hours and hours we have debating, cutting the budget, we are not really cutting the budget. We are just not earmarking it.

Mr. FOX of Pennsylvania, I think the fact is that we are all saying, we are talking about accountability, whether it is lockbox legislation, which the gentleman from Florida [Mr. FOLEY] and the gentlewomen from Washington [Mrs. SMITH] and the gentleman from Georgia [Mr. KINGSTON] were talking about, which is going to force the Congress to spend less and make sure we worry about our children and grandchildren and to make sure we actually spend money on things that help people, not more bureaucrats, more bureaucracies. That is what it comes down to. I call on, if I can, the gentleman from Minnesota [Mr. GUTKNECHT] to talk about leading by example, because, frankly, if we do not continue the same kind of verve and spirit this next 6 months and the next year and a half in this Congress that we have in the first 6 months, then the public will not be supporting us with the new reforms we are going for.

Mr. GUTKNECHT. I thank the gentleman. I would just share, you know, in any football game, there are 60 minutes. If you look in the box scores, it will show time of possession, and you either are on offense or you are on defense. The games are almost always won by teams on offense most of the time.

The good news about this freshman class, and we are happy to have the gentleman from Georgia [Mr. KINGSTON] as an honorary member, is we are staying on offense, whether we are talking about campaign finance reform, lockbox reform, budget reform, and we are leading by example. As you say, we actually cut our own franking privileges by one-third in this Congress.

We cut total legislative appropriations by $155 million, and again, you know, in a place where we talk about billions, that may not seem like a lot of money, but if we would reduce the entire Federal budget by that same percentage point, we would pay off the debt or we would get to a zero deficit within about 5 years rather than 7 years, and let me also say that we are contributing more to our pensions. We are reducing congressional pensions. I have a bill, and I hope you will all help me get it passed, which will limit pension accrual for Members of Congress to 12 years, which will mean the end of $100,000 pensions. It will mean the maximum pension a Member could collect would be $27,000. The good news about the 104th Congress and particularly the freshman class, and I thank you again for reserving this time, is we are staying on offense. We are pressing reforms, and I think as long as we do that, I think we are going to win. We are going to get more points on the board. I think that is the key. I think that is what the American people want.

Mr. KINGSTON. If the gentleman will yield, since I am only an honorary

member, I wanted to say this, what I say about the freshman class, when I go back home, on a bumper sticker, the freshman class is a group of normal people who do not want to be President, they do not want to be in the U.S. Senate, they do not want to be here forever, but some of that may happen. But for the time being, they want this, and that is to cut the budget and go home, and you are a class of business people, of homemakers, of lawyers, of teachers, of entrepreneurs, you have all kinds of different people there, but, again, you want less regulation, less government, less micromanagement out of Washington, more personal freedom. I think because of that that is why you are on the offense, because the American people are with you 100 percent.

Mr. FOX of Pennsylvania. One of the other items we are embracing, I think, is the idea of Corrections Day, whether it is the gentleman from Florida [Mr. FOLEY], yourself, the gentlewoman from Washington [Mrs. SMITH], the gentleman from Minnesota [Mr. GUTKNECHT], we are trying to make sure we get through those special reforms to make this institution be more accountable, now that we are working closely with the Speaker, NEWT GINGRICH, to make sure that when we have noncontroversial items, we can bypass the committee system so we get the changes the American people want, not get it to the next Congress or next year.

Mr. FOLEY. I think it is appropriate at this point to talk about leadership of this Chamber. You know, past Congresses, many freshman Members came to Congress with the idea of reform, and they were told by the leadership, "Listen, sit in the back row, be quiet, you will get a chance to participate, wait 4, 5, 6 years, you, too, may be vice chairman of a committee. Don't rock the boat."

What I found in the leadership here with the gentleman from Georgia [Mr. GINGRICH], the gentleman from Texas [Mr. DELAY], the gentleman from Texas [Mr. ARMEY], is the fact they said, "Listen, you were sent here by your constituents. You are equal to us. We are not any higher than you are in the electoral process. We are all Members of the House of Representatives. We each have constituents to answer for. Give it your best shot." I have never once been called down to the office, as happened in the past, for a scolding or a lecture or being told, "You know, Mark, you are going out on a limb. You are embarrassing the Congress," or, you know, "That is not appropriate, you are a freshman, let a senior Member lead." I have got to tell you, I am gratified in this process that I have been able, as a freshman, a new Member coming here from the very first day to speak on the floor, I have been given the opportunity to be in the chair, as I know the gentleman from Pennsylvania [Mr. FOX] has, and I believe the others have, that is a unique opportunity to participate fully in this democracy.

So I have to tip my hat to our leadership for giving us the chance to participate fully.

Mr. KINGSTON. I would only say if they had not given you the chance, you would have made it or taken it.

Mrs. SMITH of Washington. I just want to make a comment on what the gentleman from Florida [Mr. FOLEY] said, not only is this freshman class anxious but we are able to fully join. I did not even think about being a freshman. In fact, you do not remember who freshman are.

Have you ever seen a time in history, I am chairing a subcommittee. Now, that is not a major job, but it used to take you 20 years to get there. I do not think there is any woman on the other side, as well as most men, who have had an opportunity to chair unless they have 10, 20 years under their belt. I had 10–20 minutes under my belt and was chairing the Subcommittee on Taxation and Finance for Small Business. They have taken the energies and the talents of all Members, taken a look at them, whether they have been here 1 minute, 2 years or 20 years, and they said, "Let us use them for the people instead of let us let them wait until they have become ripe," and that is just different, and I appreciate the leadership, too, and the other freshman, because this freshman class has just been fantastic at working together. It has been competitive, but competitive for the people, and the American people are really winning by this.

Mr. FOX of Pennsylvania. I think all the Members who joined me for this special colloquy. I hope we can continue a report back to the American people on a regular basis.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), on Tuesday, July 11, on account of illness in the family.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), between 2 p.m. and 4:15 p.m. today, on account of medical reasons.

Mr. FOGLIETTA (at the request of Mr. GEPHARDT), on Monday, July 10, on account of medical reasons.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today, on account of official 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FARR, for 5 minutes, today.
Mr. WARD, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes each day, on July 12 and 13.
Mr. KASICH, for 5 minutes, today.
Mr. SHAYS, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revised and extend remarks was granted to:

(Mr. MILLER of California, during consideration of H.R. 1905, in the Committee of the Whole today.)

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. TEJEDA.
Mr. UNDERWOOD.
Mr. KLECZKA.
Mr. HAMILTON in two instances.
Mrs. KENNELLY.
Mr. MILLER of California.
Mr. SKELTON in two instances.
Mr. COLEMAN.
Mr. STARK.
Mr. BENTSEN.
Mr. VISCLOSKY.
Mr. TORRICELLI.
Mr. CARDIN.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. DAVIS.
Mr. MOORHEAD.
Mr. WELLER.
Mr. WHITE.
Mr. HUNTER.
Mr. WATTS of Oklahoma.
Mr. PORTMAN.
Mr. CUNNINGHAM.
Mr. GALLEGLY.
Mr. RADANOVITCH.
Mr. SOLOMON.
Mr. SMITH of New Jersey.
Mr. PACKARD.
Mr. SHAW.
Mr. HANSEN.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. HORN.
Mr. BROWN of California.
Mr. DE LA GARZA.
Mr. GILLMOR.
Mr. FATTAH.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under this rule, referred as follows:

S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes; to the Committee on the Judiciary.

S. 677. An act to repeal a redundant venue provision, and other purposes; to the Committee on the Judiciary.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On July 5, 1995:

H.R. 483. An act to amend the Omnibus Budget Reconciliation Act of 1990 to permit Medicare select policies to be offered in all States.

## ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 12, 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:

1165. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1166. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Oversight Board on the Resolution Funding Corporation for the calendar year 1994, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Banking and Financial Services.

1167. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the audited financial statement of the Resolution Trust Corporation as of December 31, 1994, and for the year then ended, pursuant to Public Law 101-73, section 501(a) (103 Stat. 385); to the Committee on Banking and Financial Services.

1168. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Oversight Board for the calendar year 1994, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

1169. A letter from the National Center for Education Statistics, Commissioner, Office of Educational Research and Improvement, transmitting the National Center for Education Statistics [NCES] report entitled, "The Condition of Education," pursuant to 20 U.S.C. 9005; to the Committee on Economic and Educational Opportunities.

1170. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 95-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1171. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Germany (Transmittal No. DTC-41-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1172. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Netherlands (Transmittal No. DTC-42-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1173. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles and and services sold commercially to Australia (Transmittal No. DTC-32-95), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on International Relations.

1174. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended, to provide $3 million in defense articles and services to countries participating in the Rapid Reaction Force [RRF] in Bosnia, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

1175. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-31: suspending restrictions on United States Relations with the Palestine Liberation Organization, pursuant to Public Law 103-236, section 583(b)(2) (108 Stat. 489); to the Committee on International Relations.

1176. A letter from the Secretary, Department of the Interior, transmitting 1994 annual report of the Southwestern Pennsylvania Heritage Preservation Commission, pursuant to Public Law 100-698, section 104(b) (102 Stat. 4621); to the Committee on Resources.

1177. A letter from the Inspector General, Department of Justice, transmitting audit of the Department's private counsel debt collection program, pursuant to Public Law 102-589, section 6 (106 Stat. 5135); to the Committee on the Judiciary.

1178. A letter from the Architect of the Capitol, transmitting report of the accomplishments in achieving the requirements of the Architect of the Capitol Human Resources Act, pursuant to Public Law 103-283, section 312(d)(1)(B) (108 Stat. 1444); jointly, to the Committees on House Oversight and Appropriations.

1179. A letter from the Secretary, Department of Defense, transmitting semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the former Soviet Union, October 1, 1994, through March 31, 1995, pursuant to 22 U.S.C. 5956; jointly, to the Committees on International Relations, National Security, and Appropriations.

## 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. WALKER: Committee on Science. H.R. 1175. A bill to amend Public Law 89-454 to provide for the reauthorization of appropriations; with an amendment (Rept. 104-123 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Subdivision of Budget Totals For Fiscal Year 1996 (Rept. 104-175). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1091. A bill to improve the National Park System in the Commonwealth of Virginia; with an amendment (Rept. 104-176). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOLF: Committee on Appropriations. H.R. 2002. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-177). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 587. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes (Rept. 104-178). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1170. A bill to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court; with amendments (Rept. 104-179). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 464. An Act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes (Rept. 104-180). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 532. An act to clarify the rules governing venue, and for other purposes (Rept. 104-181). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE: Committee on Rules. House Resolution 185. Resolution providing for consideration of the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-182). Referred to the House Calendar.

## 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. WOLF:

H.R. 2002. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. DE LA GARZA (for himself, Mr. EMERSON, Mr. BALDACCI, Mr. BROWN of California, Ms. DELAURO, Mr. DELLUMS, Mr. FARR, Mr. FAZIO of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. HALL of

Ohio, Ms. KAPTUR, Mrs. KENNELLY, Mr. OLVER, Mr. PASTOR, Mr. SANDERS, Mr. STENHOLM, and Mr. WILSON):

H.R. 2003. A bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems; to the Committee on Agriculture.

By Mr. BOEHNER:

H.R. 2004. A bill to amend the Internal Revenue Code of 1986 to exclude from the Social Security tax on self-employment income certain amounts received by insurance salesmen after retirement; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 2005. A bill to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. GEKAS:

H.R. 2006. A bill to amend title 31, United States Code, to provide an automatic continuing appropriation for the U.S. Government; to the Committee on Appropriations, and in addition to the Committee on Rules, 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. 2007. A bill to amend titles 5, 31, and 37 of the United States Code to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations; to the Committee on Appropriations, and in addition to the Committee on Government Reform and Oversight, 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. SHAYS (for himself, Mr. JACOBS, Mr. ARCHER, Mr. ARMEY, Mr. BAKER of California, Mr. BARRETT of Wisconsin, Mr. BASS, Mr. BEILENSON, Mr. BERMAN, Mr. BLUTE, Mr. BONO, Mr. BORSKI, Mr. BROWN of Ohio, Mr. CASTLE, Mr. CHABOT, Mrs. COLLINS of Illinois, Mr. COX, Mr. DELLUMS, Mr. DORNAN, Mr. DOYLE, Mr. DREIER, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FAWELL, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRELINGHUYSEN, Mr. FRISA, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GEKAS, Mr. GILLMOR, Mr. GOODLING, Mr. HALL of Ohio, Mr. HANCOCK, Mr. HANSEN, Mr. HEFLEY, Mr. HINCHEY, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUTCHINSON, Mr. HYDE, Mr. KANJORSKI, Mr. KASICH, Mr. KIM, Mr. KING, Mr. KLINK, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LIPINSKI, Mr. LOBIONDO, Mrs. LOWEY, Mr. LUTHER, Mr. MARKEY, Mr. MARTINEZ, Mr. MARTINI, Mr. MEEHAN, Mr. MENENDEZ, Mr. MILLER of Florida, Mr. MOAKLEY, Mr. MOORHEAD, Mrs. MORELLA, Mr. NEY, Mr. ORTON, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PORTER, Mr. PORTMAN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REED, Mr. REGULA, Mr. RIGGS, Ms. RIVERS, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SAXTON, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHAW, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. SOUDER, Mr. STARK, Mr. STOCKMAN, Mr. TALENT, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mr. UPTON, Mr. VISCLOSKY, Mrs. WALDHOLTZ, Mr. WALKER, Mr. WAMP, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 2008. A bill to repeal the quota and price support programs for peanuts; to the Committee on Agriculture.

By Ms. WOOLSEY:

H.R. 2009. A bill to amend title 5, United States Code, to include medical foods as a specific item for which coverage may be provided under the Federal Employees Health Benefits Program; to the Committee on Government Reform and Oversight.

By Mr. ZIMMER (for himself, Mr. SCHUMER, Mr. MILLER of Florida, Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. JACOBS, Mr. PORTER, Mr. ROHRABACHER, Mr. ANDREWS, Mr. SAXTON, Mr. MEEHAN, Mr. SALMON, Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. HORN, Mr. ENSIGN, and Mr. FRELINGHUYSEN):

H.R. 2010. A bill to reduce target prices for wheat, feed, grains, rice, and cotton, to provide for the determination of deficiency payments and marketing loans of these crops, to abandon the use of acreage reduction programs regarding these crops, to prohibit the provision of deficiency payments for acreage diverted from these crops, to impose income limitations on participation in programs regarding these crops, and to limit Commodity Credit Corporation outlays on behalf of these crops; to the Committee on Agriculture.

By Mr. CARDIN (for himself, Mrs. ROUKEMA, Mr. MCDERMOTT, Mr. TOWNS, Mr. PALLONE, Ms. RIVERS, Mr. NADLER, Mr. WISE, Mr. LEWIS of Georgia, Mr. FAZIO of California, Mr. MORAN, Mr. BEILENSON, and Mr. JOHNSON of South Dakota):

H.R. 2011. A bill to assure equitable coverage and treatment of emergency services under health plans; 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.

By Mr. CREMEANS:

H.R. 2012. A bill to amend the Internal Revenue Code of 1986 to revise the income, estate, and gift tax rules applicable to individuals who lose U.S. citizenship; to the Committee on Ways and Means.

By Mr. FOX (for himself, Mr. SPENCE, Mr. MONTGOMERY, Mr. CUNNINGHAM, Mr. TATE, Mr. DORNAN, Mr. STOCKMAN, Mr. HOLDEN, Mr. KING, Mr. STEARNS, Mr. ROYCE, Mr. GALLEGLY, Mr. WELLER, Mr. LIPINSKI, Mr. FROST, Mr. SAXTON, Mr. LARGENT, Mr. WELDON of Pennsylvania, Mr. RAHALL, Mr. CRAMER, Mr. SOLOMON, Ms. WATERS, Mr. KENNEDY of Massachusetts, Mr. MCHALE, Mr. DOYLE, Mr. MASCARA, Mr. QUINN, Mr. FLANAGAN, Mr. BUYER, Mr. HANCOCK, Mr. ARMEY, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, Mr. COSTELLO, Mr. EVANS, Ms. DUNN of Washington, Mr. SMITH of New Jersey, Mr. DELAY, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. TAUZIN, Mr. NEY, Mr. GILMAN, Ms. ESHOO, Mr. MORAN, Mr. HASTINGS, of Washington, Mr. WATTS of Oklahoma, and Mr. GUTKNECHT):

H.R. 2013. A bill to provide for the display of the POW/MIA flag at each Department of Veterans Affairs medical center until the President determines that the fullest possible accounting of all Vietnam-era POW/MIA's has been made; to the Committee on Veterans' Affairs.

By Mr. HERGER (for himself, Mr. HANCOCK, and Mr. CHRISTENSEN):

H.R. 2014. A bill to amend the Internal Revenue Code of 1986 to allow a credit or refund of motor fuel excise taxes on fuel used by the motor of a highway vehicle to operate certain power takeoff equipment on such vehicle; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 2015. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the economic recovery of areas affected by the loss of employment in the financial institution and real estate sectors; to the Committee on Ways and Means.

By Mr. UNDERWOOD (for himself, Mr. REED, and Mr. DORNAN):

H.R. 2016. A bill to amend title 10, United States Code, to eliminate the requirement that commissioned officers of the armed services be initially appointed as reserve officers regardless of the source of their commission; to the Committee on National Security.

By Mr. MOORHEAD:

H.J. Res. 100. Joint resolution to encourage States to study and adopt interstate compacts for the regulation of interstate insurance; to the Committee on the Judiciary, and in addition to the Committee on Commerce, 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. YOUNG of Alaska:

H. Con. Res. 82. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 523; considered and agreed to.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

127. By the SPEAKER: Memorial of the Senate of the State of Nevada, relative to urging the Congress of the United States to investigate the utility of importing water to Nevada from sources outside Nevada; to the Committee on Resources.

128. Also, memorial of the Senate of the State of Nevada, relative to the management of public rangelands in the State of Nevada; to the Committee on Resources.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. ENGEL.

H.R. 60: Mr. WICKER, Mr. BACHUS, Mr. CHRYSLER, Mr. CALLAHAN, and Mr. FLANAGAN.

H.R. 65: Mr. WATTS of Oklahoma.

H.R. 104: Mr. LATOURETTE, Ms. NORTON, and Mr. WELDON of Pennsylvania.

H.R. 109: Mr. ENGEL.

H.R. 123: Mr. TANNER, Mrs. CUBIN, Mr. BASS, Mr. KLUG, and Mr. ROTH.

H.R. 157: Mr. HEINEMAN.

H.R. 218: Mr. WHITFIELD.
H.R. 240: Mr. THOMPSON.
H.R. 259: Mr. DORNAN.
H.R. 303: Mr. MCHALE, Mr. WATTS of Oklahoma, and Mrs. MINK of Hawaii.
H.R. 311: Ms. FURSE.
H.R. 312: Mr. STOCKMAN.
H.R. 357: Mr. LUTHER and Mr. BARCIA of Michigan.
H.R. 359: Mr. PICKETT.
H.R. 394: Mr. DICKEY, Mr. CLEMENT, Mr. CHRYSLER, and Mr. JOHNSON of South Dakota.
H.R. 436: Mr. DOOLITTLE, Mr. HAYES, Mr. LEACH, Mr. POMBO, Mr. PACKARD, Ms. DUNN of Washington, Mr. LIGHTFOOT, and Mr. COX.
H.R. 460: Mr. DEFAZIO, Mr. HANCOCK, Mr. BILIRAKIS, Mr. LEWIS of California, Mr. DAVIS, Mr. OBERSTAR, Mr. GUTKNECHT, and Mr. FORBES.
H.R. 468: Mr. ACKERMAN and Mr. MARKEY.
H.R. 488: Mr. EVANS.
H.R. 598: Mr. DIAZ-BALART, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. MILLER of Florida, Mr. ORTON, Mr. OBERSTAR, Mr. HASTINGS of Florida, Mr. COX, Mr. FOLEY, Mr. LARGENT, and Mr. CLEMENT.
H.R. 662: Mr. LATOURETTE, Mr. ROHRABACHER, Mr. FIELDS of Texas, and Mrs. KELLY.
H.R. 682: Mr. ENGEL.
H.R. 703: Mr. ZIMMER.
H.R. 713: Mr. ENGEL and Mr. JACOBS.
H.R. 739: Mr. EMERSON.
H.R. 752: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAXON, Mr. COLEMAN, Mr. HOEKSTRA, Mr. STUPAK, Mr. SHADEGG, Mr. BREWSTER, Mr. MARTINEZ, Ms. RIVERS, Mr. FOLEY, and Mr. SCHIFF.
H.R. 789: Mr. PAYNE of Virginia.
H.R. 797: Mr. ENGEL.
H.R. 860: Mr. NETHERCUTT and Mr. BRYANT of Tennessee.
H.R. 866: Mr. MANZULLO and Mr. KENNEDY of Massachusetts.
H.R. 952: Mr. STUMP, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. HEFLEY, Mr. PAXON, and Mr. PETE GEREN of Texas.
H.R. 972: Mr. POMEROY, Mr. MCHALE, and Mr. HALL of Texas.
H.R. 973: Mr. MCHALE.
H.R. 979: Mr. COOLEY.
H.R. 997: Mr. BARTON of Texas, Mr. EVANS, Mr. HINCHEY, Mr. NEY, and Mr. ORTIZ.
H.R. 1023: Mr. KILDEE.
H.R. 1073: Mr. OWENS, Mr. MORAN, Mr. ORTIZ, Mr. WILLIAMS, Mr. MARTINEZ, Mr. ANDREWS, Mr. FRAZER, and Mr. WELDON of Pennsylvania.
H.R. 1074: Mr. OWENS, Mr. MORAN, Mr. ORTIZ, Mr. WILLIAMS, Mr. FRAZER, Mr. STUDDS, and Mr. WELDON of Pennsylvania.
H.R. 1114: Mr. WELDON of Florida, Mr. FOLEY, Mr. LAHOOD, and Mr. JOHNSON of South Dakota.
H.R. 1127: Mr. LATHAM, Ms. DUNN of Washington, Mr. CHRISTENSEN, Mr. ENSIGN, Mrs. CUBIN, Mr. SAXTON, Mr. CHAMBLISS, Mr. SANFORD, Mr. OXLEY, and Mr. FRANK of Massachusetts.
H.R. 1172: Mr. FLAKE, Ms. RIVERS, Mr. LEACH, Mr. GUNDERSON, Mr. DEUTSCH, and Mr. FOX.
H.R. 1222: Ms. WOOLSEY.
H.R. 1299: Mr. MILLER of California and Mr. ENGEL.
H.R. 1318: Mr. STENHOLM.
H.R. 1363: Mr. BAKER of Louisiana.
H.R. 1370: Mr. EDWARDS, Mr. PETE GEREN of Texas, and Mr. STENHOLM.
H.R. 1386: Mr. DORNAN.
H.R. 1454: Mr. RADANOVICH, Mr. CLEMENT, Mr. TORRES, Mr. SKEEN, Ms. ROYBAL-ALLARD, and Mr. PETRI.
H.R. 1547: Mr. BONIOR.
H.R. 1637: Mr. EWING, Mr. PORTER, Mr. ENGLISH of Pennsylvania, and Mr. ZIMMER.
H.R. 1644: Mr. SOUDER and Mr. SANFORD.
H.R. 1661: Mr. CUNNINGHAM, Mr. BAKER of Louisiana, Mr. PICKETT, Mr. MINGE, Mr. UNDERWOOD, and Mr. TALENT.
H.R. 1662: Mr. KLECZKA, Mr. KINGSTON, Mr. JOHNSON of South Dakota, Ms. DUNN of Washington, and Mr. MINGE.
H.R. 1684: Mr. JOHNSON of South Dakota and Mr. OXLEY.
H.R. 1687: Ms. MCCARTHY, Mr. LOBIONDO, Mr. SAXTON, Mr. CREMEANS, Mr. MARTINI, Mr. OLVER, Mr. RIGGS, Mr. MOAKLEY, Mrs. WALDHOLTZ, and Mr. SALMON.
H.R. 1735: Ms. RIVERS and Mr. THOMPSON.
H.R. 1739: Mr. MINGE.
H.R. 1744: Mr. EHLERS, Mr. MINGE, and Mr. SMITH of New Jersey.
H.R. 1749: Mr. DOYLE, Mrs. MORELLA, and Mr. ARMEY.
H.R. 1758: Mr. HILLIARD.
H.R. 1781: Mr. MARTINEZ.
H.R. 1807: Mr. LEWIS of Georgia and Mr. CLEMENT.
H.R. 1818: Mr. SOUDER, Mr. MCKEON, Mr. MCINTOSH, and Mr. EHLERS.
H.R. 1853: Mr. SERRANO and Mr. LAFALCE.
H.R. 1856: Mr. BONO and Mr. BILBRAY.
H.R. 1883: Mr. CREMEANS and Mr. STENHOLM.
H.R. 1904: Mr. STUPAK.
H.R. 1915: Mr. HASTINGS of Washington, Mr. BEREUTER, Mr. COMBEST, and Mr. BARTLETT of Maryland.
H.R. 1950: Mr. MARTINI, Mr. PAYNE of New Jersey, Mr. MORAN, Mr. MARTINEZ, and Ms. WATERS.
H.R. 1957: Mr. TRAFICANT.
H.R. 1963: Mr. LAZIO of New York, Mrs. THURMAN, and Mr. FLAKE.
H.R. 1967: Mr. CAMP, Mr. ENSIGN, Mr. LEWIS of Georgia, and Mr. MCCRERY.
H.R. 1972: Mr. HOKE, Mr. LAHOOD, and Mr. PETERSON of Minnesota.
H.R. 1984: Mr. OXLEY and Mr. ZIMMER.
H.R. 1987: Mr. ROTH, Mr. ROYCE, Mr. MANZULLO, Mr. BALLENGER, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. KING, Mr. BROWNBACK, Mr. FUNDERBURK, Mr. CHABOT, Mr. SALMON, Mr. HOUGHTON, Mr. SANFORD, and Mrs. MEYERS of Kansas.
H. Con. Res. 21: Ms. MOLINARI, Ms. NORTON, and Mr. FRANK of Massachusetts.
H. Con. Res. 23: Mr. WYNN, Mr. LATHAM, and Miss COLLINS of Michigan.
H. Con. Res. 79: Mr. DELLUMS, Mr. BOUCHER, Mr. MARTINEZ, Mr. THOMPSON, Mr. EVANS, and Ms. WOOLSEY.
H. Res. 174: Mr. KENNEDY of Massachusetts, Ms. PELOSI, Mr. DEFAZIO, Mr. FARR, Mr. FRAZER, Ms. RIVERS, Mr. OBERSTAR, and Mr. BEILENSON.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1976

OFFERED BY: MR. DEUTSCH

AMENDMENT NO. 5: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to, the U.S. Mink Export Development Council or any mink industry trade association.

H.R. 1976

OFFERED BY: MR. DURBIN

AMENDMENT NO. 6: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act to the Department of Agriculture may be used (1) to carry out, or pay the salaries of personnel who carry out, any extension service program, market news program, or market analysis program for tobacco or tobacco products; or (2) to provide, or to pay the salaries of personnel who provide, crop insurance for tobacco for the 1996 or later crop years.

H.R. 1976

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 7: Page 55, line 24 insert after "law" the following:

, and which includes a reasonable amount that shall be expended to prepare a report, to be submitted to the Congress not later than 30 days after the date of the enactment of this Act, identifying the nature and extent of the adverse health effects that would be caused by restricting eligibility for food stamp benefits as a result of enacting section 403 of H.R. 4 as passed on March 24, 1995, by the House of Representatives

H.R. 1976

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 8: At the appropriate place in the bill, insert the following new section:

SEC. . None of the funds made available in this Act may be used to provide deficiency payments and land diversion payments described in paragraph (1), or other payments described in paragraph (2)(B), of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) to any person when it is made known to the Federal entity or official to which the funds are made available that the person has an annual adjusted gross income of $100,000 or more from off-farm sources.

H.R. 1976

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 9: At the appropriate place in the bill, insert the following new section:

SEC. . None of the funds made available in this Act may be used for a quota support rate greater than $550 per ton for the 1996 crop of quota peanuts.

H.R. 1976

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 10: Page 29, line 24, strike "$10,400,000,000" and insert "$10,290,000,000".

H.R. 1976

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 11: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

H.R. 1976

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 12: Page 71, after line 2, insert the following new section:

SEC. 726. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for "Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" is hereby reduced by $110,000,000.

H.R. 1977

OFFERED BY: MR. CHABOT

AMENDMENT NO. 11: Page 73, strike line 16 and all that follows through page 74, line 15.

H.R. 1977

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 12: Page 55, line 5, strike "$384,504,000" and insert "$304,504,000".

Page 66, strike lines 14 and 15 and insert the following: "For necessary expenses for the Office of Indian Education, $81,000,000.".

H.R. 1977

OFFERED BY: MRS. CLAYTON

AMENDMENT NO. 13: Page 66, strike lines 14 and 15 and insert the following: "For necessary expenses for the Office of Indian Education, $81,000,000.".

H.R. 1977

OFFERED BY: MR. COBURN

AMENDMENT NO. 14: Page 5, strike lines 11 through 17.

Page 11, strike lines 9 through 17.

Page 17, strike lines 15 through 26.

Page 47, strike lines 17 through 25.

Page 66, strike lines 11 through 15 and insert the following:

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, $52,500,000, to be allocated directly to local educational agencies in direct proportion to the funding received in fiscal year 1995, with no administrative costs at the Federal level.

H.R. 1977

OFFERED BY: MR. COBURN

AMENDMENT NO. 15: Page 5, strike lines 11 through 17.

Page 11, strike lines 9 through 17.

Page 17, strike lines 15 through 26.

Page 47, strike lines 17 through 25.

Page 66, strike lines 11 through 15 and insert the following:

Department of Education

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, $52,500,000.

H.R. 1977

OFFERED BY: MR. CREMEANS

AMENDMENT NO. 16. Page 94, after line 24, add the following:

SEC. 318. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence or Washington, Ohio, for the Wayne National Forest.

H.R. 1977

OFFERED BY: MR. FAZIO OF CALIFORNIA

AMENDMENT NO. 17. Page 2, line 11, strike "$570,017,000" and insert "$569,417,000".

Page 2, line 12, strike "of which" and all that follows through ", and" on line 17.

Page 3, line 4, strike "$570,017,000" and insert "$569,417,000".

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 18: Page 2, line 11, strike "$570,017,000" and insert "$569,417,000".

Page 2, line 12, strike "of which" and all that follows through ", and" on line 17.

Page 3, line 4, strike "$570,017,000" and insert "$569,417,000".

Page 16, line 10, strike "$1" and insert "$1,700,000".

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 19: Page 2, line 11, strike "$570,017,000" and insert "$569,417,000".

Page 2, line 12, strike "of which" and all that follows through ", and" on line 17.

Page 3, line 4, strike "$570,017,000" and insert "$569,417,000".

Page 16, line 5, strike "$1,088,249,000" and insert "$1,088,849,000".

Page 16, line 9, strike ", and" and all that follows through "serve" on line 12.

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 20: Page 2, line 11, strike "$570,017,000" and insert "$569,417,000".

Page 2, line 12, strike "of which" and all that follows through ", and" on line 17.

Page 3, line 4, strike "$570,017,000" and insert "$569,417,000".

Page 16, line 10, strike "$1" and insert "$1,700,000".

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 21: Page 2, line 11, strike "$570,017,000" and insert "$569,417,000".

Page 2, line 12, strike "of which" and all that follows through ", and" on line 17.

Page 3, line 4, strike "$570,017,000" and insert "$569,417,000".

Page 16, line 5, strike "$1,088,249,000" and insert "$1,088,949,000".

Page 16, line 10, strike "$1" and insert "$1,700,000".

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 22: Page 16, line 9, strike ", and" and all that follows through "serve" on line 12.

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 23: Page 16, line 5, strike "$1,088,249,000" and insert "$1,088,849,000".

Page 16, line 9, strike ", and" and all that follows through "serve" on line 12.

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 24: Page 16, line 10, strike "$1" and insert "$1,700,000".

H.R. 1977

OFFERED BY: MR. FAZIO

AMENDMENT NO. 25: Page 16, line 5, strike "$1,088,249,000" and insert "$1,088,949,000".

Page 16, line 10, strike "$1" and insert "$1,700,000".

H.R. 1977

OFFERED BY: MR. GALLEGLY

AMENDMENT NO. 26: Page 34, line 24, strike "$69,232,000" of which (1) $65,705,000 shall be" and insert "$52,405,000, to remain".

Page 34, line 25, strike "technical assistance" and all that follows through "controls, and" on line 1 of page 35.

Page 35, strike lines 11 and 12 and insert: "272): *Provided*".

Page 35, line 25, strike "funding:" and all that follows through line 23 on page 36 and insert "funding.".

H.R. 1977

OFFERED BY: MR. GILCHREST

AMENDMENT NO. 27: Page 19, line 17, insert after "program" the following:

when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified.

H.R. 1977

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 28: Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

H.R. 1977

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 29: Page 55, line 5, strike "$384,504,000" and insert "$379,524,000".

H.R. 1977

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 30: Page 55, line 5, strike "$384,504,000" and insert "$379,524,000".

Page 56, line 3, strike "$552,871,000" and insert "$557,851,000".

Page 56, line 10, strike "$133,946,000" and insert "$138,926,000".

Page 56, line 17, strike "$107,446,000" and insert "$112,426,000".

H.R. 1977

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 31: Page 55, line 5, strike "$384,504,000" and insert "$379,524,000".

H.R. 1977

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 32: Page 5, line 15, strike "$8,500,000" and insert "$14,750,000".

Page 11, line 16, strike "$14,100,000" and insert "$67,300,000".

Page 17, line 21, strike "$14,300,000" and insert "$84,550,000".

Page 17, line 26, strike "$1,500,000" and insert "$3,240,000".

Page 47, line 23, strike "$14,600,000" and insert "$65,310,000".

Page 55, line 5, strike "$384,504,000" and insert "$200,854,000".

H.R. 1977

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 33: Page 45, line 24, strike "$1,276,688,000" and insert "$1,245,720,000".

H.R. 1977

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 34: Page 47, line 13, strike all that follows after "United States" through line 16 and insert a period.

H.R. 1977

OFFERED BY: MR. OWENS

AMENDMENT NO. 35: Page 94, after line 24, insert the following new section:

SEC. 318. (a) RESERVATION OF ROYALTY.—Production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any mining claim located under the general mining laws, as the case may be, shall be subject to a royalty of 8 percent of the gross income from such production. The claimholder and any operator to whom the claimholder has assigned the obligation to make royalty payments under the claim and any person who controls such claimholder or operator shall be jointly and severally liable for payment of such royalties.

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is liable to the Secretary for making proper payments for all amounts due for all time periods for which such person as a payment responsibility. Such liability for the period referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary or any State conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee or State.

(2) Records required by the Secretary under this section shall be maintained for 6 years after cessation of all mining activity at the claim concerned unless the Secretary notifies the operator that he or she has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this title, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (4)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under the general mining laws.

(3) Trade secrets, proprietary, and other confidential information shall be made available by the Secretary pursuant to a cooperative agreement under this subsection to the Secretary of Agriculture upon request only if—

(A) the Secretary of Agriculture consents in writing to restrict the dissemination of the information to those who are directly involved in an audit or investigation under this section and who have a need to know;

(B) the Secretary of Agriculture accepts liability for wrongful disclosure; and

(C) the Secretary of Agriculture demonstrates that such information is essential to the conduct of an audit or investigation under this subsection.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such under payments at the same interest rate as is applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

(3) If there is a substantial underreporting of royalty owed on production from a claim for any production month by any person responsible for paying the royalty, the Secretary may assess an additional penalty of 10 percent of the amount of that underreporting.

(4) For the purposes of this subsection, the term "underreporting" means the difference between the royalty on the value of the production which should have been reported and the royalty on the value of the production which was reported, if the value which should have been reported is greater than the value which was reported. An underreporting constitutes a "substantial underreporting" if such difference exceeds 10 percent of the royalty on the value of production which should have been reported.

(5) The Secretary shall not impose the assessment provided in paragraphs (2) or (3) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(6) The Secretary shall waive any portion of an assessment under paragraph (2) or (3) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported, or

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported, or

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(7) All penalties collected under this subsection shall be deposited in the Treasury.

(g) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located or converted under this section when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(h) EXCEPTION.—No royalty shall be payable under subsection (a) with respect to minerals processed at a facility by the same person or entity which extracted the minerals if an urban development action grant has been made under section 119 of the Housing and Community Development Act of 1974 with respect to any portion of such facility.

(i) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

H.R. 1977

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 36: Page 23, line 19, strike "$87,000,000" and insert "$60,220,000".

Page 55, line 5, strike "$384,504,000" and insert "$357,724,000".

Page 55, line 22, strike "$151,028,000" and insert "$124,247,000".

Page 66, strike lines 11 through 15 and insert the following:

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, $81,341,000.

H.R. 1977

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 37: Page 29, line 15, strike "*Provided further*," and all that follows through "November 30, 1997:" on line 18.

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 38: Page 37, line 19, strike "$55,982,000" and insert "$53,919,000".

Page 75, line 15, strike "$1,000,000" and insert "$3,063,000".

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 39: Page 37, line 19, strike "$55,982,000" and insert "$53,919,000".

Page 75, strike lines 14 through 17 and insert "For expenses necessary for the Advisory Council on Historic Preservation, $3,063,000".

H.R. 1977

OFFERED BY: MR. SANDERS

AMENDMENT NO. 40: Page 55, line 5, strike "$384,504,000" and insert "$284,504,000".

Page 56, line 3, strike "$552,871,000" and insert "$652,871,000".

Page 56, line 10, strike "133,946,000" and insert "$233,946,000".

Page 56, line 17, strike "$107,446,000" and insert "$207,446,000".

H.R. 1977

OFFERED BY: MR. SCHAEFER

AMENDMENT NO. 41: Page 57, line 7, strike "$287,000,000" and all that follows through "Reserve" on line 21, and insert the following:

$187,000,000, to remain available until expended, which shall be derived by transfer of unobligated balances from the "SPR petroleum account".

H.R. 1977

OFFERED BY: MR. SCHAEFER

AMENDMENT NO. 42: Page 57, line 9, strike "and" and all that follows through "Reserve" on line 21.

H.R. 1977

OFFERED BY: MR. SCHAEFER

AMENDMENT NO. 43: Page 57, line 11, strike ": *Provided*" and all that follows through "Reserve" on line 21.

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 44: On page 5, line 10, after the period insert the following:

None of the funds appropriated to implement such Act shall be used for payments with respect to entitlement lands (as defined in such Act) whose ownership is subject to litigation or with respect to which a State or political subdivision of a State has asserted a formal claim of ownership.

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 45: On page 17, line 5, strike "$114,868,000," and in lieu thereof insert "$89,868,000 to be used at the discretion of the Secretary of the Interior and "

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 46: On page 56, line 10, strike "$133,946,000," and in lieu thereof insert "$148,946,000"; on page 56, line 17, strike "$107,446,000" and in lieu thereof "$120,446,000"; and on page 56, line 18, strike "$26,500,000" and in lieu thereof, insert "$28,500,000".

H.R. 1977

OFFERED BY: MRS. SMITH OF WASHINGTON

AMENDMENT NO. 47: Page 72, line 12, strike "$6,152,000" and insert "$5,140,100".

H.R. 1977

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 48: Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

H.R. 1977

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 49: Page 94, after line 24, insert the following new sections:

**SEC. 318. DEFICIT REDUCTION TRUST FUND.**

(a) ESTABLISHMENT.—A trust fund known as the "Deficit Reduction Trust Fund" (hereinafter in this Act referred to as the "Fund") shall be established in the Treasury of the United States.

(b) CONTENTS.—The Fund shall consist only of amounts contained in the deficit reduction lock-box provision of any appropriation Act. Such amounts shall be transferred to the Fund as specified in subsection (c).

(c) TRANSFERS OF MONEYS TO THE FUND.—Within 10 days of enactment of any appropriation Act which has a deficit reduction lock-box provision, there shall be transferred from the general fund to the Fund an amount equal to that amount.

(d) USE OF MONEYS IN THE FUND.—Notwithstanding any other provision of law, the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

**SEC. 319. DOWNWARD ADJUSTMENTS OF DISCRETIONARY SPENDING LIMITS.**

(a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of budget authority transferred to the Fund for that fiscal year under section 2(c), as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon such programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. All such reductions shall occur on the same day that the amounts triggering the reductions are transferred to the Fund.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

**SEC. 320. DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION MEASURES.**

(a) DEFICIT REDUCTION LOCK-BOX PROVISIONS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION BILLS

"SEC. 314. (a) Any appropriation bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Lock-box'. The dollar amount set forth under that heading shall be an amount equal to the section 602(b)(1) or section 302(b)(1) allocations, as the case may be, to the subcommittee of jurisdiction over the bill of the Committee on Appropriations minus the aggregate level of budget authority or outlays contained in the bill being considered.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602 (b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee).

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(c) Whenever a Member of either House of Congress offers an amendment (whether in subcommittee, committee, or on the floor) to an appropriation bill to reduce spending, that reduction shall be placed in the deficit reduction lock-box unless that Member indicates that it is to be utilized for another program, project, or activity covered by that bill. If the amendment is agreed to and the reduction was placed in the deficit reduction lock-box, then the line item entitled 'Deficit Reduction Lock-box' shall be increased by the amount of that reduction.

"(d) It shall not be in order in the House of Representatives or the Senate to consider a conference report that modifies any Deficit Reduction Lock-box provision that is beyond the scope of that provision as so committed to the conference committee.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box provisions of appropriation measures.".

**SEC. 321. CBO TRACKING.**

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(i) SCOREKEEPING ASSISTANCE.—To facilitate compliance by the Committees on Appropriations with section 314, the Office shall score all general appropriation measures as passed the House of Representatives and as passed the Senate and have such scorecard published in the Congressional Record.".

# EXTENSIONS OF REMARKS

## RECOGNITION OF THE 125TH ANNIVERSARY OF COPYRIGHT IN THE LIBRARY OF CONGRESS

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. MOORHEAD. Mr. Speaker, I rise today to acknowledge the 125th anniversary of the statute which established our national copyright system in the Library of Congress.

Our Nation's Founding Fathers recognized not only the need to protect the rights and property of individual Americans, but also the importance of providing incentives to stimulate the economic and cultural growth of the United States. Thus, in article I, section 8 of the Constitution, they gave the Congress the power "To promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

In 1870, Congress passed our first copyright law which established a system of copyright registration through the Federal district courts. This system was certainly inadequate in terms of keeping a readily accessible public record of copyright registration and an organized collection of the works which had been submitted for registration. The 1870 legislation transferred the entire copyright business from the Federal courts to the Library of Congress. For the first time, our Nation had a central point for both copyright registration and for the holding of record copies of registered works.

By bringing copyright into the Library of Congress the law also provided the basis for making the Library what it is today—our Nation's Library whose collections are a reflection of the entire breadth of American creativity. By 1875, copyright deposits became the most important source of acquisition for the Library. For works such as maps, musical scores, and graphic arts, copyright deposit accounted for almost 90 percent of all such material acquired by the Library.

The Library's reliance on copyright deposits continues to this day. The Library of Congress collections now encompass almost 110 million items, a substantial number of which have come to the Library as a result of copyright. The type of material received has broadened over the years to include photographs, television shows, movies, compact discs, and computer programs on CD–ROM's. The value of the material transferred to the Library from the copyright system in fiscal year 1994 was in excess of $15 million.

The importance of the Copyright Office to the Library and the work of the Office in advancing the principles of copyright in a changing technological world is being acknowledged today by the Librarian of Congress, Dr. James Billington, in a program being held in the great hall of the Thomas Jefferson Building. Our Register of Copyrights, Marybeth Peters, will also address her staff on the current and future role of that important office.

As chairman of the Subcommittee on Courts and Intellectual Property, I work closely with the Copyright Office on the significant copyright issues Congress must address. This year those issues include proposals to extend the term of copyright and to grant digital performance rights in sound recordings.

Today I join Dr. Billington and Ms. Peters in saluting the Copyright Office for its work in keeping our national copyright system strong and for the role it continues to play in fortifying the Library of Congress.

## COMMENDING LT. COL. ALAN KRUSE

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. WELLER. Mr. Speaker, I would like to take this opportunity to commend Lt. Col. Alan Kruse for all his help with plans to redevelop the Joliet Army Ammunition Plant. Colonel Kruse very capably served as the commander of the JAAP, and has dedicated much time and effort to supporting plans to productively utilize this expansive area.

Colonel Kruse was involved with the Citizens Planning Commission that endorsed a plan to use much of the land for conservation and recreation, as well as a veterans cemetery, two areas for economic development, and a county landfill.

This plan has developed into legislation that is very close to passing both the House of Representatives and the Senate. Without the help of Colonel Kruse, seeing this project become a reality may not have been possible. It is so encouraging to have such aggressive, and dedicated people such as Al Kruse working toward this goal.

I extend my sincere thanks and best wishes to Lt. Col. Alan Kruse. He will be missed in Joliet; and we would love to have him back soon to visit the Midewin National Tallgrass Prairie, and the Joliet National Cemetery.

## TRIBUTE TO MS. LADISLAVA POTASKI KRAWIEC

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to an outstanding American citizen as she approaches her 75th birthday. Now living in Ridgefield, NJ, Ms. Ladislava Potaski Krawiec has dedicated her life to serving her family and community. She served as a school and community nurse for 45 years until her retirement in 1987. At a time when women were not encouraged to attend college, Ms. Krawiec continued to develop her health care skills through schooling at various colleges throughout New Jersey. She eventually attained the title of head nurse at Belleville Hospital in charge of diabetes, arthritis, and general medicine.

She did not allow her dedication to her career to interfere with her commitment to her family. After the birth of her first child in 1945, Ms. Krawiec became active in her local PTA and worked to strengthen the health care services in the Ridgefield community. After becoming a part-time nurse at her daughter's school, she decided to return to school at night and 4 years later graduated cum laude from Jersey City College with a BA in health education and school nursing.

Even though Ms. Krawiec's children have grown into adulthood, and she has retired from her nursing career, her volunteer work still continues. She is currently serving in her 11th year as president of the American Legion Auxiliary and she chairs the SHARE program which provides low-cost meals for senior citizens.

Ms. Krawiec's commitment to her family, job, and community serve as a model to all of us. Mr. Speaker, I urge my colleagues to join me in wishing a happy and prosperous 75th birthday to Ms. Ladislava Potaski Krawiec.

## COMMENDING AN ARTICLE IN THE WALL STREET JOURNAL

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. HUNTER. Mr. Speaker, I rise today to commend to the House an article in today's Wall Street Journal. Written by the very thoughtful and articulate Bruce Herschensohn, it details, concisely, just what the President is giving away by recognizing the Socialist Republic of Vietnam.

DON'T REWARD VIETNAM

(By Bruce Herschensohn)

This week, President Clinton plans to give full diplomatic recognition to the Socialist Republic of Vietnam. Most of the controversy surrounding the move has focused on the POW/MIA issue. While this is important, it obscures the real significance of the administration's decision: By recognizing Vietnam now, Mr. Clinton would send a message to foreign governments that it's unnecessary to keep agreements with the U.S.

U.S. troops were removed from South Vietnam because of the agreements initialed on Jan. 23, 1973, by Henry Kissinger for the U.S. and Le Duc Tho for Vietnam. Before we make any new agreements with Hanoi,

● 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.

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wouldn't it be worthwhile to remember the contents of this treaty, the last one between the two countries?

Chapter 4, Article 9 of the Paris Accords states that "the South Vietnamese people shall decide for themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision." Article 11 guarantees the "democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organizations, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work."

The accords were taken seriously by the American side. When President Nixon informed the nation of the signing of the accords, he said. "The people of South Vietnam have been guaranteed the right to determine their own future without outside interference."

But to this day, more than 22 years later, the Paris Accords remain unobserved by the Hanoi government. Not only did the North violate the treaty by invading the South in 1975, but since then the government has denied to the people of Vietnam every one of the liberties enumerated in the accords.

The pro-Hanoi lobby doesn't seem to care. Many business people in the U.S., it seems, ignore the moral aspects of recognizing Vietnam and look at it only as a means to fatten their wallets. They justify this approach by arguing that opening ties with Vietnam will pave the way for democracy and human rights.

Please. We've heard it all before.

That was the business lobby's argument for giving "most favored nation" status to the People's Republic of China. Today, along with hundreds of thousands of others who suffer at Beijing's hands, the imprisoned American human-rights campaigner Harry Wu can testify that these arguments were false.

They've always been false. I have on my desk an old and tattered book published before our entry into World War II. Its title is "You Can't Do Business With Hitler," by Douglas Miller. Many American business people ignored this advice then, just as many would ignore a book today called "You Can't Do Business With Le Duc Anh." But it remains as true today as in the 1930s: The U.S. shouldn't open ties with dictatorships that respect neither their own citizens nor foreign treaty obligations.

## CLINTON RECESSION

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. PACKARD. Mr. Speaker, President Clinton is preparing to attack the Contract With America and the Republican policies we have worked so hard to pass. He is going to claim that these policies are to blame for a recession that is just around the corner. Mr. Speaker, nothing could be further from the truth. Our tax cuts and balanced budget proposals have not even been enacted into law and he is claiming Republicans are responsible.

The fact is, when the economy begins to decline, the President need look no further than his own office. His historical tax increase has hurt middle class Americans. Wages and salaries fell 2.3 percent between March 1994 and March 1995. That is the largest drop on record. National savings plummeted 5.2 percent in March and April, most probably because the American taxpayer had to pay more this year than last to the IRS and the list does not end here. Jobs, industrial production, factory orders and housing starts have all dropped. President Clinton's budget policies take the drive out of our economic engine.

Mr. Speaker, I strongly believe that through smaller Government and tax cuts we can recession proof the economy and put it back on track. Furthermore, regulatory and tort reform will put unprecedented muscle behind our economy, creating a vibrant economic future of all Americans.

## SALUTE TO ALFRED AND CECILIA HADLEY

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. GALLEGLY. Mr. Speaker, I rise today to salute two people who have combined a lifelong dedication to each other with a lifelong dedication to each other with a lifelong dedication to helping others—particularly young people.

Alfred and Cecilia Hadley celebrate their 60th wedding anniversary today, and their personal joy is accompanied by the fact that they have given so many of us so much to celebrate. I can honestly say that I have never met two people as dedicated to serving and guiding others as Al and Cecilia, and no two people have had as great a personal effect on me.

Like many young boys, I became involved in Scouting early in my life and Al Hadley was my Scoutmaster. I frankly cannot imagine a more involved, dedicated and selfless leader. Al more than earned the nickname, "Skipper"—he had an extremely positive influence on all of us.

And Al was not the only member of the Hadley household to live by the code of volunteerism, and service to others.

Cecilia was a church organist and piano teacher for 30 years, although few of her many students ever paid for more than their music. She knitted uncounted numbers of sweaters and blankets for the organization, "Birthright," and served as a hospital auxiliary volunteer for many years—making patients' hospital stays a little bit brighter through her ready care and ready smile. An accomplished cook, she has most recently donated her time and talents as an English coach in a local elementary school.

The Hadleys also found time to raise their own family, of course, and have two loving sons—Peter and David—five grandchildren and one great-granddaughter.

Mr. Speaker, it is rare that one comes across one person as dedicated to serving others as Al and Cecilia. If is rarer still that one encounters two such people, particularly two celebrating their 60th wedding anniversary.

I would like to wish this special couple all the best on their special day and to thank them from the bottom of my heart for the tremendous impact they have had on my life and the lives of so many other youngsters. They are truly a symbol of all that is right with America, of the ideals and commitment to service that makes this nation great.

## IN HONOR OF ASSOCIATE CIRCUIT JUDGE MICHAEL LYONS

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. WELLER. Mr. Speaker, today I would like to honor the retirement of Associate Circuit Judge Michael Lyons, who has served Will County with distinction from 1975 to 1995.

Born on August 11, 1916, Judge Lyons graduated from DePaul Law School and was licensed to practice law in 1940. He married Helen Glass in 1945 and together they raised six children, Robert, Thomas, James, John, Joan, and Diane. He also served in the U.S. Army Counter Intelligence Corps during World War II.

Judge Lyons' specialty is in the trial of personal injury cases in the State and Federal Courts throughout the United States.

While Will County is losing a very dedicated and respected judge and public servant, I wish him the best of luck in retirement. His insight and knowledge of the law will be greatly missed.

## SUPPORT FOR BENIN'S PEACE INITIATIVES

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. TORRICELLI. Mr. Speaker, I would like to express my support for the initiatives of the Government of Benin in its efforts to facilitate peace in West Africa and the world.

The President of the Republic of Benin, Nicephore Soglo, as two-time head—1992 and 1993—of the Economic Community of West African States [ECOWAS], has led the search for peace throughout Liberia's difficult reconciliation process. President Soglo's administration has hosted several reconciliation conferences and efforts for peace in the region. As noted, he was elected twice to head ECOWAS, because the heads of state were looking for one of their peers who would be totally neutral vis-a-vis all the factions involved in the Liberian crisis.

Although a small nation of approximately 5 million people, Benin made a courageous offer to welcome Haitian refugees during the crisis of 1994. Moreover, Benin's government sent a police force of 30 to 50 persons to participate under the umbrella of the group for the restoration of democracy in Haiti. Benin was the only African country that agreed to do so.

Other examples of peace initiatives in West Africa include Benin's dialogue with its neighbors Niger and Togo. With Niger, Benin has established a joint border demarcation commission to resolve the dispute over the island

of Lete on the Niger river. Relations with Togo were strengthened by a recent visit from Togolese Prime Minister Edem Kodjo. Regional stability will stimulate substantially more trade with and among the states of West Africa.

Mr. Speaker, the United States Government has strengthened ties with the Republic of Benin since it has become a model for democratization in Africa. Let us not forget that Benin was the first one-party Marxist State in Africa to achieve a successful transition to democracy, marked by the free and fair Presidential election of 1991. Benin is now using its international credibility and stature to facilitate peace in West Africa and the world.

## THE SOFTWARE INDUSTRY IS FACING INCREASING GOVERNMENT OVERSIGHT AND REGULATION

### HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. WHITE. Mr. Speaker, later this month the House will take up historic telecommunications reform legislation to deregulate and introduce competition into areas that were previously monopolies by government franchise. I can assure my colleagues that the Commerce Committee, under the able leadership of Chairman Bliley and Subcommittee Chairman Fields, also has been on guard to ensure that, as we deregulate the telecommunications industry, we do not inadvertently begin regulating the computer and information services industries.

I am confident that this Congress would never create a "Federal Computer Commission." The computer industry is a model of how a competitive market fosters economic growth. Moreover, it illustrates how technological advance by one company can create enormous economic opportunities for many others in the marketplace. The most recent example, I am proud to note, is the development by Microsoft of its windows 95 personal computer operating system software and its new online information service, The Microsoft Network. As the Wall Street Journal recently noted, much of the high technology sector—and the market generally—anxiously awaits the timely and successful launch of windows 95 and the Microsoft Network on August 24.

Given all this, I thought my colleagues might be interested in the views of several commentators. Many of them have raised questions about the Justice Department's investigation of Microsoft's decision to include a feature in windows 95 that will make it easier for customers to subscribe to the Microsoft Network if they choose to do so. These commentators wonder how such regulatory intervention in the computer industry benefits users, competition or the country generally.

I would ask that these articles be included in the RECORD.

[From the Wall Street Journal, June 19, 1995]

SUCCESSFUL LAUNCH WOULD BE A BOON TO DOZENS OF FIRMS

(By Molly Baker)

Microsoft's Windows 95 may create a tidal wave in the technology and financial markets, but investors looking to profit by it should search among the ripples.

Certainly no one should underestimate the significance of the new operating system, scheduled to be shipped on Aug. 24, less than 10 weeks from now.

"This is a broad infrastructure change that will have ramifications not seen before," proclaims Chris Galvin, a software analyst with Hambrecht & Quist. "This is not your normal upgrade cycle; it is a very significant event."

Obviously, Microsoft has the most to gain or lose from Windows 95 and its price already reflects that. But changes the system will bring—providing, of course, that it is successful—will be a boon to dozens of other companies.

REPLACING PCS

Consider, for instance, that the new operating system probably will make obsolete many of the personal computers sold in the past decade. The sheer number of people who will be seeking to replace or upgrade their existing PCs suggests that computer retailers like CompUSA will be mobbed.

"With its ease of use, [Windows 95] will also draw new users to computers for the first time. It's likely to be one incredible Christmas season," says Shelton Swei, a technology analyst and portfolio manager at Fred Alger Management.

"Because CompUSA is more on the consumer side, they will benefit from the consumers' quick adoption rate," says Mr. Swei. "They'll get traffic from people in the stores getting the upgrade and those people just might pick up a game or two at the same time."

Wholesale distributors such as Tech Data and Merisel can also expect burgeoning orders for both hardware and software. They are two of the largest middlemen that put computer equipment and supplies from the major manufacturers on the shelves of retailers.

UTILITIES PROGRAMS

Along with Windows 95, consumers will also be snapping up new utilities programs, such as virus protection and hard-drive backup tools, as the old set won't work with Windows 95. Many money managers are betting on Symantec, which controls about 75% of the utilities market.

"Our logic with Symantec is real simple. Once [Windows 95] gets released, the utilities upgrades will be pervasive, just like when Windows 3.0 was introduced," says Edward Antoian, a portfolio manager with Philadelphia-based Delaware Management.

Then there are the memory makers. Windows 95 will gobble up memory, requiring at least eight megabytes of random-access memory, or RAM, to run its various tools. Most consumers have been buying computers with just four megabytes of RAM and will be turning to the memory providers for upgrades.

"I think eight megabytes of RAM will be underpowered, and most are going to be looking for 16 megabytes," predicts Charles F. Boucher, a semiconductor analyst with Hambrecht & Quist.

Although the big RAM makers such as Micron and Texas Instruments are the obvious names, smaller companies could profit from the memory demand.

"When it comes to Windows 95, anyone selling anything remotely related to memory will benefit—because you'll need it," comments Lise Buyer, an analyst with T. Rowe Price's Science and Technology Fund.

Integrated Silicon Solutions, which makes the higher performance SRAM memory circuits, is already producing at capacity and orders are expected to increase. The Sunnyvale, Calif., company's shares, which rose ¼ to 51 Friday on the Nasdaq Stock Market, have soared from an initial offering price of 13 in February.

Another 1995 IPO that might ride Windows 95 to bigger gains is Oak Technology, a maker of semiconductors and software specifically for multimedia applications. Multimedia is supposed to be one of Windows 95's especially strong suits. Oak's stock has been rising in tandem with consumer demand for CD-ROM-equipped computers. Shares have more than doubled since Oak's first-quarter IPO at 14 a share to Friday's close of 34¼, up 3¼.

Once armed with the latest turbocharged computers and the new operating system, consumers will turn to software developers to write more advanced multimedia titles to take advantage of that power. To hear and see all of the bells and whistles of the new programs, computer makers and consumers will be loading their PCs with all kinds of graphic accelerator chips and boards.

SOARING SHARES

A number of smaller companies specialize in the graphic chips market, and their stocks have been soaring this year. S3 has more than doubled this year, closing Friday at 34⅝, down 1. Trident Microsystems has gained 64% this year to close at $19.25 a share on Friday, up ½, while Chips & Technologies, which focuses on the portable PC market, has gained 55% since January to end last week at $11.125, up 1.

S3 got an added boost last week when Compaq Computer said it would use an S3-produced multimedia chip package in one of its PC lines. Following the announcement, S3 said it was comfortable with analysts' sales estimates for the year of $300 million, compared with $140 million in 1994.

The second quarter played host to two hot IPOs of companies which make boards combining the various graphics and multimedia chips. Diamond Multimedia Systems and Number Nine Visual Technology should both get a boost from consumers who want to upgrade their capabilities without buying a new computer.

In addition to selling the boards, Number Nine also makes its own high-end 128-bit graphics card—enabling computing to run at near Mach speeds compared with the current 16-bit standard and Windows 95's breakthrough 32-bit capabilities.

"It's a small market right now, but that's where a lot of the growth will be coming from in the next few years," says Brad Hoopman, a technology analyst with Philadelphia-based PNC Small Cap Growth Fund.

With increased memory and the speed of the new system, more consumers will be turning to the Internet for entertainment and information. They might need high-performance modems made by Microcom and U.S. Robotics.

One warning from the analysts: Software makers that aren't ready for Windows 95 when it arrives could be in for some hard times. They recommend evaluating software stocks in light of their ability to offer Windows 95 products.

"Clearly it's something that has to be thought of in the overall investment equation," advises Fred Alger's Mr. Swei. "When considering the technology stocks, you've got to think about whether the product can compete or will it just become irrelevant" in the post-Windows 95 world.

[From the Washington Times, April 21, 1995]

MICROSOFT DESERVES REVERSAL ON MERITS, JUDGE'S GOOFINESS

There is no polite way to put this. The Sporkin-Microsoft antitrust case that goes before a U.S. Court of Appeals on Monday is just about the goofiest, weirdest, most bizarre case of its kind. Ever. Here are the basics of the case:

In the 1980s, Microsoft officials bet the ranch that they could build an operating system that would serve as a foundation, or platform, for most or all of the software applications that run on personal computers. They won—big.

Competition, naturally didn't like this much. Four years ago, they complained to the Federal Trade Commission and then the Justice Department. They said (anonymously) that SYS-DOS and Windows had been so successful that Microsoft's operating systems had become a monopoly. Which is true.

First the FTC and then Justice decided that, in fact, Microsoft did have a monopoly. Never mind that Microsoft had mostly guessed right and that thousands of independent software developers were exceedingly delighted that they had. The government decided to pursue an antitrust case against Microsoft.

Four years and millions of taxpayer dollars later, Justice decided that, well, maybe Microsoft did have a monopoly and their competitors didn't much like it. But consumers were happy—they were getting thousands of new software applications at lower prices—and there wasn't much of an antitrust case after all.

So Justice and Microsoft officials negotiated a deal, a consent decree that essentially ordered Microsoft to change the way it licensed its operating system to others. Everyone—except Apple Computer Inc., and other direct competitors—seemed to be happy.

In the end, the Justice Department conducted more than 100 interviews at about 80 companies, reviewed more than 2 million pages of documents, and devoted more than 20,000 paralegal and economist hours on the case. Kind of takes your breath away.

But this story, as bad as it seems, did not end there. Instead, Stanley Sporkin, the federal district judge assigned to review the consent decree, read a book called "Hard Drive" during his vacation and created a whole bunch of new kooky things for everyone to look at and basically threw the case out and told them to start over.

Judge Sporkin, for instance didn't like something called "vaporware," and was mad that Justice didn't pursue this. And what, exactly is vaporware? Glad you asked.

When a company like Microsoft is developing a new operating system, it announces its future plans to market such a new system. Mostly, it lets computer buyers, dealers, and software makers (or even consumers) know that something new may be on the horizon.

But Judge Sprokin said, no, this "vaporware" (as in, it doesn't exist yet and may never actually exist) is nothing more than a sinister plot by Microsoft to keep people from buying similar competing products before its own product emerges from the factory.

Let's take the judge's reasoning out to its conclusion. Instead of telling people (beforehand) what Windows 95 will look like when it comes out, Judge Sporkin wants Microsoft to just drop the program in people's laps one day. Sure, that makes a lot of sense.

In addition, Judge Sporkin apparently entertained some rather unusual "ex parte" communications with quite interested third parties while he was deliberating the case.

For instance, according to Microsoft's Appeals Court brief, Apple sent a letter and five affidavits accusing Microsoft of various actions unrelated to the Justice case directly to Judge Sporkin's chambers. The other side didn't find out until later.

And a software industry commentator faxed an accusatory letter directly to the judge's chambers opposing the consent decree, according to Microsoft's brief. Judge Sporkin didn't bother to tell anyone about this, which only later emerged as court documents became available.

Just think of the possibilities if all judges had faxes in their chambers to receive such ex parte communications. Have a problem with the way the O.J. Simpson case is going? Just fax in your comments to Judge Lance Ito's chambers.

Reading through the transcript of the Sporkin proceedings is a journey through fantasyland. At one point, he said he was raising issues unrelated to the case before him because "I read a book once that raised all these issues, and that's why I raised them."

At another point, he urged Microsoft legal counsel to read "Hard Drive" so everyone would be on the "same page" and constantly referred to things he'd clearly read from a stack of newspaper clips in his chambers.

And at yet another point, Judge Sporkin said he was concerned about the "schnook consumer" who might be thinking of buying "Turbo Charge." Never mind that cars are turbo-charged and that computer run a programming language called TurboBASIC.

Make no mistake about any of this, Microsoft is clearly an aggressive—maybe even ruthless—company. It offers deals that can't be refused to computer hardware manufacturers so they will install Microsoft operating system in their computers.

But none of this is illegal. Microsoft cornered the market on personal computer operating systems by offering very good products at very good prices. Simple as that.

And no amount of equivocating by anyone—including a judge who wants to be the mediator of the computer industry for perhaps the next 10 to 20 years—is going to change that fact.

Even if Microsoft CEO Bill Gates and his good friend President Clinton, did cut their own side deal on a golf course somewhere to get Justice to back down in the antitrust case, it makes no difference.

The case against Microsoft was a joke to begin with, and it only got worse with the passage of time. "Schnook consumers" are getting murdered by this entire mess.

If there is any intelligent life left in the federal judicial system around here, the U.S. Court of Appeals should review the case immediately, order another federal district judge to enter the consent decree, and let the computer industry get on with its life.

Oh, and while it's at it, the appeals court might want to tell Judge Sporkin to turn off the fax machine in his chambers and avoid bookstores on his next vacation.

## CROATIAN AMBASSADOR EXPOSES YUGOSLAVIA'S MILITARY INVOLVEMENT IN SERBIAN OCCUPIED CROATIA

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. RADANOVICH. Mr. Chairman, a memorandum sent by Dr. Petar Šarčević, Ambassador of Croatia to the United States, exposed compelling evidence of direct military involvement by the Yugoslav Government in assisting secessionist Croat Serb forces. I have submitted this memorandum in order to make my colleagues aware of the gravity of these circumstances in hopes of continuing support of internationally imposed sanctions on Yugoslavia.

*Washington, DC, June 30, 1995.*

Re Belgrade regime responds to offers for suspension of sanctions by stepping up its intervention in the Croatian occupied territories.

To: Members of the U.S. Congress.
From: Dr. Petar Šarčević, Ambassador.

It is with deep concern that I write to you regarding the dangerous build-up of the Yugoslav army forces in the occupied territories of Croatia.

During the past several weeks the international community has been engaged in intensive negotiations with the Belgrade regime over suspension of sanctions in exchange for the normalization of relations with Croatia and Bosnia-Herzegovina. Concurrently, the Belgrade regime stepped up its intervention in Croatia's occupied territories. Croatia has obtained copious evidence that documents the active engagement of the Yugoslav army in Croatia by: sending equipment from Serbia and Montenegro to the occupied territories; directing the paramilitary units on the occupied territories through Belgrade-commissioned officers sent to these territories for that purpose; paying the wages of those officers and of other members of the proxy government and military; and forcibly mobilizing citizens of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) and ethnic Serb citizens of Croatia and Bosnia and Herzegovina for military service in the occupied territories of Croatia.

Taken together, the above evidence (see Attachment) is tantamount to yet another breach of the internationally recognized borders that UNCRO is supposed to protect, as well as fortifying the unlawful occupation of Croatia's territories. At the same time, this evidence confirms an additional build-up in the region, and specifically, threatens the adjacent Bihać safe area in Bosnia and Herzegovina. This situation could result in a renewed attack from occupied Croatian territories on this important Bosniac enclave. My Government would then be placed in a very difficult position in light of its sincere efforts to meet and honor the obligations in bilateral agreements with Bosnia-Herzegovina.

I appeal to you to keep abreast of developments in both the occupied territories of Croatia and neighboring Bosnia-Herzegovina. Your highest consideration of this escalating situation is essential.

ATTACHMENT[1]

EVIDENCE OF OF FORCIBLE MOBILIZATION

The forcible mobilization is proceeding on a large scale and is expected to continue. As of June 14, 1995, over 4,500 mobilized men were transferred against their will and a further 500 volunteers have been transported to the occupied territories of Croatia. In addition, there has been a dramatic increase in the transfer of military personnel from Serbia and Montenegro through the territory of Bosnia and Herzegovina in violent of relevant Security Council resolutions. Soldiers have been transported in vehicles provided by the Yugoslav army and entering the occupied territories of Croatia. The primary objective of Belgrade authorities is to further strengthen and reinforce their hold in the area of Slunj in Croatia, and thereby secure the occupation of this region and amass considerable forces for further engagements in the strategically important region of Bihac (UN "safe area") in Bosnia and Herzegovina.

EVIDENCE OF DIRECT AND INCREASING MILITARY INVOLVEMENT IN CROATIA

The very fact that the commander of the Serb paramilitary forces in Croatia, Lt. Gen. Mile Mrkšić, prior to his present assignment, served as Assistant Chief of the General Staff of the Yugoslav army, demonstrates the level of military involvement of Belgrade authorities in the occupied parts of Croatia. Mrkšić was responsible for the special forces of the Yugoslav army and the JNA officer responsible for the siege of Vukovar.

Other evidence of Serbian military involvement in Croatia include the following. On June 13, 1995 two Yugoslav army tank units totalling 26 M–84 MBTs operated by the Yugoslav army's 211th Armored Brigade, were sent from Niš, Serbia, across the border with Bosnia and Herzegovina, and deployed in Slunj, in the occupied territories of Croatia in sector Glina. In addition, on June 12, 1995 one unit of armored personnel carriers (APCs) consisting of 10 vehicles operated by the Yugoslav army Second Motorized Brigade was sent from Valjevo, Serbia, across the border with Bosnia and Herzegovina, and deployed in the same region in Croatia, at Banovina. Furthermore, on June 19, 1995 the Yugoslav army supplied equipment for two MI–8 rotary-wing aircraft located at the Udbina airport in the occupied territories, sector Knin, through the territory of Bosnia and Herzegovina.

Croatia has also brought to the attention of the United Nations evidence that throughout June 1995 the following senior officials of the Yugoslav army commissioned officers were assigned for duty in the occupied territories of Croatia:

Colonel Slobodan Tarbuk from the Yugoslav army Kragujevac corps, transferred to the 39th corps of the so-called Army of RSK in Petrinja, Croatia, on June 9, 1995.

Lt. Colonel Vučeković from the Yugoslav army, transferred to the 11th corps of the so-called Army of RSK in Croatia, on June 23, 1995.

Colonel Uroš Despotović from the Yugoslav army, transferred to the 70th paramilitary Infantry Brigade of the so-called Army of RSK in Plaški, Croatia, in June 1995.

Colonel Milivojević from the Yugoslav army, transferred to the 70th paramilitary Infantry Brigade of the so-called Army of RSK in Plaški, Croatia, in June 1995.

Lt. Colonel Miloš Cvjetičanin from the Yugoslav army, transferred to the 2nd Armored of the so-called Army of RSK brigade in Croatia, in June 1995.

Colonel Milorad Stupar from the Yugoslav army Pančevo Special Units corps, transferred to the paramilitary Special Forces of the so-called Army of RSK corps in Croatia, in June 1995.

VIOLATION OF THE ZONE OF SEPARATION (ZOS)

As of May 1995 a total of 320 Serb paramilitary troops remain in the zone of separation (ZOS), in violation of the March 29, 1994 cease-fire agreement and UN Security Council Resolution 994 (1995). Of these, 70 are in sector "Vukovar", 50 in sector "Glina", and 200 in sector "Knin". Furthermore, on June 22, 1995 two new platoons of paramilitary personnel were deployed in the ZOS in the vicinity of Kašić, in sector "Knin", directly threatening the civilian traffic on the Zadar-Maslenica highway. On June 23, 1995 two additional platoons of paramilitary personnel were deployed in the ZOS near Osijek.

REINFORCEMENTS TO THE PARAMILITARY FORCES IN THE OCCUPIED TERRITORIES OF CROATIA FROM "ARMY OF YUGOSLAVIA", JUNE 1995

| Date | Reinforcement type | Number | From | To |
|---|---|---|---|---|
| Equipment: | | | | |
| June 13 | Armored personnel carriers | 10 | 2 motorized brig. [Valjevo] | Banovina (sector Glina). |
| June 13 | Main battle tanks M–84 | 26 | 211 armored brigade [Nis] | Slunj (sector Glina). |
| June 19 | Anti-armor ordinance for Mi-8 rotary-wing aircraft | 2 | "Army of Yugoslavia" | Udbina airfield (sector Knin). |
| Personnel: | | | | |
| June 4 | Volunteers | 100 | Serbia | Plaski (Knin). |
| June 13 | Volunteers | 800 | Serbia | Knin (Knin). |
| June 13 | Forcibly mobilized | 150 | Serbia | Batnoga (Glina). |
| June 14 | Forcibly mobilized | 300 to 400 | Serbia | Vukovar. |
| June 14 | Forcibly mobilized | 400 to 500 | Serbia | Slunj (Glina). |
| June 15 | Volunteers | 100 to 120 | Serbia | Plaski (Knin). |
| June 16 | Forcibly mobilized | 700 to 800 | Novi Sad | Slunj (Glina). |
| June 17 | Forcibly mobilized | 2000 to 2300 | Serbia | Slunj (Glina). |
| June 17 | Volunteers | 80 | Serbia | Soskovci. |
| | Total | 4600 to 5200. | | |

OFFICERS

| Date | Name | Rank | From | To |
|---|---|---|---|---|
| June 9 | Slobodan Tarbuk | Colonel | Kragujevac Corpps, "FRY" | 39 corps. |
| June 26 | N. Vuckovic | Lt. Colonel | "Army of Yugoslavia" | 11 corps. |
| June | Uros Despotovic | Colonel | "Army of Yugoslavia" | 70 brig. (Plaski). |
| June | Milivojevic | Colonel | "Army of Yugoslavia" | 70 brig. (Plaski). |
| June | Milos Cvjeticanin | Lt. Colonel | "Army of Yugoslavia" | 2 arm. brig/spec. corps. |
| June | Milorad Stupar | Colonel | Commando brigade Pancevo, "FRY" | Spec. Forces Corps. |

Source: Letter from Mr. Hrvoje Sarinic, Head of the Croation Government's Commission for UNCRO, to Mr. Yasushi Akashi, Special Envoy of the UN Secretary General, June 28, 1995.

## MFN FOR BULGARIA

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. HAMILTON. Mr. Speaker, I speak in favor of graduating Bulgaria from title IV trade restrictions, the Jackson-Vanik restrictions, under the Trade Act of 1974. I commend Mr. CRANE, Mr. RANGEL, and the entire Committee on Ways and Means for taking this timely action.

Since the late 1980's Bulgaria has made great strides in ameliorating its political and economic circumstances. Bulgaria's communist government has collapsed, and in its place a democratic republic has emerged. The country's human rights record has improved dramatically. Emigration is no longer a problem; in fact, President Clinton determined in 1993 that Bulgaria is in full compliance with title IV freedom of emigration requirements. Although not yet completely resolved, the Government has made a sustained effort to strengthen its relations with Bulgaria's significant Turkish minority.

On the economic front, Bulgaria's Government has implemented sweeping reforms modeled on free-market principles, including privatization. While reforms are perhaps not proceeding as smoothly as might have been expected, the economic situation in Bulgaria has improved substantially throughout the 1990's. Granting Bulgaria permanent MFN status would decrease the tariffs it pays and ensure that its economic reform program continues at an even faster rate.

[1] Source: Letter sent by The Minister of Foreign Affairs of the Republic of Croatia to the United Nations Secretary General on June 28, 1995.

The United States would also directly benefit from lifting title IV restrictions vis-a-vis Bulgaria. In general terms, this policy would enhance bilateral trade relations between the two countries. More specifically, the extension of MFN status to Bulgaria is needed if the United States is to take full advantage of all GATT and WTO provisions, for Bulgaria is currently in the process of acceding to the two international trade institutions.

I urge my colleagues to support this measure which will provide an important political and economic boost for Bulgaria's democratic, free-market development.

## TRIBUTE TO MAJ. GEN. WALLACE C. ARNOLD

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to a great American, an outstanding Army officer, and a great individual: Maj. Gen. Wallace C. Arnold, known to his many friends as Wally. This month Wally Arnold will complete 35 years of dedicated service to his country. Major General Arnold was born here in Washington, DC, and raised in Warrenton, VA.

Today he serves as the assistant deputy chief of staff for personnel. This is the capstone of a remarkable career which he started in 1957 when he entered college at Hampton Institute and enrolled in the Reserve Officer's Training Corps [ROTC]. Upon graduation in 1960, he was awarded a bachelors of science degree in industrial education and a commission as a air defense artillery 2d lieutenant. His first assignment was to Korea, where he served as a platoon leader in the 2d Battalion 71st Air Defense Artillery. Upon returning to the United States, he served with the 35th Air Defense Artillery Brigade at Fort Meade, MD as the headquarters battery commander.

In 1966, Wally Arnold was transferred overseas for 4 years. First he served with the 30th Air Defense Artillery Brigade in Okinawa, where he began his long service in the personnel area. After 3 years, then Captain Arnold was transferred to the Republic of Vietnam. Here he made a major contribution while serving as the chief, psychological operations division, XXIV Corps in support of several Republic of Vietnam combat units. After a short tour at Fort Bliss, TX, General Arnold was assigned to Washington, DC, where he served as personnel assignments officer.

The Army recognized Wally Arnold's leadership abilities by selecting him in 1974 to command the 3d Battalion, 61st Air Defense Artillery in the 3d Armored Division. After a successful tour as a battalion commander, General Arnold again returned to the Washington area for a variety of staff jobs including such prestigious positions as the military assistant to the Under Secretary of the Army.

The Army again recognized Wally's dynamic leadership abilities, when in 1982, he was selected to command the 69th Air Defense Artillery Brigade in Wurzburg, Germany.

Following his successful command tour and promotion to brigadier general, he remained in Europe to serve in a joint billet as the director of personnel and administration (J1) for the U.S. European Command. Despite the decline in the value of the dollar against foreign currencies, Major General Arnold was able to sustain and in many areas improve the morale, welfare, and recreational facilities available to soldiers and their families. He worked closely with the Department of Defense Dependent Schools Systems to ensure continuation of quality education for the family members of soldiers assigned in Europe.

In 1987 he returned to the United States to begin his long association with the Reserve Officers Training Corps. He served first as the commander of the First ROTC Region, encompassing the eastern seaboard of the United States. Here his dynamic leadership style provided a positive role model for thousands of cadets. Throughout his tenure he was cited for his caring, innovative, and competent leadership. First ROTC Region was rated the best within Cadet Command in recruiting, training, and producing quality officers. Under his leadership the performance of historically black colleges improved dramatically. That First ROTC Region's Advanced Camp was rated the best by Cadet Command is directly attributable to his leadership and managerial skill. He also worked closely with the Junior ROTC Programs to improve their activities and focus on citizenship.

In May 1990, now Major General Arnold assumed command of the entire Cadet Command. He was an inspirational leader, strategic thinker, and role model for all. He oversaw a reasoned and well balanced drawdown of Senior ROTC units across the country that left Cadet Command better able to accomplish its mission, while at the same time, he promoted and implemented the rapid expansion of Junior ROTC.

In his final assignment at the Department of the Army, Major General Arnold was a sage advisor to two Deputy Chiefs of Staff for Personnel. In fact, he served as the acting DCSPER for 5 months last year. In his final assignment, he oversaw the final drawdown policies that were used to properly shape the officer and enlisted forces. He also contributed significantly to the development and funding of personnel automation information systems that will improve the Army for years to come.

Major General Arnold's career has been marked by selfless service, devotion to duty, and dedication to soldiers and their families. His outstanding performance of duty and significant contributions to America's Army mark him as a first rate officer. I am sure my colleagues join me in wishing him and his wife the best in their retirement in the Tidewater area of Virginia.

## INTRODUCTION OF THE COMMUNITY FOOD SECURITY ACT

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. DE LA GARZA. Mr. Speaker, I am today with many of my colleagues introducing the Community Food Security Act of 1995. This bill will give the Secretary of Agriculture the authority to award one-time grants to organizations developing innovative community-based projects to address both food access and economic development issues in local communities. At a time when Federal nutrition resources are being stretched to the breaking point, local long term solutions to hunger concerns must be encouraged. Projects that address hunger needs while also providing job training and economic development at the local level deserve our enthusiastic support.

Efforts to deal with hunger in the United States have for the most part relied on a combination of Government food and nutrition programs such as food stamps, WIC, meals for the elderly, and privately funded charitable feeding programs such as food pantries and soup kitchens. Although these programs have gone a long way to reduce hunger and malnutrition in this country, there is still a need to provide innovative ways to address the overall availability of low-cost, nutritious food in low-income communities. There is a little direct relationship between food assistance and nutrition programs, and local farmers. Traditional nutrition programs have not provided opportunities for recipients to participate in the process of providing at least some of their food, nor have they offered economic opportunities or job training that could assist at least some recipients to move beyond the economic conditions that necessitate reliance on food assistance programs. There is a need to develop innovative approaches to providing food to low-income families, particularly approaches that foster local solutions and that deliver multiple benefits to communities.

The concept of community food security is a comprehensive strategy to feeding hungry people, one that incorporates the participation of the community and encourages a greater role for the entire food system, including local agriculture. This strategy can result in many benefits to a low-income community while providing food for poor families. An example is a food bank that sponsors a farm wherein hundreds of households purchase shares that provide them with fresh farm products; the farm also supplies fresh produce to hundreds of pantries and meals programs that feed hungry families. Another example would be a homeless shelter that provides culinary skills training to clients and works with social service agencies to find them regular employment in the food industry. In a recent subcommittee hearing we learned of a nonprofit group, the America the Beautiful Fund, that distributes seeds donated by seed companies to projects in all 50 States; these seeds have produced tons of food for low-income families. These worthy projects should be encouraged, and can be replicated with the help of the grants this bill will provide.

The Community Food Security Act authorizes the Secretary of Agriculture to make grants to organizations to establish community food security projects. The bill requires that each organization receiving such a grant provide at least a 50-percent match. The term of the grant may be for no more than 3 years. These requirements are to ensure strong community support for each project, so that when the Federal grant terminates the project will continue.Preference will be given to projects

designed to develop linkages between two or more sectors of the food system; to support the development of entrepreneurial solutions to local food problems; to develop innovative linkages between the for-profit and nonprofit food sectors; or to encourage long-term planning activities and multi-system interagency approaches.

I am hopeful that this legislation can be made a part of the nutrition title of the 1995 farm bill, and I am especially pleased that Mr. EMERSON, chairman of the Subcommittee on Department Operations, Nutrition and Foreign Agriculture is cosponsoring this legislation with me.

## TRIBUTE TO G. RUSSELL BASSETT

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to a celebrated community servant, Mr. G. Russell Bassett. On Friday, July 14, 1995, Russ, along with his friends and family, will celebrate his retirement from the Sheet Metal Workers Union Local No. 20. This retirement dinner will take place at the Radisson Hotel in Merrillville, IN.

We are all fortunate to have dedicated people, like Russ, involved in the labor movement in Indiana's First Congressional District. Indeed, Russ personifies true selfless dedication. Russ embarked on his distinguished career in former Sheet Metal Workers Local No. 303, where in 1970, he began as a business manager. In 1983, local No. 303 merged with local No. 20, and in the following year, Russ began 8 years as a business representative for the new local. He retired on July 1, 1995, after nearly 12 years as a business representative of Sheet Metal Workers Union Local No. 20. In all, Russ contributed 39 years of his life to fight for labor rights for his union brothers and sisters.

Russ strengthened the labor movement by contributing in several other capacities. For 25 years, Russ served locals Nos. 303 and 20 as a trustee for the health and welfare fund, the Gary area pension fund, and the joint apprenticeship committee. Moreover, Russ served for 3 years as vice president and executive board member for local No. 303.

Outside of his professional career, Russ has devoted a large portion of his life to the betterment of northwest Indiana. Russ devoted 5 years of his life to the Portage Indiana Economic Development Commission on which he served as chairman, and another 5 years on the Indiana OSHA Safety Review Committee.

As we have just celebrated the birthday of our Nation's independence, let us remember those who have worked hard to fulfill the American dream. I offer my heartfelt congratulations to Russ, who has worked arduously to make this dream possible for others. Russ has proven himself to be a distinguished advocate for the labor movement, and he has made northwest Indiana a better place in which to live and work. I sincerely wish Russ a long, happy, and productive retirement.

## A TRIBUTE TO STANLEY SCOVILLE

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. MILLER of California. Mr. Speaker, I rise with great sorrow to inform the Members of the House of Representatives of the passing of our friend and coworker, Stanley Scoville, last Saturday morning.

For nearly a quarter of a century, Stanley Scoville served as a valued, knowledgeable, and dependable colleague on behalf of our former colleague, Hon. Morris K. Udall, and in a variety of positions on the staff of the Committee on Interior and Insular Affairs.

Stanely was born in Phoenix, and retained a great appreciation and attachment to the Southwest throughout his life. He attended both undergraduate and law school at the University of Arizona, and served as a clerk for U.S. District Court Judge James A. Walsh in 1971–72. At the end of his clerkship, he joined the staff of Congressman Udall in Washington, and from that day forward until his retirement earlier this year, he held a succession of positions on Mo's personal and committee staff, including staff director and counsel, and special counsel to the chairman.

I first met Stanley when I came to the Congress in 1975 as a junior member of the committee, and we worked together on a wide variety of issues, including on the Ad Hoc Select Committee on the Outer Continental Shelf. Stanley brought to his job a thorough knowledge of energy and environment policy, and a sharp political sense that was invaluable to a vast array of issues that came before our members every year.

Stanley also had a deep commitment to the institution of the House of Representatives itself, and he continued to work with the committee through great personal difficulties because of his belief in our laws and our system of government. His loss will be deeply felt by all those who work on these issues and all those who were fortunate enough to know and work with him.

A memorial service is being held at 1 p.m. this Friday in the Morris K. Udall Hearing Room of the Committee on Resources, 1324 Longworth Building. I hope that Members and their staffs would attend to show their respect and appreciation for this talented and dedicated public servant.

## CONGRATULATING "PARAMETERS" ON ITS 25TH ANNIVERSARY

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. HAMILTON. Mr. Speaker, Parameters is an official U.S. Army periodical, published quarterly by the U.S. Army War College. I would like to take this opportunity to congratulate "Parameters" on its 25th year of publication.

Alastair Cooke has called Parameters "one of the small but odd mixture of magazines I would not want to be without." Daniel Bell has said,

> I find Parameters one of the more interesting and useful journals I read, largely because issues and questions discussed rarely are found in Foreign Affairs or Foreign Policy.

A professional military is vital to the United States. Through its candid, provocative essays, Parameters helps to keep our military on the intellectual cutting edge of the many complex problems they face. It also contributes to policymakers' understanding of these problems. And perhaps most important, it provides a forum for honest and open debate within the military.

I salute Parameters on its 25th anniversary, and urge my colleagues to read this important quarterly.

## TRIBUTE TO CHARLES McCLAIN

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. SKELTON. Mr. Speaker, I take this opportunity to pay tribute to an exceptional Missourian, Charles McClain, for dedicating 41 years of his life to the education of the young people of Missouri. After 6 years as the commissioner of higher education [CBHE] for the State of Missouri, Charles McClain is stepping down.

Educated at Southwest Missouri State University, he received his bachelor's degree in 1954. He received his doctorate from the University of Missouri-Columbia in 1961.

From 1954 until 1959, Charles was a teacher and administrator in public schools throughout Missouri. In 1961, he became the assistant dean in the College of Education at the University of Missouri-Columbia.

Charles accepted the challenge of becoming the founding president of Jefferson College in 1963. Within 4 years of its establishment, the college received full accreditation.

In 1970 Charles became the president of Northeast Missouri State University. While he was president, Northeast received nationwide recognition. In 1987 Northeast was ranked as one of the five most innovative colleges and universities in the country in a U.S. News & World Report survey of college university presidents. It was also selected as one of the Nation's best of the bargain colleges by Changing Times magazine and a panel of education professionals in March, 1988.

Charles took over as the State commissioner of higher education in July, 1989. As the board's chief executive officer, the commissioner advises the board on policies and action decisions, administers all programs that are mandated by Missouri statute for CBHE implementation, and oversees the functions of the Department of Higher Education. During his time as commissioner he was responsible for the development of a core curriculum that will be required of all first-time, full-time freshmen starting in fall, 1996. Also during Charles McClain's tenure, the CBHE adopted teacher education goals to ensure that Missouri's teachers are highly qualified. Charles also

worked to trim administrative expenses and improve accountability of institutions.

I know that my colleagues join me in congratulating Charles McClain for an outstanding career and best wishes in his retirement.

## RETIREMENT OF TRAVIS B. KUYKENDALL

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to Travis B. Kuykendall on the occasion of his retirement which became effective June 30, 1995. I am especially indebted to this individual because he has dedicated the past 5 years of his life as Assistant Special Agent in Charge of the Drug Enforcement Administration, El Paso Sector.

Mr. Kuykendall, a native Texan, had a 33-year career in law enforcement which was distinguished by his decency, commitment to the principles of justice, and his concern for his community. Of the 33 years, he served 29 of those years at the Federal level.

He began his law enforcement career in 1962 as chief deputy sheriff of Maverick County, TX. In 1966, he began his Federal law enforcement career as a Special Agent for the Customs Service. In 1973, he transferred to the Drug Enforcement Administration where he served in various capacities culminating with his appointment in El Paso.

In 1990, Mr. Kuykendall was appointed as Assistant Agent in Charge of the Drug Enforcement Administration for the El Paso Sector. As a Federal law enforcement agent, Mr. Kuykendall has participated in various high-level drug enforcement operations including Operation Intercept, Operation Clearview, Operation Falcon, Operation Snowcap, and the restoration of democratic government in Panama after Operation Just Cause.

During his tenure in El Paso, Mr. Kuykendall faced an extraordinary challenge: dramatic increases in drug trafficking across the southwestern border while losing resources due to budget constraints. He rose to the occasion, and displayed courage, fortitude, and leadership. I was always proud to work with him.

Travis Kuykendall has two grown children, Travis and Vanessa, and a patient and supportive wife, Raquel. I am sure he will continue to be active in his community in the future.

Mr. Speaker, I urge my colleagues to join me in paying tribute to an outstanding American, a devoted public servant, and a family man.

## TRIBUTE TO BRIG. GEN. MICHAEL R. LEE

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Brig. Gen. Michael R. Lee, the departing commander of the 440th Airlift Wing at General Mitchell International Airport. General Lee has guided this Air Reserve Station superbly over the years. It is with fond memories and deep gratitude that we wish him well on his new assignment at Dobbins Air Force Base in Georgia.

As we all know, reassignments, transfers, and reorganizations are a fact of life in the military. Still, I find it no easier to have to say good-bye to a gentleman who is the epitomy of a dedicated, talented, and revered career Air Force officer.

General Lee is an accomplished military man and a master navigator logging more than 5,500 flying hours. He is also a goodwill ambassador for the Air Force and the U.S. Armed Forces at large.

I truly believe that an individual's character and inner strength are best measured during times of adversity and uncertainty. The last few months were such a time for the general and the 440th, and both fared exceptionally.

Under General Lee's leadership, the 440th successfully survived its placement on the Base Closure and Realignment Commission's list of C–130 bases under examination for possible realignment or closure. In true form, General Lee rallied his staff, pulled together the 440th's Community Council and each and every civilian, and presented the best possible case to the Commission.

Just a few weeks ago the Commission echoed the widely held view that the 440th deserves its reputation as the best of the best. Based on all the 440th's merits and value to our national defense, and in large part due to the general's round-the-clock efforts, the base will remain open.

Mr. Speaker, the 440th and Wisconsin's loss will truly be Georgia's gain. I join the men and women of the 440th Tactical Airlift Wing in wishing General Lee continued success in his new assignment.

## NATIONAL MERCY, LOVE, AND COMPASSION MONTH

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. BENTSEN. Mr. Speaker, I rise today to submit a proclamation endorsed by the Houston City Council to recognize September as National Mercy, Love, and Compassion for the Handicapped Month. I support these efforts to recognize and better understand the special needs of the physically challenged. Such efforts will help ensure that all people have the opportunity to live up to their full potential.

During the month of September, community leaders in Houston will spend a working day with a physically handicapped individual. Participants include Mayor Bob Lanier, members of the Houston City Council, business leaders and religious leaders. National Mercy, Love, and Compassion Month will culminate on October 7, 1995, with a day long celebration at Sam Houston Park.

National Mercy, Love, and Compassion Month is a program promoted by the Hear O' Israel International organization and its founder Olivia Reiner, and I would like to commend her for her tireless efforts to increase awareness of the challenges these individuals face. Therefore, I submit the following proclamation:

PROCLAMATION

Whereas, Hear O' Israel International is raising up a standard and sounding thealarm bringing awareness by calling September, 1995, as National Mercy, Love, and Compassion Month, following with our sixth annual Feast of Joy celebration at Sam Houston Park, for the physically challenged, the elderly, the fatherless, the abused children, and the widows around the world about our duty to take care of these individuals and meeting their special needs.

Whereas, Hear O' Israel and the physically challenged are adopting Mayor Lanier and all the city councilmen of Houston, TX and are also wanting to adopt any willing business and pastors for 1 day during the National Mercy, Love, and Compassion Month of September, 1995. Mayor Lanier and all the city councilmen want to issue a challenge to all businessmen and pastors to participate during National Mercy, Love, and Compassion Month.

Whereas, Hear O' Israel International, a nonprofit and nondenominational organization, will conduct an awareness project called National Mercy, Love, and Compassion Month, throughout the month of September, 1995.

Whereas, National Mercy, Love, and Compassion Month is to call attention to the plight of tens of thousands of physically challenged, the elderly, the fatherless, the abused children, and the widows around the world who have been forgotten and many times rejected by our communities.

Whereas, Hear O' Israel International, and the physically challenged want to challenge all churches, synagogues, businesses, and schools around the world of our duty to take care of these individuals and meeting their special needs.

Whereas, Hear O' Israel International, wants to encourage people to wear a blue ribbon on their lapel during the month of September as a symbol of support and sounding the alarm for the physically challenged, the elderly, the fatherless, the abused, and the widows.

Whereas, we need to execute true judgment by showing mercy and compassion every man to his brother and oppress not the widow, nor the fatherless, the stranger, nor the poor and let none of you imagine evil against his brother in your heart. We need to give of ourselves to help others that are less fortunate, those who cannot repay us.

Whereas, we need to motivate our small children and youth to do good deeds, visit nursing homes, etc., so that they can focus on compassion, and the violence that has come upon small children and youth would cease.

## THE VILLAGE OF SOUTH GLENS FALLS CELEBRATES ITS CENTENNIAL

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. SOLOMON. Mr. Speaker, every day when I am home I have the privilege of driving through one of the most appealing communities on my way to and from my house in

Glens Falls and main district office in Saratoga.

The most important community between those two cities is the Village of South Glens Falls, which will celebrate its centennial this year. It is a village with an interesting heritage and, at the same time, all the resources needed for an equally exciting future. I'd like to say a few words this morning about South Glens Falls.

Like the city across the river, South Glens Falls takes its name and has built its life around the falls in a bend of the Hudson River. There, also, is the site of the famous cave mentioned in James Fenimore Cooper's "Last of the Mohicans."

And like many other communities in the area, the birth of South Glens Falls was intimately tied to the lumber and paper-making industries. It's official beginning as a distinct entity was on August 8, 1895. Voters petitioned the formation of the Village to find a source of wholesome water for its inhabitants. Funding was approved by a local bond vote in early 1896, and the village began building a water system fed by a series of springs, pumps, standpipes, and distribution piping.

A new sewer system was constructed during the 1920's and 1930's, but more stringent regulations in the 1970's and 1980's led to major reconstruction projects.

The village is justifiably proud of its success in cleaning up the Hudson River for future generations to enjoy. Adding to the quality of life was the inclusion of a walk/bike trail along the river and refurbishing the old brick treatment plant into a museum, which will be dedicated this summer.

The village is also known for its excellent school system, and other amenities that enhanced living, but it has never lost its small-town character. Mr. Speaker, the character of America was forged in exactly such small towns and villages, where such virtues as thrift, hard work, and care for one's neighbors abound.

All summer long those small-town virtues and 100 years of existence will be celebrated in South Glens Falls. The highlight will be the week of August 7 to 13, featuring a parade and museum dedication.

Mr. Speaker, I ask all Members to join me in saluting the people of South Glens Falls, with all our best wishes toward a second century of growth and prosperity.

## DUTY COMMISSIONS UPON SERVICE ACADEMY GRADUATIONS

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. UNDERWOOD. Mr. Speaker, I am pleased to join my distinguished colleagues, Congressman JACK REED of Rhode Island and Congressman BOB DORNAN of California, as original cosponsors to introduce a bill to restore regular, active duty commissions upon graduation to members of the service academies. Beginning with the class of 1997, academy graduates will receive the same reserve commission that ROTC and OCS graduates receive. These young men and women work too hard and sacrifice too much not to be given the proper reward for their dedication.

There are those that would argue that it is fair to give the same commission to all officers regardless of their commissioning source. However, some comparisons shed light on the different nature of the commissioning sources and highlight why it is fair to give regular commissions to academy graduates. I will use the Army as an example for these comparisons.

Graduates of the U.S. Military Academy now have a 6 year active duty obligation to the Army after graduation. ROTC graduates have, at the most, a 4 year active duty requirement; nonscholarship and partial scholarship ROTC graduates only have 3 years. OCS graduates also only have a 3 year obligation.

Cadets at West Point also give up a lot more personal freedom. Underclassmen are restricted to the post limits every day during the week and are further restricted to the cadet area and academic buildings during the evening study periods. Privileges on weekends are also limited. Even at times when cadets are authorized by regulations to leave, they must obtain final permission from their tactical officers. ROTC cadets do not have to live under such strict standards.

In today's Army, there is very little difference, some would say none, between regular and reserve commissions, so service academy graduates are not and would not be given any real advantage. What they would be given is recognition for their devotion to serve their country and their willingness to sacrifice so much.

The academies play a vital role in providing quality officers who will lead the military for our Nation. This country can not afford to lose these institutions. By taking away the regular commissions from the academy graduates, Congress takes away just one more thing that distinguishes them from other programs and risks the eventual closing of the academies. If that were to happen, this seemingly minor event will be considered the first step toward the demise of the academies.

For the past two summers, I have had West Point cadets interning in my office. I have seen first hand the professionalism and ability they possess. Because of his tremendous pride in and concern for the U.S. Military Academy, Cadet Christopher S. Kinney, one of the cadets I have had assisting in my office, brought this issue to my attention. If he is any indication of the type of officers West Point develops, then I know this bill is the right thing to do.

This is not a contest to determine which program trains better officers; it is an effort to let the young men and women who attend the academies, like Chris, know that we appreciate what they are doing for this great country.

## SMALL BUSINESS OPPORTUNITIES FOR VETERANS

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. CUNNINGHAM. Mr. Speaker, today I rise to support the creation of small business opportunities for veterans.

Veterans are invaluable to the American economy and represent about 20 percent of the small business owners in this country. Veterans have much to offer to our work force. They are well trained, dedicated, and extraordinarily disciplined workers. Despite having endured the trials and tribulations of war, veterans are resilient and eager to tackle new tasks. With all this in mind, it does not make sense that veterans are continuously discriminated against in the business world.

There is a perception in the banking and financial industries that veterans are a highercredit risk than non-veterans. Therefore, time and again, veterans are turned down for small business loans. I simply ask why? Nobody seems to know the answer. In fact, Mr. Frederick Terrell, managing director of First Boston Corp., testified before the House Committee on Veterans Affairs on March 13, 1993, that veterans are considered high risk loan applicants. However, when Mr. Terrell was asked for his reasoning, he could not fully explain his rationale. I do not understand why such discrimination exists in society. Shouldn't we have more respect for the men and women who helped America maintain its freedom?

Mr. Speaker, many of my colleagues present today are veterans. As you may know, I am proud to be a Vietnam veteran. Not long ago, I experienced the difficulty of returning to a country that was divided over our endeavors in Vietnam. I was one of the lucky ones. All the veterans serving in Congress today are lucky to assist the people of the United States. It is no surprise, however, that most veterans are not so fortunate.

I believe that veterans deserve fair or equal opportunities in the area of small business. Many young soldiers lost their lives in war. Others, often fighting for a cause they did not fully understand, returned from battle either emotionally or physically impaired. They were not always welcomed home with open arms. Rather, veterans were forced to endure years of persistent and obvious discrimination. I believe that the time has come to rectify this situation. First, we must respond by giving veterans the treatment they deserve with respect to their disabilities. Second, priority should be given to disabled veterans, Vietnam veterans, and P.O.W. veteran business owners, equal to that of other special consideration groups deemed worthy of Government assistance. Now is the time to return the spirit of freedom to the hearts of those who fought so valiantly for our country.

In closing, I ask you to join me in support for national veterans business ownership opportunities.

## PORTUGAL TO INCREASE ITS UNITED NATIONS PAYMENTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. HAMILTON. Mr. Speaker, Congress has pushed hard to reduce the U.S. assessment for U.N. peacekeeping. That can only happen when other countries increase their payments.

I was therefore pleased to learn that Portugal has voluntarily agreed to increase its U.N. peacekeeping assessments, by moving from the group C category, where it pays about 0.04 percent of U.N. peacekeeping costs, to the higher-paying group B category. This change will be implemented over a 5-year period.

I congratulate Portugal on taking this step, and urge other appropriate group C countries to follow Portugal's lead.

I ask that this correspondence relating to this decision be included in the RECORD.

EMBAIXADA DE PORTUGAL
*Washington, June 29, 1995.*

Hon. LEE H. HAMILTON,
*International Relations Committee, U.S. House of Representatives, Washington, DC.*

DEAR MR. HAMILTON: Please find herewith the U.N. SG press release stating his appreciation for the Portuguese Government decision to increase its share in the financing of the peace-keeping operations of that organization.

In responding favorably to the appeal of the U.N. Secretary-General, Portugal will come to feature in Group "B", which encompasses the countries that provide increased financial assistance for those operations, thus contributing proportionally to its share for the U.N. regular budget. In practical terms, this means an increase of 500%, phased-in over the next five years.

This measure, a great burden though it may be for Portugal, derives from the wish of the Portuguese Government to alleviate the difficult financial situation besieging the United Nations, not least in the area of peace-keeping. It also sends a clear signal about Portugal's commitment to finding solutions, through the United Nations, to the vital questions which confront the international community. Moreover, it underlines unequivocally a serious and full commitment to the principles and objectives enshrined in the Charter.

With this decision, the Portuguese Government wishes to reiterate both its support for the U.N. activities and reaffirm the expanded role it has been assuming in multilateral fora. This is also a step toward achieving solutions to the serious financial crisis with which the United Nations is faced as well as responding in a meaningful way to the imperative need for an overhaul of that organization's financial system.

Sincerely,

FERNANDO ANDRESEN GUIMARÃES,
*Ambassador of Portugal.*

THE FOLLOWING STATEMENT IS ATTRIBUTABLE TO THE SPOKESMAN FOR THE SECRETARY-GENERAL, JUNE 13, 1995

The Secretary-General is pleased to announce that the Government of Portugal has responded positively to the initiative he took last year inviting Governments to consider increasing their contribution to peace-keeping operations.

Ambassador Catarino of Portugal met with the Secretary-General on Friday, 9 June 1995, to convey a letter from his Minister of Foreign Affairs, expressing the willingness of the Government of Portugal to increase its support to peace-keeping operations by accepting that its assessment for peace-keeping operations should be at the same rate as for the regular budget.

Currently a member of Group C—the Group of countries that contribute to peace-keeping operations on the basis of 20 per cent of their regular budget scale of assessments—Portugal has agreed to move voluntarily to Group B, the time-frame for such a change to be agreed upon. Group B is the group of countries that contribute to peace-keeping operations on the basis of the same scale as their regular budget assessment. The competition of these Groups was established by the General Assembly some twenty years ago.

The Secretary-General expressed his deep appreciation to the Government of Portugal and stated that he felt encouraged by this tangible demonstration of Portugal's commitment to the work of the United Nations, particularly at a time when the financial situation of the Organization was so precarious.

## ON THE CHANGE OF COMMAND OF COL. JESSE L. BROKENBURR

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. HANSEN. Mr. Speaker, Col. Jesse L. Brokenburr, U.S. Army, has served his Nation faithfully as commander, Tooele Army Depot [TEAD], Tooele, UT, from July 1993 through July 1995. As such, he commanded a multi-mission industrial complex spread over seven installations, in four different States. Under Colonel Brokenburr's command, the depot complex has remained responsive, flexible, environmentally responsible, and cost efficient. His leadership contributed directly to the fine reputation TEAD enjoys throughout the Army and the Department of Defense.

During Colonel Brokenburr's tenure, the depot complex has faced many challenges, including the BRAC directed closure of the Sacramento Depot Activity [SADA] and the downsizing of the Pueblo Depot Activity, CO, and the Umatilla Depot Activity, OR. As a direct result of his efforts, SADA became the first BRAC installation to sign a basewide record of decision for environmental cleanup, and was also the first economic conveyance of Federal property under President Clinton's five part plan for base reuse. At Pueblo and Umatilla, the difficult BRAC directed downsizing was accomplished efficiently while protecting the surety and safety of the ongoing chemical weapons stockpile storage mission.

BRAC effected the Tooele Army Depot work force as well. Realignment of TEAD's wheeled maintenance mission has resulted in drastic reductions of personnel. Colonel Brokenburr remained responsive throughout to the impact the depot's release of people would have on the surrounding community and the State of Utah. Even as TEAD faced its greatest challenges in over 40 years, Col. Jesse Brokenburr continued to stress the importance of the employee's quality of life, the morale of his work force and the welfare of their families. He possesses the rare quality of leadership that unites all who work for him into a cohesive unit in good times and bad. Colonel Brokenburr made an effort to know all of his people personally. The people that work with him and for him have described him as scrupulous, fair, gentle, understanding, considerate, and honest. Colonel Brokenburr embraces the principle that loyalty runs in two directions.

The following comments were also received from TEAD personnel: "Colonel Jesse Brokenburr distinguished himself as a good Commander, with the qualities of quick comprehension, prompt attention, and sterling integrity in all of his dealings with the depot work force. He is a great American with faith in the United States Army, the United States Government and the American people. His convictions and faith showed through in everything he said and did. Colonel Brokenburr is a true, selfless citizen and a loyal public officer. He possesses the types of qualities we should all try to emulate. Though he leaves Tooele Army Depot, he leaves behind his unforgettable advice and legacy—"stay focused and flexible."

## PAYING TRIBUTE TO CHERRY HILL FARM'S 150TH ANNIVERSARY

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. DAVIS. Mr. Speaker, my colleague, Mr. MORAN, and I rise today to pay tribute to the Cherry Hill Farm in Falls Church, VA. On Sunday, July 16, 1995, it will celebrate its 150th anniversary. In 1845 William Harvey purchased the 66-acre tract of land that would become known today as Cherry Hill Farm. Cherry Hill Farm is listed on the National Register of Historic Places and is open to the public. The site interprets antebellum family life in Virginia on a small but productive farm. Both the 1845 farmhouse and the 1850's hand hewn timber barn remain on their original sites.

On Sunday, July 16, 1995, from noon to 6 p.m., Cherry Hill will hold an old-fashioned anniversary celebration. Reenactors will portray antebellum life as they prepare for a mid-19th century wedding. In addition, there will be music from that period, crafts and old fashioned games for children and adults. The barn will also be open and its antique tool collection will be on display.

Mr. Speaker, we know our colleagues join us in honoring Cherry Hill Farm's 150th anniversary. We also invite and encourage any of our distinguished colleagues to attend this truly historic event at a truly historic place.

## INTRODUCTION OF FIRE LEGISLATION

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would create three additional enterprise zones targeted toward the financial institutions, banking and real estate or "FIRE" industries. I have consistently supported enterprise zones and think the competition for both the zone and community designation provides ample evidence of the broad support for these efforts.

My city of Hartford, CT, applied for designation as an enterprise community but was denied. But when I started looking at the details, it was clear to me that while empowerment zones/enterprise communities are excellent economic development tools, they just do not quite fit all areas.

The tax incentives in empowerment zones include a wage credit, expensing of up to $75,000 and a lossening of restrictions on tax-exempt bonds—all incentives seemingly geared to manufacturing. Hartford and a number of other cities around the Nation, however, are different—our base is services and we would frankly benefit from a different mixture of tax incentives.

Let me talk about Hartford for a moment. Hartford has long been known as the insurance capital of the world. We have also traditionally been a center for financial services. However, any reader of the Wall Street Journal would know of the consolidation in the banking industry in New England and the collapse of the real estate market. On top of this, we are in the midst of unprecedented change in the insurance industry. In just one 10-day period recently, a number of announcements were made in Hartford: Connecticut Mutual Life Insurance was being acquired by Mass Mutual, the Travelers was selling its stake in Metrahealth—the last vestige of its health business, ITT would spin off its ITT/Hartford insurance division effective January 1st and Business Week listed Security-Connecticut as one of the hottest take-over targets in the insurance business.

But because this proposal is not just about Hartford. In the past decade, we have seen unprecedented change in our financial services industries. We have had banking and S&L problems, face increasing competition in the global marketplace, and later in the year will debate allowing banking, and other service industries including securities and insurance to affiliate. In addition, we have seen Bermuda attract over $4 billion in insurance capital in the past few years. It is certainly a beautiful place, but most importantly, it is also a tax haven.

And while change can certainly be good, it does create a tremendous amount of uncertainty. With each and every merger or spin-off, every major and every city council, not to mention the thousands of affected employees ask the same two questions: What does this mean for jobs; and what impact does this have on the property tax base and real estate values?

This legislation would create three additional zones and with tax incentives targeted to services. Specifically, these FIRE zones would be patterned after existing enterprise zones, but could encompass an entire city or municipality, and more important, could include central business districts. Eligibility would be the same as for existing enterprise zones, with an additional requirement that an eligible city would have to have experienced the loss of at least 12 percent of FIRE industry employment, or alternatively, 5,000 jobs.

In lieu of traditional enterprise zone tax incentives, new or existing businesses in FIRE zones would receive a range of tax incentives.

First, to deal with jobs, there would be a wage credit for the creation of new jobs within the zone. This would encourage businesses to hire displaced and underemployed insurance, real estate, and banking workers as well as to create entry level jobs for clerks and janitors.

Second, to deal with the high commercial vacancy rate problem that plagues many cities, there would be unlimited expensing on FIRE buildouts and computer equipment. The proposal would also remove the passive loss restrictions on historic rehabilitation.

Next, to provide an incentive for investors, the proposal would provide for a reduction in the individual capital gains rate for zone property held for 5 years to 10 percent. In addition, capital gains on zone property would not be considered a preference item for individual alternative minimum tax purposes. The corporate capital gains tax rate would also be reduced to 17 percent.

Finally, many big cities are not always as safe as we would like. Therefore, the proposal would provide for a double deduction for security expense within the zone. This should give employers an added stake in the safety of our cities.

I would urge my colleagues to support this legislation.

## TRIBUTE TO THE ITALIAN-AMERICANS

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the Italian-Americans, pillars of our great Nation.

Since the landing on the shores of this continent by a brave and daring sailor from Genova known to us as Christopher Columbus, Italian-Americans have played a vital role in forming our country.

From the signing of the Declaration of Independence by the Italian William Paca, a declaration that contained the words "and all men were created equal," it is no wonder that this great Nation should be named America, after the Florentine explorer Amerigo Vespucci.

More than 23 million Italian immigrants have come to this country. They worked in the coal mines, they dug our subway systems, they planted our vineyards, and they were foremost in their appreciation of family values. Constantine Brumidi spent his life in America painting the inside of the dome of our Capitol—16 months of it on his back.

They also formed the Garibalde Guard, a fighting unit made up of mostly Italian-Americans who scored victories in numerous battles from Bull Run to Appomattox; and Gen. Luigi di Cesnola, Civil War hero and winner of the Medal of Honor.

The achievements and contributions of Italian-Americans continued into the 20th Century. Amadeo Giannini founded the Bank of America, turning it into the largest, privately-owned banking institution in the world. Angelo Siciliano became America's Charles Atlas, Silvestre Poli started 20th Century Fox, Amadeo Obici founded Planter's Peanuts, Theresa DeFrancischi posed for the Miss Liberty head on our silver dollars, Charles Bonaparte founded the FBI, Rudolph Valentino was the star of the silent screen, and war hero Sgt. John Basilone who was the only one in history to receive our Nation's two highest honors, the Medal of Honor and the Navy Cross.

The tapestry of America is deeply woven with the contributions by Italian-Americans; Joe DiMaggio, Frank Sinatra, Vince Lombardi, Mario Andretti, Rocky Marciano, Frank Capra, Lee Iacocca, Guy Lombardi, Bila Grasso, and Supreme Court Justice Antonin Scalia, are just a few.

The Italian contribution to America spans a history of 503 years. It is a contribution that has continuing residuals that benefit every American every day, and it should not be overlooked, but revered.

Mr. Speaker, today I am happy to join the Governor of the great State of Florida, along with many county commissioners, city mayors and councils, in declaring the month of October 1995, as Italian Heritage and Cultural Month.

## TRIBUTE TO PHILIP HUSS

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an old friend and outstanding citizen of Ohio who is no longer with us. Philip Huss of Fremont, OH, was in many ways the epitome of a model citizen and patriot.

Many people in the Fremont area remember Phil as "Smoky" the clown. His death was mourned by the whole community because his love touched so many people. Smoky's charming smile and humorous demeanor delighted children of all ages for many years. You could hardly attend a parade, festival, or community event without witnessing Phil's delightful presence.

Philip Huss served his Nation during World War II as a sailor in the Pacific. He was the Pacific Fleet's Heavyweight Boxing Champion in 1944 and won several Golden Gloves titles in the sport over his lifetime. After the war, Phil joined the Fremont Police Department and worked many years as a detective and juvenile officer. During his tenure on the department, he received numerous awards for outstanding service to the community.

Despite his successful career with the police department, Phil will always be remembered as Smoky. He began clowning in 1954 at the Fremont Speedway. In his ragtag clown outfit

and scooter, he brought countless smiles to children, parents, and grandparents over the next 40 years.

Mr. Speaker, Philip Huss distinguished himself as a reliable and dedicated public servant and a genuine role model in his private life. I ask my colleagues to join me in expressing our deepest sympathies to Phil's wife Martha, and in joining the community of Fremont in remembering and celebrating Philip's accomplishments. We will always miss him.

## SUPPORTING H.R. 1868

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. FATTAH. Mr. Speaker, I rise to make it a matter of the official record of this body that I strongly support the policy established in H.R. 1868 of continuing full financial support to Israel and the Middle East. I voted against this legislation, however, because it contains deplorable and unjust provisions affecting the poorest countries in the world.

The total appropriation under H.R. 1868 is $12 billion for fiscal year 1996. This is $1.6 billion less than was appropriated in fiscal year 1995, and nearly 50 percent of this reduction was taken from funds for Africa. This bill follows the Republican tradition of taking funds from those who can least afford it, and who have the fewest options.

Adding insult to injury, the bill gratuitously undermines the fledgling Haitian democracy by placing conditions on the distribution of funds to Haiti which assume that its democracy will not succeed. The bill is profoundly isolationist in that it reduces funds for bilateral and multilateral development assistance by one-third, and reduces support for international financial institutions by 40 percent. These funds encourage many of the world's poorest countries to adopt open market reforms, promote private sector development, and focus on poverty reduction. Development banks like the IDA help create jobs and economic security in the United States by making the world's 5.5 billion people better customers for our exports. Cutting funds to these programs will only serve to isolate us from a world in political and economic transition.

I understand that there are people in my district who are strong supporters of aid to Israel and the Middle East. But many of these same people support aid to Africa, and I could not, in the best interest of my constituents, vote for legislation which so disproportionately slashes aid to Africa. I will follow the progress of this legislation as it moves through the Senate, and I look forward to the opportunity to vote for a better bill as it emerges from the House and Senate conference committee.

## TRIBUTE IN HONOR OF AMADEO FLORES OF ALICE, TX

### HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. TEJEDA. Mr. Speaker, I am proud to recognize a distinguished resident of the city of Alice, TX. Mr. Amadeo Flores of Alice was inducted into the Tejano Music Hall of Fame on May 12 in San Antonio at the 15th Annual Tejano Conjunto Festival. It is a well-deserved honor, coming after 50 years of accomplished musicianship on the accordion and the bajo sexto. Mr. Flores is a pioneer of the diatonic accordian, an instrument vitally important to the development of the rich and diverse tradition of Conjunto music.

During his career, Amadeo Flores traveled widely, playing in dance halls throughout the Southwest with many trailblazing Conjunto bands, including Tony de la Rosa and Los Sombra. Even in his retirement, Amadeo Flores plays music with Ruben Naranjo y Los Gamblers.

Amadeo Flores, with his lifelong dedication to this music, exemplifies what is best about Conjunto. His talent and hard work and persistence are unmistakable. Despite years of arduous and constant travel and having to take jobs in other fields to support his family, Amadeo Flores contributed mightily to the history of a vibrant form of music. He stands as a vital link in the history of a music that stretches from the cotton fields and factories of the Southwest to the modern success of such artists as Emilio Navaira and Selena Quintanilla Perez.

The music of a people is more than a collection of pleasant sounds and rhyming words. Taken as a whole, a tradition of music is the history of a people's thoughts and feelings and aspirations. Musicians like Mr. Flores, despite many hardships, worked hard to preserve the Conjunto tradition for future generations. With their talent and creativity, they kept the music alive for everyone to enjoy. Mr. Flores is still, to this day, playing music that moves people and helps express their emotions.

The people who do the everyday work of helping keep a culture vibrant and growing are often forgotten. I am just taking a few moments to remark on a hard-working American, Mr. Amadeo Flores, who is receiving appropriate recognition, a place in the Tejano Music Hall of Fame.

## THE INTRODUCTION OF THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 1995*

Mr. CARDIN. Mr. Speaker, I rise today to introduce the Access to Emergency Medical Services Act. This legislation would end health plans' ability to deny coverage and payment for appropriate emergency room visits. In addition, it would require health plans to pay emergency physicians and hospital emergency departments for federally required evaluation and screening exams.

I'm sure most of you have heard stories from friends, relatives, or the press of people who received care in the emergency room, but their health plan refused to cover that care. Health plans are able to do this by claiming that the patient's diagnosis did not meet the health plan's definition of emergency. I have attached a recent New York Times article which highlights the problem.

A 1992 study of Medicare's HMO claims denials conducted for the Health Care Financing Administration determined that emergency department visits were dispute prone. In fact, the study showed that 40 percent of the claims denied by Medicare HMO's were for emergency care services. The study's author concluded that this was because HCFA's definition of emergency was regulatory and placed patients in the untenable position of having to make quasi-medical judgments about the severity of their symptoms. Unfortunately, for many patients, while their symptoms may suggest that they are experiencing a medical emergency, only a qualified health professional can ultimately make that determination after an appropriate medical evaluation.

The State of Maryland has put an end to many of these after-the-fact denials by establishing a uniform definition of emergency that requires payment determinations to be based upon the patient's symptoms, rather than the patients ultimate diagnosis. Virginia and Arkansas have also adopted this definition. My legislation would take this prudent layperson definition of emergency and make it the national, uniform definition. In addition, the bill would do the following:

Prohibit health plans from requiring prior authorization for emergency services or requiring that the health plan have a contractual arrangement with the hospital emergency department in order for care to be provided to the plan's enrollees.

Require health plans to pay emergency physicians and hospital emergency departments for services they are required by Federal law to provide.

Ensure 24-hour access and timely authorization—30 minutes—from health plans for needed care for an enrollee being treated in an emergency department.

Assure that health plans promote the appropriate use of 911 emergency telephone numbers and do not create barriers to their appropriate use.

Apply these same standards to Medicare and Medicaid.

The Access to Emergency Medical Services Act is supported by both health care providers and consumer organizations. First, I would like to thank the American College of Emergency Physicians [ACEP] who have documented the need for this reform, and worked closely with me to develop this legislation. The bill is also supported by Consumers Union, the National Association of EMS Physicians, Citizen Action, the Coalition for American Trauma Care, Public Citizen, the American Ambulance Association, the International Association of Firefighters, and the Emergency Medical Services Section of the International Association of Fire Chiefs.

The Access to Emergency Medical Services Act enables those in need to be assured of access to emergency medical care. This legislation provides a reasonable definition that may be applied to emergency situations, and safeguards patients both medically and financially. It is imperative that this Congress join in bipartisan support on this issue.

Access to emergency medical service is fundamental to ensuring a viable health care system. What is at stake here is not an issue of governmental regulation, but an issue of protecting patient safety. I urge you, my colleagues, to join me in supporting the Emergency Medical Services Act.

[From the New York Times, July 9, 1995]

H.M.O.'S REFUSING EMERGENCY CLAIMS, HOSPITALS ASSERT—2 MISSIONS IN CONFLICT

MANAGED CARE GROUPS INSIST THEY MUST LIMIT COSTS—DOCTORS ARE FRUSTRATED

(By Robert Pear)

WASHINGTON.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.' doubled in the last eight years, to 51 million in 1994, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide "an appropriate medical screening examination" to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Tom A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: "I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals."

Most H.M.O.'s promise to cover emergency medical services, but there is no standard definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephen G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: "We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly."

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of "managed care," but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctor's offices to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people, "It's up to the physician to decide how to provide 24-hour coverage," said Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. "This is totally alien to me," said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association, said, "We just don't have data on emergency services and how they're handled by different H.M.O.'s."

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O's with Medicare contracts, reminding them of their obligation to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, "Employers are putting pressure on H.M.O.'s to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide."

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: "H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

"In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do."

Dr. Gary P. Young, chairman of the emergency department at Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. "This is happening every day," he said.

The PruCare H.M.O. in the Dallas-Fort Worth area, run by the Prudential Insurance Company of America, promises "rock solid health coverage," but the fine print of its members' handbook says, "Failure to contact the primary care physician prior to emergency treatment may result in a denial of payment."

Typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as "gatekeeper," authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: "H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the H.M.O. in all it's operations." Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of "a prudent lay person." The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.