SENATE—*Wednesday, August 9, 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:

Gracious God, we ask You to help us keep our priorities straight. You have created us to love people and use things. Often we have reversed the order: We love things and use people. What's worse we sometimes use people as if they were things.

It happens on the personal level when we lose a sense of the sacredness of the people around us. We easily become insensitive to their needs and use them as means to accomplish our ends. We end up with too many "I-it" relationships and become "thinging-it" people.

On a broader scale, we are constantly confronted with the immensity of human need and suffering. Too often we loose our sensitivity in the maze of statistics. This week as we've considered welfare and then concerns over needs among our native American Indians, we have sought to feel deeply and respond decisively. Guide us Lord in today's consideration of Indian programs as part of the Interior legislation.

Father, You love each of us and seek to implement Your caring through all of us. Help us to put righteousness and justice into creative action. In Your love-motivating name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCAIN. Mr. President, on behalf of the majority leader, for the information of all Senators, the Senate is immediately resuming the consideration of the Interior appropriations bill this morning.

Pending is a Domenici amendment, under a 30-minute time limitation regarding the funding for the Bureau of Indian Affairs.

Senators should therefore be aware that a rollcall vote will occur this morning at approximately 9:30 a.m. Further rollcall votes are expected during today's session, and the Senate is expected to be in session until the evening.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

A 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.

Pending:

Domenici amendment No. 2296, to restore funding for programs within the Bureau of Indian Affairs.

The Senate resumed consideration of the bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield 5 minutes of the 15 minutes that I have to the distinguished Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, the proposed cuts we are talking about will devastate Indian country. They strike at reservation services and reservation programs. They strike at Indian families and individual households. They strike at the practical ability of tribal governments to govern.

Let me quote from a letter I received from the Quinault Indian Tribe in Washington State, regarding the proposed cuts in H.R. 1977:

> These provisions . . . will mark the beginning of a new era of broken promises and hostility toward Indian nations which is unbecoming to the Senate and to a great Nation like the United States.

I would like my colleagues to understand the practical effect on just three tribes of these cuts.

The Pine Ridge Reservation of the Oglala Sioux Tribe, located in the poorest county in our country, a place 10,000 members of the Oglala Sioux Tribe call home. Nearly 67 percent of its residents live in poverty, compared to the national average of 13 percent. Nearly one-third of the people living on the reservation are unemployed. The median income of households and families on the Pine Ridge Reservation is under $11,000, which is less than one-third the national average for American households and families.

The Oglala Sioux Tribe had an $8,191,000 tribal priority allocation base of funding in fiscal year 1995. Under this cut, they would directly reduce the Oglala Sioux funding base to $5,996,000, a $2 million cut.

In the case of the Quileute Tribe in Washington, they would receive a cut from $547,000, to $393,000. I might mention that nearly 90 percent of the Quileute Tribe families with children under the age of 6 are living in poverty, and one out of three are unemployed.

The San Carlos Apache Tribe would receive a cut of some $1.6 million out of a $6 million tribal priority. And this is what the United States meant when we promised the San Carlos Apache in a solemn treaty that we would legislate and act to secure their permanent prosperity.

Mr. President, let me quote the respected jurist, U.S. Supreme Court Justice Hugo Black, who addressed this Nation's treatment of American Indians in his dissent in the case called F.P.C. versus Tuscarora:

> It may be hard for us to understand why these Indians cling so tenaciously to their lands and traditional tribal way of life . . . the lands of their reservation are [not] the most fertile, [nor] the landscape the most beautiful, [nor are] their homes the most splendid specimens of architecture. But this is their home—their ancestral home. There, they, their children, and their forebears were born. They, too, have their memories and their loves. . . . There may be instances in which Congress has broken faith with the Indians. . . . I regret that [we will] . . . break faith with this dependent people. Great nations, like great men, should keep their word.

Mr. President, we have broken our bond with these people. We have denied them the full benefits derived from their lands and resources. We have denied them authority over their own affairs. And under this bill, we would deny them the funds they desperately need to address the widespread poverty and hopelessness that are a part of everyday life on the reservation.

I reserve the remainder of my time for Senator DOMENICI.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. DOMENICI. I yield 3 minutes to Senator INOUYE.

Mr. INOUYE. Mr. President, I have only a few observations to add to the other statements that have been made by the chairman of the Budget Committee and the chairman of the Committee on Indian Affairs.

Last evening, the chairman of the Interior Subcommittee informed the Members of this body that the policy which guided the subcommittee's action in distributing 45.6 percent of the reductions in the Interior Department's budget to the Bureau of Indian Affairs is one that is aimed at speeding

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

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up the process of Indian self-determination and self-governance by sharply reducing funds that go directly to tribal governments for the provision of basic government services for reservation citizens—services such as fire protection, law enforcement, the assurance of health and safety, and the protection of the general welfare of tribal communities.

Our colleagues will recognize that this initiative is not dissimilar from that which is being proposed in the area of welfare reform—which is the idea of moving responsibilities out of the Federal Government and placing those responsibilities closest to the people—empowering local communities to address the challenges which confront citizens at that level.

But, Mr. President, I believe we must examine carefully what is being proposed under the auspices of self-governance and self-determination, because in the context of reform, we have not and are not asking other Americans to experience a 26-percent reduction in the programs upon which they have come to rely.

Rather, we talk about cutting the budget for Federal programs by 5 to 7 percent over the next 5 to 7 years.

In stark contrast, we would tell the Indian people that the programs which support the very infrastructure of their governments must be reduced by 26 percent in just 1 year.

In stark contrast to the reform measures that we have been debating in recent days, we would tell the Indian people that we are going to shore up and protect the Federal bureaucracy that absorbs 90 cents of every dollar we appropriate for Indian programs and instead, we are going to drastically reduce the ability of tribal governments to address the needs of their citizens at the local level.

Mr. President, this is not a proposal that will empower tribal governments.

This is a proposal that will devastate the ability of Indian governments to serve the most basic needs of their citizens.

As a member of the Appropriations Committee, I understand all too well the constraints and the competing demands that are placed on each of our subcommittees and I understand the challenges with which the chairman and former chairman of the Interior Subcommittee are faced. In the last few days, representatives of the Interior Department have spread horror stories around this body about the impact on each Member's State if funds are taken from any of the six accounts we propose to use as offsets.

One Member is told that the Minerals Management Service office in Alaska will be closed. Another Member is told that the wildlife refuges in his State will be closed. There is a story for every Member—and it is always that all of the Interior programs in his or her particular State will be the programs that bear the brunt of our proposed reductions.

Unfortunately, these are the kind of desperate and dishonest tactics that are employed when resources become scarce. But I would ask my colleagues, Mr. President, to examine the relative reductions to other programs in Interior, and to understand that a 26-percent cut in the programs that go directly to the Indian tribal governments is a reduction of a size and proportion that we have not asked any of the other Interior programs to bear. It is a matter of simple equity that brings us to this threshold today.

Mr. President, we do have a responsibility to preserve and protect this Nation's resources, but we also have a responsibility that we, as a nation, undertook long ago—when we encouraged the Indian nations, by force and solemn commitments, to give us their lands. This responsibility—this trust responsibility—for Indian lands and resources, and to assure the survival of the Indian people—is no less sacred.

Mr. DASCHLE. Mr. President, I would like to engage the distinguished chairman of the Budget Committee, Senator DOMENICI and the distinguished vice-chairman of the Committee on Indian Affairs, Senator INOUYE, in a colloquy on their amendments to H.R. 1977, the fiscal year 1996 Interior appropriations bill and the Earth Resources Observation System [EROS] Data Center.

Mr. DOMENICI. Mr. President, Senator INOUYE and I would be happy to discuss the amendment with the Senator from South Dakota.

Mr. DASCHLE. Mr. President, before discussing the EROS Data Center, I would like to take this opportunity to commend my colleague on the Budget Committee and my colleagues on the Indian Affairs Committee for offering their amendment to the Interior appropriations bill. I strongly support their efforts to restore $200 million to the Bureau of Indian Affairs tribal priority allocations account, nonrecurring programs, and other recurring programs.

The existing level of funding for the Bureau of Indian Affairs [BIA] and tribal programs is extremely inadequate. The objective of the BIA is to encourage and assist Indian people to manage their own affairs under the trust relationship to the Federal Government. To carry out this objective, the BIA is responsible for assisting Indian tribes in the development and implementation of effective programs for their self-sufficiency and advancement.

Historically, the BIA has never been funded at a level that meets the needs of Indian people. The reductions in the BIA tribal priority allocation account recommended by the Interior Appropriations Committee will have the potential to further decrease and eliminate many important programs such as tribal courts, law and order, social services, roads, and housing needs that are so important to tribal self-sufficiency.

Mr. DOMENICI. Mr. President, I thank the Senator for his kind remarks and completely agree that the funding contained in the fiscal year 1996 Interior appropriations bill for the BIA and tribal programs is simply inadequate.

Mr. DASCHLE. Mr. President, my support for the BIA restoration amendment is based on an understanding that the offsets will not be taken from the EROS Data Center, which is funded from the U.S. Geological Survey's [USGS] national mapping, geography, and surveys account.

The EROS Data Center is a data management, systems development, and research field center of the National Mapping Division of the USGS. Located near Sioux Falls, SD, EROS is a state-of-the-art facility that receives, processes, and distributes data from Landsat satellites. Today, the center holds the world's largest collection of images of the Earth, including more than 3 million images acquired from Landsat, meteorological and foreign satellites.

As my colleagues on the Senate Appropriations Subcommittee on Interior know, the EROS Data Center works closely with USGS, the Interior Department, and other Federal agencies including the Department of Defense and the National Aeronautics and Space Administration [NASA]. The center, for instance, manages the National Satellite Land Remote Sensing Data Archive and participates in NASA's Mission to Planet Earth Program. As a unique hub of high technology research, EROS is particularly important to South Dakota because it provides opportunities for scientists, educators, and students in our State and assures them a role in the rapidly changing area of supercomputing and on the information superhighway.

Mr. DOMENICI. Mr. President, I understand the Senator's strong support for the EROS Data Center and would like to assure him that it is our intent that the offsets for our amendment will not be taken from the national mapping, geography, and surveys account of USGS.

Mr. INOUYE. Mr. President, I concur with the chairman of the Budget Committee. The Senator from South Dakota is correct. It is my intent that the important work done by the EROS Data Center will not be affected by our amendment. It is my intent that the offsets from the U.S. Geological Survey will not come from the national mapping, geography, and surveys account to support the amendment that restores funds for the Bureau of Indian Affairs.

Mr. DASCHLE. I want to thank my colleague from the Budget Committee and my colleague from the Committee

on Indian Affairs for this clarification and assurance. I commend them for offering this important amendment.

TRANSFER OF HATCHERIES

Mr. CONRAD. Mr. President, I would like to ask the authors of the amendment about an offset item in the amendment. Regarding the reduction in funding to the U.S. Fish and Wildlife Service, it is my understanding that, consistent with the committee report, the 11 fish hatcheries proposed by the administration for transfer to States and tribes will be operated during fiscal year 1996, and that the working group to be formed to plan the future of the hatcheries will carry out its mission. Is my understanding correct?

Mr. DORGAN. Before the Senators respond, I would also like to ask the authors of the amendment about the reduction in funding for the Natural Resources Science Agency. It is my understanding that, consistent with the committee report, it is the intent of Congress that the Northern Prairie Science Center at Jamestown, ND will be maintained at its present level of funding. Also, I understand that funding provided for the Water Resources Research Institutes and for National Cooperative Mapping by the U.S. Geological Survey will not be reduced by this amendment. Am I correct?

Mr. DOMENICI. The Senators from North Dakota are correct. The amendment's reduction in funding to the U.S. Fish and Wildlife Service, the Natural Resources Science Agency, and the U.S. Geological Survey should not negatively impact the programs mentioned by the Senators.

Mr. DORGAN. It is also my understanding that it is the intent of the amendment's sponsors that, of funds provided for other Bureau of Indian Affairs recurring programs, not less than $2.5 million will be provided to implement the Child Protection and Family Violence Prevention Act of 1990.

Mr. INOUYE. The Senator's understanding is correct.

Mr. DORGAN. Mr. President, the appropriations bill for the Department of the Interior cuts spending on Bureau of Indian Affairs programs by 16 percent and strips it of major responsibilities for natural resources management. Even more damaging is the fact that tribes will be faced with a one-third cut in the funds that go directly to tribes so that they can provide people with critical education, human services, public safety, and economic development programs.

Indian programs have traditionally been the first to see the budget ax and the last to see funding. This is wrong. It's asking some of our poorest communities and most vulnerable citizens to foot the bill for balancing the budget—while saying, "We have plenty of money for tax cuts for the wealthy and for star wars."

The statistics on Indian poverty are staggering. About one out of every three Indians lives in poverty—and so do half of the children under age 6 who live on reservations. The average employment rate on reservations is about 45 percent, and the per capita income is approximately $4,500.

Tribes are in desperate need of resources, for educating children, for protecting abused and neglected children, for combating alcoholism and drug abuse, for fighting crime, for building roads, homes, and water and sewer systems. And we—the Federal Government—have a special trust responsibility to provide those resources to tribes.

This appropriations bill falls far short of meeting the fundamental obligation of the United States toward the Indian nations. In North Dakota, the funding cuts contained in this bill will mean tribal governments will be faced with cutting employees who run the courts, who prevent child abuse, who teach children. The cuts mean that, on reservations where there are waiting lists for housing, understaffed police departments, decrepit schools, and unpaved roads, there will be even fewer dollars to meet critical needs.

One of these needs that will continue to go unmet under this appropriations bill is particularly troubling to me—and that is the need to fight and prevent child abuse on Indian reservations. Many of you have heard me speak on the floor about Tamara, a young woman from Fort Yates, ND, who at age 3 was placed in a foster home by a caseworker who was juggling 150 cases. She was placed in a foster home which had not been inspected. This was a home where the norm was heavy drinking and all-night parties. After one such party—if you can call it that—this 3-year old girl was so severely beaten that her hair was pulled out by its roots. Her arm and nose were broken.

I wish every Member of this body could someday look into Tamara's eyes, so that he or she may see what happens when the Federal Government says, "No, we don't have enough money to help tribes hire social workers."

The BIA requested $5 million to help prevent child abuse on Indian reservations. The Appropriations Committee killed all of this funding—all of it. I hope that every Member of this body will think long and hard about the effect of passing legislation in which our priorities become so skewed, so wrongheaded, that we are willing to cut out funding that could very well save the life of a small child who is living in fear and in pain.

I am pleased to offer my support for the amendment offered by Senators DOMENICI, MCCAIN, and INOUYE. This amendment will provide critical funding for Indian programs. I understand from the managers of the amendment that no less than $2.5 million of the restored funding would be set aside for child abuse and treatment programs under the Child Protection and Family Violence Prevention and Family Violence Prevention Act of 1990. I thank them for their efforts to protect Indian children, and I hope my colleagues will join me in supporting this critical amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, Members have on their desks a brief outline of what this bill does with respect to the agencies within the Department of the Interior and the other responsibilities of this subcommittee. The entire thrust of the argument for this bill has been aimed not at reductions in Indian programs, but at reductions of the appropriations for the Bureau of Indian Affairs, a Bureau, I may say, criticized by most of these same Members over the years as one of the least efficient and least responsive in the entire Federal Government.

But the total reductions for the Bureau of Indian Affairs itself are 16 percent. The total reduction for Indian programs are 8 percent. By comparison, the Forest Service is reduced 22 percent, the various endowments by 39 percent, the Fish and Wildlife Service by 11 percent, territorial affairs by 23 percent. It is just simply not the case that Indian programs have been singled out for disproportionate reductions.

I stand here, as does my colleague from West Virginia, to share with Members that frustration at the fact that, because of what we have decided to do in order to balance the budget, under the leadership of the Senator from New Mexico, we have, overall, 11 percent fewer dollars for our responsibilities. I want to emphasize once again, we have reduced Indian programs by only 8 percent, and they are not the programs the Senator from Arizona was talking about. These are not the programs that provide for education, or for health, or for housing, or for the relief of poverty. These are the moneys that go through the Bureau of Indian Affairs to give to Indian governments, which raise no money on their own—unlike every other form of local government in the United States.

In order to see to it, at a time of starkly declining budgets for all of these agencies, that the Bureau of Indian Affairs, for all practical purposes, has no reduction, so that the total reduction for Indian programs is a mere 2 percent, this amendment would devastate responsibilities of the Government of the United States, which it literally cannot delegate to anyone else—the management of all of the lands owned and operated by the Bureau of Land Management. The Bureau of Land Management, quite accurately, tells us that it has already taken a $50 million reduction from the President's budget request and that its outreach programs, its recreational programs will, of necessity, have to go if this additional huge reduction is imposed upon

it because it cannot abandon the land itself.

The Fish and Wildlife Service, which is reduced $41 million from the President's proposal by our budget, and for which this amendment asks another $30 million reduction would, of necessity, come out of its recreation, its people-oriented activities. I read a list last night, that the Fish and Wildlife Service sent to us through the Department of the Interior, of more than 50 wildlife refuges that will close, as far as public access is concerned, because all that will be left is what is necessary for the preservation of habitat. They cover most of the States of the United States—as many as four or five in States like North Carolina and Oregon and Texas, and at least one in almost every other State. Of course, that is going to happen. This is a lot of money.

There has been a colloquy submitted between the distinguished Democratic leader and the chairman of the Budget Committee with respect to the National Geological Survey and the EROS Data Center in Sioux Falls, SD. I can tell you, Mr. President, that Sioux Falls, SD, EROS Data Center is No. 1 on the list for the National Geological Survey for closure if this amendment is agreed to. It does not do much good to say it is not the intention of the sponsors to close it. It will close if this amendment becomes law.

We have been in the process of distributing reductions which were forced on us—not ones which we asked for—in a field in which the Federal Government is solely responsible. We have been able to have no reductions at all only in the operations of the National Park Service and the cultural institutions here in Washington, DC, like the Smithsonian and National Gallery of Art, for which we are solely responsible, and the Indian Health Service, which is actually increased, the only significant item in this bill which is increased. Yet, these sponsors put on blinders. They do not tell you about the $1.8 billion worth of programs for Indians in other appropriations bills. They do not talk about Indian education or the Indian Health Service. They speak only about the BIA, and within that only one program within the BIA.

If they wish to refocus the amounts of money to the BIA within this appropriation, I am certain that the Senator from West Virginia and I would be more than accommodating. But this does not attack the welfare and income maintenance programs of the Indians at all. And this bill, I must repeat, reduces Indian programs considerably less than it reduces the average of all other programs in this bill. It is extremely unfortunate, but it is the only fair way in accomplishing a goal.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 15 seconds.

Mr. DOMENICI. I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

First of all, I ask unanimous consent to be included as an original cosponsor of the Domenici amendment.

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

Mr. WELLSTONE. Thank you.

Mr. President, I told my colleague from New Mexico that I did not come to the floor last night to speak on this amendment because I wanted to get a clear understanding of the offsets which are contained in the amendment.

Mr. President, frankly, some of the offsets are troubling to me. Especially those which pertain to the National Biological Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Minerals Management Service. As a strong environmentalist, I wish we did not have to make any tradeoffs in these areas at all because they are all important. But I think this is a matter of simple justice and equity. I believe the Domenici, McCain, and Inouye amendment is extremely important.

Mr. President, as I look at the proposed cuts, I am troubled that most of these cuts really are not in Federal bureaucracy but instead go right down to the tribal programs at the reservation level.

Mr. President, the statistics all translate into personal and human terms. It is unconscionable to have deep cuts in programs at the tribal level; be they education programs or health-care programs. It is one thing to talk about all these statistics in a cut and dried way. But when you travel in Minnesota, New Mexico, Arizona, or any number of other States, and you visit with people in the Indian nations, it is just staggering to observe the poverty, including the horrifying poverty of children.

Mr. President, it strikes me that this amendment is about simple justice and fairness. This amendment deserves the support of all Senators. It is just that simple.

Mr. President, we cannot turn our gaze away from a history that none of us can be proud of. We cannot turn away from the dire poverty that still is out there in Indian country. We cannot turn away, Mr. President, from the impact these cuts are going to have on the lives some of the poorest Americans.

Therefore, I rise to strongly support this amendment.

Mr. GORTON. Mr. President, I yield 4 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I thank the manager.

Mr. President, we had debate on this amendment for an hour and a half last night. Senator GORTON and I have both spoken in opposition to the amendment.

The amendment being voted on this morning proposes to reduce six different accounts within the Interior Department in order to increase funding for the Bureau of Indian Affairs. The reductions proposed by this amendment would:

Double the reduction already imposed on the operations of the Bureau of Land Management, which will affect the conduct of the grazing, mining, and timber programs;

Increase the cut on Fish and Wildlife Service operations to more than $100 million below the fiscal year 1995 level, which will affect the delivery of services at national wildlife refuges—of which there are 500—and fish hatcheries;

Reduce the Geological Survey by $46.5 million, which will lead to additional job termination beyond the 400 positions being eliminated this year, and affect earthquake, volcano, and landslide monitoring as well as mapping and streamflow measurements;

Cut $45 million from the Natural Resources Science Agency, which would eliminate existing natural resource evaluation, monitoring, and investigation; and

Reduce the royalty management function whereby the Interior Department ensures that moneys owed the Federal Government due to mineral extraction are paid.

Mr. President, the proponents of the amendment have contended that the recommendations contained in the pending bill disproportionately affect Indian programs. In fact, this is not the case. Senators should remember that this bill is reduced $1.1 billion below the fiscal year 1995 enacted level. Cuts are real throughout the bill, not just in the Indian program.

The potential consequences of the committee's recommendations are what most concern the sponsors of the amendment. Mr. President, consequences are what happen when we impose reductions on discretionary spending. And as I said last night, this is just the tip of the iceberg. Further reductions in discretionary spending are called for next year. The budget resolution has told us that programs have to be cut. Our task is to do so responsibly. It is not an easy chore. Rather, it is an unpleasant one. It is one that each Senator probably thinks he or she can do better than the next Senator. But each appropriations bill is a series of compromises and a balancing of authorities, and this Interior bill is no different.

Mr. President, in recent days, this body has been debating an appropriate funding level for national defense. As was said during that debate, military

spending is the only portion of the discretionary budget that will increase in fiscal year 1996. Mr. President, if the Senate were willing, it could impose a reduction of less than 3 percent on the amount of growth in the Defense budget and fully achieve the objectives of the pending amendment.

In closing, Mr. President, I cite the following facts:

First, total funding in this bill is down 11 percent versus last year. Indian programs are down 8 percent, which is below the average for the bill. And, if the amendment is agreed to, the funding for Indian programs will be down to 2 percent below last year. It will drop from 8 percent to 2 percent below last year.

Second, funding for the land management operations for nearly one-third of the land base of this country is down 14 percent, a reduction 75 percent greater than that applied to the Indian programs.

Third, the committee recommendations protect the most fundamental of Indian programs—Indian health and elementary and secondary education for Indian children on reservations. Protecting these critical functions resulted in cuts in other Indian programs in this bill.

Fourth, the House imposed less of a reduction on the Bureau of Indian Affairs, but they did so by constraining programs of interest to numerous Senators, including land acquisition, low-income weatherization assistance, zero funding for the National Museum for the American Indian, and termination of the Bureau of Mines.

Mr. President, this bill adds, I believe, $12 billion in spending authority and $3.5 billion of that $12 billion is allocated to Indian programs.

I find it unpleasant to oppose the amendment that was offered by these three distinguished Senators and others. But I feel as manager that I must do so. I urge Senators to reject the amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, there is a chart on the desk of each Member which is the only chart and set of figures which covers this bill as a whole. It indicates that land management agencies are reduced 14 percent, science agencies by 5 percent, cultural activities by 15 percent, the Department of Energy by 10 percent, Indian activities by 8 percent and other Department of the Interior functions by 14 percent, for a total of 11 percent.

To concentrate on one aspect of one of those sections to the exclusion of all others is not to paint an appropriate picture for Members in dealing with a very difficult bill at a very difficult time. It is simply an error for the Senator from Minnesota or the Senator from Arizona to say that this preserves the bureaucracy in the Bureau of Indian Affairs. The largest account in the Bureau of Indian Affairs to be cut is central office operations, considerably larger than these self-government functions.

The bottom line is that this amendment by its own terms will be devastating to primary responsibilities of the Government of the United States. They will probably be modified adversely to affect the National Park Service. It would have to be in order to become law, ultimately. And, Mr. President, this does not affect the poverty-oriented programs for Indian tribes. It simply affects the bureaucracy of the Bureau of Indian Affairs and of the governments of the various Indian tribes themselves. Overall, however, these reductions for Indian programs in this bill are less than those for land management agencies, for cultural activities, for the Department of Energy, for territorial administration, or for the main office of the Department of the Interior itself. This is a fair bill that will be distorted unfairly, unwisely, and unsustainably by this amendment.

Mr. CAMPBELL. Mr. President, I would like to make a few observations on the amendment offered by my colleagues on the Committee on Indian Affairs. I strongly support this amendment because it seeks to restore funds that go directly to tribal governments for basic, necessary governmental functions, such as public safety and law enforcement, education, human services, and community development each vital elements of any government, whether it is a State, local, or tribal government.

I appreciate the work of the distinguished chairman and ranking member of the Appropriations Subcommittee. I know they have tried to craft a spending bill that equitably distributes the reductions taken as a result of an overall reduction of nearly 11 percent from fiscal year 1995 levels.

However, I remain greatly concerned with the reductions reported by the committee for those programs administered through the Bureau of Indian Affairs.

H.R. 1977, as reported by the Interior Appropriations Subcommittee, reduces spending for BIA administered programs by approximately $255 million from fiscal year 1995 enacted levels, and $207 million below the level passed by the House earlier last month.

While the committee report indicates that every effort was made to limit reductions for Indian-related programs, I would respectfully ask my colleagues to take a closer look at overall spending for each of the major spending categories for Indian programs. Depending on how one reads the numbers, one could come to the conclusion that Indian programs are reduced by a modest 8 percent.

While this may be the case if you add in all Indian-related categories such as the Indian Health Service, Indian Education, and others, it is also true that programs administered through the Bureau of Indian Affairs will suffer a reduction of nearly 38 percent in fiscal year 1996.

Further, and most importantly, Mr. President, is the fact that these reductions will immediately, and most definitely have hurtful impacts on many Indian people and Indian communities. Unlike the proposed reductions to the other Interior agencies such as: the National Endowment for the Arts, 33 percent; the National Endowment for the Humanities, 33 percent; and the Institute for Museum Services, 27 percent.

Cuts in these programs, I suspect, will not force people to go hungry, lose their homes, or reduce an already depressed standard of living.

Mr. President, I need not remind my colleagues of the living conditions that exist on many Indian reservations and in many Indian communities, nor do I need to remind my colleagues of the history of Indian people on this continent and the unique relationship that has evolved between Indian tribes, the Congress, and the Federal Government.

We, as Members of Congress, have a compelling trust responsibility to Indian people, the origins of which are grounded in the Constitution and through treaties, agreements, and Executive orders that were negotiated with individual Indian tribal nations.

Because Congress and the executive branch have, for many years, endorsed the concept of tribal self-determination, and tribal self-governance, efforts have been made so that tribal governments are empowered to administer a greater number of Federal programs with the flexibility to determine how best to serve their local communities. While the Federal Government speaks of "self-determination", our actions—such as these cuts—continue to force dependency.

In keeping with the concept of empowering our local communities, the amendment before us today seeks to restore $200 million to the Bureau of Indian Affairs "Tribal Priority Allocation" line item. These funds go directly to Indian tribes for the operation of all tribal governmental programs and are not funds that are siphoned off by the operation and administration overhead costs of the Bureau of Indian Affairs.

According to the committee report, "Tribal Priority Allocations" are proposed to be reduced by nearly $343 million from budget estimate levels. Again, what causes me great concern is that the proposed reductions are not to construction programs or economic development programs, but to funding that goes directly to local Indian communities.

Like all Members of this body, I am well aware of our current budgetary

constraints and the necessity for each of us to step up and make sacrifices, however, I believe we should do so in the framework of the budget resolution this Congress adopted earlier this year, Senate Concurrent Resolution 13. In that resolution the Senate directives in all spending categories that provide a direction of where we need to reduce spending in order to reach a balanced budget by the year 2002. In function 300, the category for natural resources and environment, there were several recommendations that were made with respect to agencies of the Department of the Interior. One recommendation assumes a 10-percent reduction in the operating budgets of the Forest Service, National Park Service, Fish and Wildlife Service, and the Bureau of Land Management.

In addition, the committee recommendation assumes the devolution of the National Biological Survey. While that would also have negative impacts in my home State, that cut is preferable to forcing real people into even deeper poverty and deprivation.

Further, the bill as passed out of the House recognizes the need to trim the Federal bureaucracy. That is reflected through reduced spending for the various land management agencies. I support those principles.

I tend to believe that in order to maximize the taxpayer dollar, we should not continue to feed the Federal bureaucracy, but should promote funding that will go directly to local communities, in this instance, Indian communities.

As debate continues on this amendment, I would ask my colleagues to give their strong support for this amendment. Supporting this proposal is to further empower local communities to maximize taxpayer dollars and to reduce spending on Federal bureaucracy.

It is also the right and moral thing to do. I thank the Chair.

Mr. BAUCUS. Mr. President, I want to express my strong support for the amendment being offered by Senators DOMINICI, INOUYE, and MCCAIN.

The Interior appropriations bill as it is now written would single out native American programs for deep, deep budget cuts. While we must all do our fair share to bring down the budget deficit, these programs that are so important to our Indian people of my home State of Montana, are being singled out unfairly.

For instance, as Senator DOMENICI pointed out last night, 47 percent of the savings in this bill come from the Indian programs. And, under the Senate bill in its present form, BIA programs would be slashed by about half a billion dollars—a reduction of over 30 percent from last year's appropriation.

In a word, this is unfair.

But it is also unwise. While the leadership of Montana's tribal nations have worked hard—and effectively—to improve conditions on our seven reservations, enormous needs remain.

We need to do more to educate our Indian youth. But this legislation cuts Indian education.

We have a trust responsibility to provide for the health and welfare of our Native Americans. But this legislation takes a meat axe to those programs.

And, while we should be doing everything possible to encourage economic development on our Indian reservations—places with some of the highest unemployment in America—community development programs take a huge hit in this legislation.

I believe our Indian people are willing to do their fair share to bring down the deficit. But it is wrong to single them out for such unfair treatment. For this reason, I urge the adoption of this amendment.

Mr. DASCHLE. Mr. President, I wholeheartedly support the efforts of Senators DOMENICI, INOUYE, and MCCAIN to restore funding to the Bureau of Indian Affairs, but I am very concerned about the offsets for the amendment.

Unfortunately, the managers of the bill, the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON, and the ranking member of the subcommittee, Senator BYRD, have made clear their belief that passage of the amendment in its current form would result in cuts to the U.S. Geological Survey that could force the closure of the EROS Data Center in Sioux Falls, SD, a state-of-the-art facility that receives, processes, and distributes data from Landsat satellites. Today, the Center holds the world's largest collection of images of the Earth, including more than 3 million images acquired from Landsat, meteorological, and foreign satellites.

While I strongly support the goal of the Domenici amendment—to restore BIA funding for key tribal programs—in light of the statements by the bill managers that the offsets in the amendment could eliminate EROS funding, I cannot support the amendment as currently drafted.

The amendment represents the right thing to do, but the wrong way to do it. It is my hope we can go back to the drawing board and work out a compromise that restores this essential funding for Indian priorities without robbing EROS funding. I will be doing all I can to accomplish that goal.

There should be no misunderstanding about the need for the restoration of BIA funding. The existing level of funding for the Bureau of Indian Affairs [BIA] and tribal programs is extremely inadequate. While the Bureau of Indian Affairs received a slight increase in the President's fiscal year 1996 budget request, the Republican-controlled Congress appears intent on drastic cuts. The House of Representatives cut the administration's request by $100 million, and the Senate Appropriations Committee reduced it by $500 million. At the same time, we are considering an Armed Services Committee-reported defense bill that proposes spending $7 billion more than the Pentagon has requested. This is yet another clear indication of misplaced priorities.

The objective of the BIA is to encourage and help Indian people manage their own affairs under the Federal trust relationship. Historically, the BIA has never been funded at a level that meets the needs of Indian people. The reductions in the BIA tribal priority allocation account recommended by the Interior Appropriations Committee have the potential to further decrease and eliminate many important programs such as tribal courts, law and order, social services, roads, and housing needs that are so important to tribal self-sufficiency.

Mr. President, I appreciate the efforts of Senators DOMENICI, INOUYE, and MCCAIN to address the problem associated with the offsets. Again, while I feel I cannot support the amendment as currently drafted, I hope that, before the fiscal year 1996 appropriations bill becomes law, we can restore funding for Indian programs without forcing the closure of EROS.

Mr. PRESSLER. Mr. President, I rise today in reluctant opposition to the amendment offered by my colleague, Mr. DOMENICI. I am proud of the native American heritage which is so much a part of South Dakota's history. However, the Domenici amendment would inadvertently threaten the future of the EROS Data Center in Sioux Falls, SD, which will carry South Dakota into the 21st century and will bring new jobs to our state.

South Dakota can trace its native ancestry back more than 9,000 years. Today, South Dakota is home to nine Sioux or Lakota Indian tribes: the Cheyenne River Sioux, the Crow Creek Sioux, the Flandreau Santee Sioux, the Lower Brule Sioux, the Oglala Sioux, the Rosebud Sioux, the Sisseton-Wahpeton Sioux, the Standing Rock Sioux and the Yankton Sioux. South Dakota's Indian reservations are the very poorest areas in the Nation.

Mr. President, I recognize the importance of Federal funds to the survival and growth of the Indian tribes. These funds also are part of the longstanding Federal policy of self-governance. During my 20 years in Congress—both in the House and the Senate—I have strongly supported legislation to authorize and fund programs for native Americans. In fact, I recently coauthored a proposal which would allow tribes to run their own welfare programs.

Though, I support the intent and the goal of the Domenici amendment, I must object to the means used to fund the goal. The funding offsets could result in the elimination of the EROS

Data Center—which in many ways, represents the future of technology in South Dakota.

The Earth Resources Observation Center, commonly known as EROS, was established in Sioux Falls, SD in the early 1970's. South Dakotans are justifiably proud of the EROS Data Center. For 20 years, it has been the Nation's primary center for managing and distributing land remote sensing data. Its excellent track record for making this information available has made EROS famous among scientists throughout the world.

The National Satellite Archive houses the world's largest collection of space- and aircraft-acquired imagery. It currently holds more than 8 million aerial photos and over 2 million satellite images of the Earth.

EROS facilities house the scientists, researchers, and technicians, as well as the high performance computer systems and advanced telecommunications networks, needed to process and distribute the data. Researchers use the data to better understand the Earth, determine the extent and distribution of natural resources, monitor land surface changes, and evaluate environmental conditions.

What makes EROS unique is the availability of its information. The images collected at EROS provide very important information for agriculture, mining, urban planning, and other global change research. In fact, in South Dakota, many native Americans are utilizing Landsat data provided by EROS to manage land and resources on their reservations. EROS enjoys an internationally renowned reputation—a reputation that is well-deserved. The economic future of South Dakota depends upon the advanced technologies of facilities such as EROS.

Balancing the budget requires that we make difficult choices. This certainly is one such choice. But a balanced budget is the key to growth for both the native American and scientific communities. Without balanced budgets, interest on the Federal debt will continue to skyrocket, squeezing out funds for legitimate programs, such as the tribal priority allocation.

I would be pleased to work with my colleagues during the upcoming House-Senate conference to find a way to fund Indian programs without unnecessarily cutting other programs which are vital to South Dakota. It is my hope that we can work to this end.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Do I have 4 minutes, 5 minutes?

The PRESIDING OFFICER. Four minutes remaining.

Mr. DOMENICI. Mr. President, first of all, for all Senators, let me suggest that the chart which Senator GORTON, my good friend, has just alluded to, in this Senator's opinion, does not state the case right.

What we really should focus on here is Department of Interior funding, and not the entire bill. There are a lot of other things in this bill, some by accident, some by precedent and design, but the Department of Interior, of which the Bureau of Indian Affairs is 26.6 percent in budget terms—I say to the Senator from Mississippi who is observing this chart, the fact is that within the Department of Interior—that is all of the Department of Interior—a 26-percent portion it is getting cut 45.6 percent.

There are 550 Indian and Alaska Native governments in the United States; about 250 of them are villages in Alaska. This source of funding that we attempt to replenish has been cut $270 million. What this amounts to is economic termination of Indian self-determination and self-governance policies. If you take 27 percent away from the governments that we say should have self-determination, take it away from them, have we not made a de facto decision that Indian government cannot run, that it is going to be there with seriously reduced resources?

Nothing else in the Department of Interior comes close to getting cut 27 percent. As a matter of fact, many Senators do not even know because many States have no Indian people, but these are little, tiny villages in some instances and they may get $350,000 to run their government, to operate their own local welfare assistance program—not the American system, theirs. They get it for fire protection, for police protection. And we are saying to them, the United States of America is cutting its overall budget for all kinds of things; you little governments, the smallest governments in America and the poorest, you take a 27-percent hit. And we will go through all this kind of arithmetic and say it is only a reduction of 8 percent for Indians. But 8 percent for all the Indian programs has little to do with the Department of Interior funding which we believe has inappropriately taken 27 percent out of Indian governments.

How are they going to operate? Self-determination is eloquently spoken to in the Chamber. How do you have self-determination when you just gut little Indian governments all over the place; you say you used to get $350,000 to run it. We are going to take 27 percent away, but be self-determined. Get on with running your own government, but do it with a third fewer resources.

Really, it is not going to work. It amounts to deciding by appropriations that Indian government is going to have to retreat, perhaps disappear in some cases. Frankly, in the final analysis it will not work.

Now, having said that, Mr. President, this bill does some good things, the overall bill does in fact help Indians—not the Interior Department allocation of funds which we are debating. The overall bill does some wonderful things except it takes too much out of the tiny Indian governments. The bill also has Indian health in it. That is not the Department of Interior. The only source of health protection on reservations is the Indian Health Service of the Department of Health and Human Services, but it is funded in this bill.

So what we have done, what the chairman and ranking member said is "Let us keep Indian health solid." It is a $2 billion program for all the Indians of America. That has nothing to do with the program that funds tribal government operations—general assistance to the individual tribal governments that serve Indians under their tribal government. They provide small child welfare programs, services for Indian families within the rubric of a tribe, police protection, resource protection and other vital functions for maintaining tribal life.

Mr. President, the chairman's chart is deceiving. I wish I had a simple one that just said, out of the Department of Interior programs for Indian tribal governments—known as the Tribal Priority Allocation Program—there is a 27-percent reduction. The small Indian governments are cut 27 percent. Overall, the BIA represents 26 percent of all Interior Department functions, yet the BIA cuts in this bill account for 45 percent of the Interior Department's reduction for the next fiscal year.

I yield the floor.

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

Mr. GORTON. How much time remains?

The PRESIDING OFFICER. The Senator from Washington has 47 seconds remaining.

Mr. GORTON. Indian programs even in the Department of the Interior are not cut 27 percent but 16 percent. But the point is from the perspective of the country as a whole, how much money is being reduced from Indian programs? In this bill, 8 percent; for everyone else, more than 12 percent. Indians are doing almost twice as well in this bill alone as are all of the other functions in this bill combined. Because of the budget resolution, there has to have been a reduction. These reductions are taken fairly.

Mr. DOMENICI. Mr. President, I ask for 30 seconds to clarify a mistake that I made.

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

Mr. DOMENICI. Mr. President, the Senator is correct. Indian tribal government funding is cut 27 percent. That is what we are attempting to replenish. I mistakenly said all Indian programs within the Bureau are cut 27 percent. But the tribal priority allocations are the program that helps them directly

to govern, and this is the program that is cut 27 percent.

Thank you for giving me 30 seconds.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2296 to H.R. 1977. 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 Minnesota [Mr. GRAMS] and the Senator from Florida [Mr. MACK] are necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—36

Akaka	Exon	McCain
Baucus	Faircloth	Moynihan
Bingaman	Feingold	Murkowski
Burns	Harkin	Murray
Campbell	Heflin	Nickles
Conrad	Helms	Packwood
Craig	Inhofe	Pell
D'Amato	Inouye	Simon
DeWine	Kassebaum	Simpson
Dodd	Kempthorne	Stevens
Domenici	Kohl	Thomas
Dorgan	Kyl	Wellstone

NAYS—61

Abraham	Glenn	McConnell
Ashcroft	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Gramm	Nunn
Bond	Grassley	Pressler
Boxer	Gregg	Pryor
Breaux	Hatch	Reid
Brown	Hatfield	Robb
Bryan	Hollings	Rockefeller
Bumpers	Hutchison	Roth
Byrd	Jeffords	Santorum
Chafee	Johnston	Sarbanes
Coats	Kennedy	Shelby
Cochran	Kerrey	Smith
Cohen	Kerry	Snowe
Coverdell	Lautenberg	Specter
Daschle	Leahy	Thompson
Dole	Levin	Thurmond
Feinstein	Lieberman	Warner
Ford	Lott	
Frist	Lugar	

NOT VOTING—3

Bradley	Grams	Mack

So the amendment (No. 2296) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we have now dealt with two of the most contentious amendments to this bill. We have now finished, I believe, debate on mining patents and on grazing, and the principal, but though not the only amendment on Indian programs. I have been prepared to go to a series of amendments on the endowments at this point. But the objection to the committee amendment on the endowments was lodged by Senator MCCAIN, who is now chairing a markup in the Indian Affairs Committee.

There is also an amendment on an African-American museum by Senator SIMON, who has to attend that same committee session. I trust that it will be relatively short. We would be prepared to take another amendment on another subject.

But, Mr. President, what I would like to announce is, of course, the majority leader and the managers of this bill would like to have a full debate but, at the same time, would like to finish the bill today. So I request that Members on my side try to get to me or to my staff within the course of the next hour and give us notice and, if they can, copies of the amendments they propose to lodge. I believe the distinguished Senator from West Virginia will make the same request. We would like to be in a position, within an hour or so, to get a unanimous-consent agreement at least as to the amendments that are available for consideration, so that we can see how to manage our time for the rest of the day.

Mr. BYRD. Mr. President, I share the viewpoint expressed by the distinguished manager of the bill. I hope that our floor staffs will do whatever they can to contact the Senators' offices and let them know that amendments should be called up.

There is a desire and a need to complete action on this bill today. The sooner Senators will come to the floor and offer their amendments, the sooner we will be able to achieve that goal.

Mr. KENNEDY. Mr. President, I have a brief statement on another matter. If it is the desire of the managers to consider an amendment I will withhold. But if there is not, I would like to proceed briefly on another matter.

Mr. GORTON. That is perfectly satisfactory, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE UNHOLY ALLIANCE TO DISMANTLE MEDICARE

Mr. KENNEDY. Mr. President, as Congress prepares for the summer recess, it is important for the American public to understand what is at stake in the Republican Medicare cuts and who wants those deep cuts adopted.

Medicare is part of Social Security. Without Medicare, no senior citizens has retirement security. Medicare is a promise of health security for every senior citizen. If Republicans break the promise of Medicare, they are breaking the promise of Social Security.

For the Nation's elderly, this is more than a partisan political issue. The vast majority of senior citizens cannot afford to pay more for health care. They already pay an average of 21 percent of their limited income for Medicare premiums and for health costs that Medicare does not cover. Those who are older and sicker pay even more. Senior citizens today are paying a higher proportion of their income for health care than senior citizens paid before Medicare was enacted. And Medicare was enacted because senior citizens were already paying too much.

Paying such a high percentage of income for health care would be a heavy burden for almost any part of our population. But is especially hard for senior citizens. The median income for elderly households is only $17,750. Eighty-three percent of Medicare expenditures are for senior citizens with incomes less than $25,000; and almost two-thirds are for those with incomes below $15,000.

Deep cuts in Medicare hurt not only senior citizens, but their families as well. Children and grandchildren of senior citizens will face unexpected additional serious financial burdens, just at the time they are trying to make ends meet for their own families.

Cuts in Medicare will also damage the overall health care system. The system as a whole will suffer because these deep Republican cuts will hurt hospitals and other providers, especially rural hospitals, public hospitals, and academic health centers.

The Republican strategy is clear. They will refuse to put anything specific on the table until after the recess—and then try to pass it quickly before the public realizes what is happening.

It is wrong to try to slam dunk Medicare through Congress and it will not work—because the key elements of the Republican program are already clear. First, there will be heavy additional costs for senior citizens in the form of higher premiums, higher copayments, and higher deductibles. Second, there will be a program of shrinking vouchers to push as many senior citizens as possible into private insurance.

The reasons for the Republican cuts are also clear. They are taking $270 billion out of Medicare to pay for $245 billion in tax cuts for wealthy individuals and corporations. Despite its success, they still see Medicare as a mindless big-government program. They still want to dismantle it, as they have for the past 30 years.

Worst of all, to get their way, Republicans have entered into an unholy alliance with private insurance companies, who see immense profits for themselves if Medicare is dismantled.

Two weeks ago a new coalition was formed to try to persuade senior citizens to buy into the Republican cuts in Medicare. Its membership makes clear that Republican Medicare policy is driven by an unholy alliance of right-wing extremists, big businesses who know their tax cuts depend on Medicare cuts, and private insurance companies eager to get their hands on Medicare.

The insurance companies in this coalition are of two kinds. They include large companies with heavy investments in managed care, and they include smaller companies, some of whom are well-known for profiteering from abusive practices in the individual insurance market, such as "cherry-picking" and harsh exclusions for pre-existing conditions.

The American people should be aware of the immense profits that those insurance companies can reap if these Medicare cuts are enacted. If all senior citizens are pushed into private insurance policies, the premium revenues of private insurance companies over the next 7 years will increase by a staggering $1.25 trillion. Their profits will increase by $38 billion, up by two-thirds from their current level.

If the number of senior citizens in managed care alone increases to just 25 percent of the total from the current level of 8 percent, insurance company profits will rise $10.2 billion over the budget period.

During this recess, the Republicans and their allies in the insurance industry and corporate America will be conducting a massive campaign of disinformation and fear, as they try to convince the American people that deep cuts in Medicare are needed to save it. The anti-Medicare alliance is wasting its breath and wasting its money. Their greed is too transparent for senior citizens to be fooled.

The American people will not support a program that coerces senior citizens into giving up their family doctor. They will not support a raid on Medicare to finance tax cuts for wealthy corporations and windfall profits for the insurance industry.

Medicare is a contract between the Government and the people. Democrats intend to honor that contract and keep the promise of Medicare.

I ask unanimous consent that an analysis of the membership of the so-called "Coalition to Save Medicare" by Citizen Action be printed in the RECORD, along with a staff analysis of the potential increases in revenues and profits of private insurance companies under the Republican budget.

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

CITIZEN ACTION,
Washington, DC, August 3, 1995.

THE "COALITION TO SAVE MEDICARE"—IT'S REALLY THE COALITION TO RAID MEDICARE

On Thursday, August 3rd at 10:30 a.m., Speaker of the House Newt Gingrich and Majority Leader of the Senate Bob Dole will address the so-called Coalition to Save Medicare as part of a rally for proposals to cut $270 billion from Medicare over the next seven years.

But when you scratch the surface of this collection of big corporations and insurance companies and look at the reality behind their nice-sounding rhetoric, their true agenda is revealed—to raid Medicare and the families who depend on it of $270 billion to pay for billions in new corporate tax breaks, loopholes and increased profits.

Citizen Action has prepared this press background to provide the public and press with information on who is behind the so-called "Coalition to Save Medicare" and how the members of this coalition will benefit by cutting and gutting Medicare.

The Coalition to raid Medicare—

What they really think about Medicare, in their own words.

"There are several reasons the Chamber is opposed to [Medicare]. One of these is that social security medicare is not needed . . . The national Chamber recommends that [Medicare] and similar proposals be rejected."—Statement of Karl Schlotterbeck for the U.S. Chamber of Commerce on H.R. 3920, Medicare Care for the Aged, January 22, 1964, U.S. Congress, House Committee on Ways and Means.

"It is the recommendation of the National Association of Manufacturers that Congress reject any proposals to establish compulsory medical care for the aged under the social security system."—Statement from the National Association of Manufacturers on Health Services for the Aged Under the Social Security Insurance System, 87th Congress, 1st Session, 1961, U.S. Congress, House Committee on Ways and Means.

"Reform entails phasing out Medicare for those young enough to invest privately and to accumulate enough funds to provide for their own medical care upon retirement."

"The only viable long-term solution to the Medicare crisis lies in encouraging all Americans to save today for their future health care needs. Only private solutions can reduce the future Medicare cost burden. . . ."—Citizens for a Sound Economy Economic Perspective: Medicare's Self-Destruction, January 22, 1993.

The Coalition to Raid Medicare . . . for tax breaks and higher profits.

A review of the organizations which make up the Coalition to Save Medicare reveals that this is really a Coalition to Raid Medicare of $270 billion over 7 years in order to pay for billions in tax breaks for corporations and increased profits for insurance companies.

Much of the $148.5 billion in tax breaks for corporations will go to members of the National Association of Manufacturers and the U.S. Chamber of Commerce.

In the 1980's, before Congress passed tax reform in 1986, many members of the National Association of Manufacturers and the U.S. Chamber of Commerce paid zero federal income tax because of tax breaks, shelters and loopholes. Many of these companies could return to the days when they paid nothing even in years of record profits . . . if the $270 billion in cuts to Medicare proposed by Gingrich and Dole are enacted (Citizens for Tax Justice, Return of the No Tax Corporation, 1995).

Most of the 12,500 corporations which belong to the National Association of Manufacturers and the 215,000 businesses affiliated with the U.S. Chamber of Commerce will benefit greatly from the corporate tax breaks and loopholes promised them by Gingrich and Dole in return for campaign contributions, and paid for by devastating cuts to Medicare. (Amounts based on estimates by the Joint Tax Committee of the U.S. Congress)

Repeal of the corporate alternative minimum tax—cost $22.1 billion over 7 years.

Increased Corporate Write-Offs and Deductions—cost $47.8 billion over 7 years.

Capital Gains Tax Breaks, Indexed to Inflation—cost $78.6 billion over 7 years.

Total: $148.5 billion over 7 years.

The Alliance for Managed Care, Healthcare Leadership Council, and the Council for Affordable Health Insurance will be the beneficiaries of Medicare provisions which compel millions of seniors to enroll in managed care networks or face higher out of pocket costs. This could mean billions in higher profits for these companies.

The Alliance for Managed Care is made up of four of the largest managed care companies in the U.S.—Atena, CIGNA, Prudential and MetraHealth. The Healthcare Leadership Council is made up of the country's largest hospital corporations, insurance companies and pharmaceutical companies. The Council for Affordable Health Insurance is made up of some two dozen medium sized insurance companies.

As large and mid-sized corporations, the members of the Alliance for Managed Care, the Healthcare Leadership Council and the Council for Affordable Health Insurance will also share in the $148.5 billion in new corporate tax breaks.

Why Would Newt Gingrich and Bob Dole Help the Coalition's Big Corporations and Insurance Companies Raid Medicare?

Since 1989 through the first quarter of 1995, the major PACs affiliated with the Coalition to Raid Medicare have given thousands of dollars to fuel the campaigns of Newt Gingrich and Bob Dole:

The major PACs affiliated with the Coalition to Raid Medicare have given $257,351 to Newt Gingrich since 1/89.

The major PACs affiliated with the Coalition to Raid Medicare have given $222,600 to Bob Dole since 1/89.

The major PACs affiliated with the Coalition to Raid Medicare have given a whopping $18,347,830 to Republican members of Congress since 1/89, compared to $14,041,861 to Democratic members over the same period.

These numbers vastly understate the amount of campaign cash contributed by the Coalition to Raid Medicare to Gingrich and Dole because there are literally thousands of companies and individuals associated with NAM and the U.S. Chamber of Commerce that are not included in the amounts above.

Also not counted are thousands in contributions to GOPAC—Newt Gingrich's leadership PAC, and to Bob Dole's leadership PAC and presidential campaign.

The Coalition to save Medicare—but not for senior citizens.

Given that the vast majority of the 35 million Americans who depend on Medicare today are senior citizens, it may come as a surprise that the Coalition to Raid Medicare has only one member that purports to advocate for the interests of senior citizens—the Seniors Coalition. The Coalition to Raid Medicare has even named Jake Hansen, chief lobbyist for the Seniors Coalition, a cochair of the group.

But the seniors Coalition is a sham . . . here's the reality behind the Seniors Coalition and Jake Hansen:

The Seniors Coalition—Expert Advocates for the Interests of Seniors?

"Hansen confirmed that the coalition's three-member board was still largely made up of experts in direct mail fund-raising: two board members are experts in direct mail fund-raising, the third in printing" (Milwaukee Journal, May 16, 1993).

The Seniors Coalition was founded in 1989 by arch-conservative direct mail guru Richard Viguerie and Dan and Fay Alexander, a couple under investigation by the U.S. Attorney, the U.S. Postal Inspection Service and the FBI to determine if they used "the non-profit, tax exempt group for their personal gain."

The Fay's teenage daughter Susan Alexander served as president of the Seniors Coalition for its first three years because, according to the New York Times, "Mr. Alexander said this was because it was hard to find outsiders of any stature to serve on the board in view of his criminal record" (New York Times, Nov. 12, 1992 and National Journal, Sept. 4, 1993).

The Seniors Coalition has been investigated by the Attorney General of New York as part of a network of organizations involved in "a pattern of fraud and abuse," (New York Times, Nov. 12, 1992). The organization was fined by the Pennsylvania State Attorney General and forced to contribute $9,000 to a legitimate senior's charity organization, the Pennsylvania Alzheimer's Association (PR Newswire, Oct. 30, 1993). The Seniors Coalition is barred from soliciting in the state of Maryland for failing to disclose financial data as required by law (Washington Post, Oct. 6, 1992).

Hansen was hired in 1990 as the organization's lobbyist after serving as, among other things, director of the NCPAC-related "Anybody But Church" effort which targeted pro-senior Senator Frank Church for defeat in 1980. Hansen later directed a coalition which opposed the "Catastrophic Medicare Coverage Act of 1988" and whose scare tactics included dire direct mail warnings that Medicare beneficiaries would pay higher taxes to cover AIDS patients under Medicare, a claim he later was forced to admit was a gross exaggeration (St. Petersburg Times, "Scare Tactics Used Against Catastrophic Coverage Law," Oct. 22, 1989).

A few things you should know about who else is behind the Coalition to raid Medicare.

CITIZENS FOR A SOUND ECONOMY

In addition to being a longtime foe of Medicare (see page 5) and one of six members of a 1993 anti-health care reform coalition called Citizens Against Rationing Health (CARH), among Citizens for a Sound Economy's most generous backers is David Koch, chairman of CSE's foundation, and cochairman of Koch Industries, "the nation's second largest, privately held company, with its hands in everything from refining to ranching" and "the silent giant in the oil and gas industry" (Houston Chronicle, Dec. 27, 1992). Between 1986 and 1990, the three charitable foundations controlled by Koch Industries contributed $4.8 million to CSE (*Milwaukee Journal, May 16, 1992*).

The Board of Directors is made up largely of corporate CEOs and conservative activists, suggesting that the organization's true name should be Corporations for a Sound Economy. Koch Industries and the rest of CSE's board stand to gain millions in new tax breaks and loopholes at the expense of cuts to projected Medicare spending.

NATIONAL TAXPAYERS UNION

In 1993, the National Taxpayers Union was an integral part of a coalition called "Citizens Against Rationing Health (CARH), a far right organization whose mission was to defeat health care reform, and affiliated with arch-conservative Floyd Brown (creator of the infamous Willie Horton TV spot in the 1988 Presidential race) and Richard Viguerie, the far-right direct mail guru (see Seniors Coalition, above).

COUNCIL FOR AFFORDABLE HEALTH INSURANCE

The Council for Affordable Health Insurance is made up of some two dozen small and mid-size insurance companies who are responsible for the worst type of practices that rob Americans of health care security, including: cherry-picking, dropped coverage, exclusion for pre-existing conditions, redlining, refused claims and exorbitant rate hikes. A chief goal of the Council for Affordable Health Insurance: "Preserving medical underwriting and eliminating proposals that would force insurers to cover all that seek coverage" (Health Manager's Update, April 1, 1992).

The history of the member companies of the Council for Affordable Health Insurance does not suggest they are well-prepared to be part of an effort to "preserve and strengthen Medicare" as part of the Coalition to "Save" Medicare, as some examples demonstrate:

The Golden Rule Insurance Co. of Lawrenceville, IL sought an annual rate hike of 86 percent in one year for individual major medical coverage (Indianapolis Business Journal, April 10, 1989).

The Life of American Insurance Co. of Houston, TX was rated one of the 15 worst insurance companies in Texas for two years running (Houston Business Journal, May 20, 1991).

The American Chambers Life Insurance Co. of Naperville, IL dropped coverage in 1993 for infants stricken with congenital abnormalities (St. Louis Post Dispatch, Feb. 28, 1993).

The GEM Insurance Co. of St. Lake City, UT has repeatedly denied coverage for pre-existing conditions, which millions of seniors citizens on Medicare will have (BNA Pensions & Benefits Daily, April 13, 1992).

FACT SHEET—INSURANCE INDUSTRY-REPUBLICAN ALLIANCE TO DISMANTLE MEDICARE: A QUESTION OF PROFITS

(From the Office of Senator Edward M. Kennedy)

Powerful special interests with a stake in the Republican plan to cut Medicare and force senior citizens into private insurance recently formed the so-called "Coalition to Save Medicare." Two major groups of insurers are among the charter members: the Alliance for Managed Care and the Council for Affordable Health Insurance. The Alliance for Managed Care consists of the four largest insurance companies in the U.S.—Aetna, CIGNA, Prudential, and Metrahealth, all with major investments in managed care. The Council for Affordable Health Insurance is composed of small and mid-sized insurance companies who sell group and individual insurance policies. Its membership includes companies such as the Golden Rule Insurance Company, which are well-known for profiting from abusive practices in the individual insurance market, such as "cherry-picking" and the use of broad pre-existing condition exclusions.

Insurance Company Revenues and profits

If all senior citizens leave conventional Medicare to buy private insurance polices, insurance company premium revenue would increase by $1.25 trillion over the next seven years—a 66-percent increase.[1] If 50 percent buy private insurance polices, the revenue increase would be $625 billion.

Private insurance company profits would increase by $38 billion over the budget period if all senior citizens join private insurance plans. Profits would increase by $19 billion if 50 percent join.[2]

If insurance companies achieve the same return as the Golden Rule Insurance Company is able to reach on its individual insurance business, insurance industry profits would increase by $76 billion if all senior citizens join, an increase of 133 percent.[3]

Profits for Managed Care Insurance Companies Like Those in the Alliance for Managed Care

If the number of Medicare beneficiaries enrolled in managed care increases to 25 percent of all beneficiaries, profits of managed care companies would rise by $10.2 billion over the budget period.[4]

If the number of Medicare beneficiaries enrolled in managed care increases to 50 percent, profits of managed care companies would rise by $26.3 billion over the budget period.

Profits for Companies Offering Medical Savings Accounts

The Golden Rule Insurance Company is an industry leader in promoting medical savings accounts. Republican plans include MSAs as an option for Medicare beneficiaries.

If 10 percent of all Medicare beneficiaries enroll in catastrophic plans with MSAs, the profits to private insurers such as Golden Rule would rise by $6.1 billion over seven years.[5]

If 40 percent of all Medicare beneficiaries enroll in catastrophic plans with MSAs, the profits to private insurers would rise by $24.5 billion annually.

FOOTNOTES

[1] Projected Medicare spending under the Republican Conference Report, 1996-2002, less projected spending on Medicare enrollees already enrolled in HMOs (CBO March Baseline). Current annual premiums of private insurance companies from HIAA Sourcebook of Health Insurance Data, 1994, trended forward.

[2] Assumes insurance industry target profit figure of 3% of revenues (American Academy of Actuaries, Testimony before the Subcommittee on Commerce, Consumer Protection, and Competitiveness, House Committee on Energy and Commerce, November 16, 1993.)

[3] Golden Rule has a six percent profit margin (*Wall Street Journal*, September 20, 1994).

[4] Assumes 5.1% profit margin for HMOs with substantial Medicare enrollment (greater than 20%, Prospective Payment Commission, unpublished 1993 data). If the profit margin were that typical of all HMOs (2.5%), additional profits would be $5 billion.

[5] Assumes premium of $3,700 per year ("Medical Savings Accounts for Medicare Beneficiaries," Jack Rodgers of Price Waterhouse and James W. Mays of the Actuarial Research Corporation for the Henry J. Kaiser Family Foundation, August 1995) and Golden Rule profit margin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. CRAIG. Mr. President, I also ask unanimous consent the underlying committee amendment be set aside.

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

AMENDMENT NO. 2303

(Purpose: To amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result)

Mr. CRAIG. 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 Idaho [Mr. CRAIG] proposes an amendment numbered 2303.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. .

Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "twenty" and inserting "40";

(B) in paragraph (3), by striking "ten" and inserting "20";

(C) in paragraph (4), by striking "if damage exceeding $10,000 to the property of any individual results," and inserting "if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,"; and

(D) in paragraph (4), by striking "ten" and inserting "20";

(2) in subsection (c) by striking "ten" and inserting "20";

(3) in subsection (d), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

(C) adding at the end the following:

"(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

"(A) detecting a hazardous or injurious device; or

"(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a).'"; and

(4) by adding at the end thereof the following:

"(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.".

Mr. CRAIG. Mr. President, the amendment I send to the desk today for the Senate's consideration is one that is the result of what I think can best be known as ecoterrorism and the reaction that this Congress and this Senate some years ago had to that very problem. The issue is known as tree spiking.

Mr. President, for some years individuals and interest groups that have opposed the legitimate, lawful timber sales on our public lands have oftentimes actually gone onto the land and into the trees and spiked them, sometimes with metal spikes, hoping that the sawyer who went in to cut the tree would hit it with his saw blade and stop. And in some instances the chains came loose from those saws and killed or maimed the individual sawyer. That happens to be a Federal property, a Federal tree.

Now they are using porcelain spikes because, of course, metal spikes could be detected by a metal detector. They use porcelain spikes. They cannot be detected. Either the sawyer hits the spike or as the tree got to the mill and as the tree went through the process of being cut, oftentimes the saw blade at the mill, the large band saw hit this porcelain spike and shattered and sent flying metal shrapnel all over the mill and has killed or maimed additional workers.

So, some years ago, the Congress said that is every bit as much an act of terrorism as it would be to put a bomb in front of a Federal building. So, therefore, we passed laws requiring certain penalties as a result of that. That occurred in 1988. My predecessor, Jim McClure, had passed Public Law 100–690.

What I do today is to close a loophole in that law that the courts argued existed as it related to the cumulative damages and the ability of the courts to prosecute an individual who was found guilty of tree spiking. The closure of the loophole in the current law, which caused the courts to throw it out, needs to happen. I am provoked into doing this because of recent reports in my State, again, by unnamed groups calling themselves fictitious names, announcing that they have spiked certain timber sales. Of course, their desire is to keep those timber sales from being sold by the U.S. Forest Service or it to be bid. As a result of that, that causes tremendous difficulty.

In the last 10 years, there have been 44 incidents of tree spiking. There have been 21 cases of major machinery damage, and there has been the loss of a life. That is why we acted in 1988 as we did, and why I am asking the Senate today to close the loophole by including the threshold of $10,000 of preventive costs required to prosecute a case in Federal court. The difference is between actual cost and preventive cost, because the court said it was the costs of the loss of a piece of equipment or, in the case of the loss of a life, of course, that was a different issue.

What happens is oftentimes the Forest Service—but especially private companies who have brought these sales—spend a lot of money trying to detect if these sales of trees have been spiked. And that costs considerably more than $10,000, but it could never be used as an accumulative cost in the court's deliberation.

So my amendment allows these cumulative or preventive costs to be included in the threshold, and, of course, it also allows for the judge in his penalties greater flexibility in bringing the penalties down on the individual if the individuals are found guilty.

I hope the Senate will join with me in agreeing that this is a Federal law that not only deserves to be preserved but deserves to be strengthened because those kinds of incidents still go on today, and they are every bit an act of terrorism whether they are the spike in the trees or the bomb in front of the Federal building. They are Federal properties and they can, and have, cost life.

With that, Mr. President, I yield the floor.

Mr. GORTON. Mr. President, I would like to say the Senator from Idaho brings up an important point and one with a great deal of merit. If it was simply up to me, I would accept the amendment and go on. But I believe that we should recognize that it is clearly possible that this might be a contentious amendment and that there may be Members who disagree with the points made by the Senator from Idaho.

So at this point, I would really like to put the Senate on notice that the amendment has been presented and ask that, if there are any objections to the amendment, they be communicated to either me or to the distinguished Senator from West Virginia.

I hope that we can lay this amendment aside also and go on to something else until we find out whether or not anyone wants to debate against this amendment or to have a rollcall on it.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I do not want to impede progress here. I simply rise to give a thank you to our distinguished chairman, the manager of the bill. I want to thank the distinguished Senator for the approach he has taken to resolving a very, very complicated issue regarding Federal fish hatcheries.

The State of Arkansas has developed the Federal fish hatchery system to the extent that trout fishing now in our State is one of the major businesses that we have. It brings hundreds of thousands of tourists, fisherpersons, into our State.

We also have the unique situation of mitigation that arose when the Federal Government dammed up some very beautiful rivers and streams some time

back. And the mitigation aspect is that, if the Government dams up those streams and basically makes unavailable other types of fish, they will make available a substitute—in this case, trout.

It has worked out very well for the Federal Government. It has worked out exceptionally well for our State system. And we collect millions of dollars in taxes and revenues from this. It is a win-win for everyone.

In recent months the Federal Government, the Department of the Interior, Fish and Wildlife, in an attempt to cut some costs have thought about closing some of these fish hatcheries. I know the distinguished occupant of the chair probably has some of the same problems that we have in the State of Arkansas.

My colleague, Senator BUMPERS, and I held a town meeting near one of these hatcheries. In fact, it was on April Fool's Day, April 1. Truly, we had an overflow crowd. I must say that 99 percent of the people who attended this town meeting on the possibility of closing these hatcheries were extremely bewildered that it was even under consideration to close these fish hatcheries. They are money-making operations for our State. They certainly create revenues for the Federal Government.

Once again, Mr. President, I want to thank my friends for working out what we think is a temporary solution to the closing of the fish hatcheries by making available in this legislation what I consider to be a moratorium, at least until next March, on the closing of any fish hatcheries in our country.

During that time, we will work with the distinguished chairman. We will do everything possible to negotiate and with our ultimate bottom line of convincing those in authority, Fish and Wildlife Service, Members of the House and Senate on committees that appropriate the money for these fish hatcheries, to show them what a win-win situation this Federal fish hatchery program has been.

I thank the distinguished Senator and look forward to working with him over the next several months.

Mr. GORTON. Mr. President, the Senator from Arkansas is most gracious and is the kind of Senator with whom it is a pleasure to work. He makes me want to agree with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I ask unanimous consent to speak for about 7 minutes as if in morning business.

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

MEDICARE

Mr. FRIST. Mr. President, I rise today to return to a topic which has been talked about and discussed on the floor this morning but which even more intensely will be talked about a lot over the next 3 weeks; that is, our Medicare system.

It is a system, a program that, as a physician, I have been involved in in a very intimate way—as a physician with patients—every day for the last 15 years of my life. I have taken care of and worked, in a doctor-patient relationship, with individuals who rely on Medicare, who expect to have Medicare help them, be with them for the remainder of their lives and for that next generation. But shortly after coming to Washington, just 8 months ago now, there became very clear to me a message which most Americans do not understand—my patients did not understand, Tennesseans do not understand, and Americans do not understand, but it is something about which people in Washington say, "Well, it is not that big a deal," but it is a big deal for the American people. And that is that Medicare is going broke and will be bankrupt in 7 years unless we act and act now and not just tinker with the system and make some little fine-tuning.

That is not going to do it. We will be in the same situation next year. And what is different this year and the next short-term 2 years is that within 18 months we are going to be spending more in the Medicare trust fund than is coming in, and in 7 years that trust fund will be bankrupt.

We are not going to be talking about less Medicare; we are going to be talking about no Medicare for our senior citizens.

The story is told so clearly, and it is in this little booklet. This little booklet I want every American, all of our Senators, all of our Congressmen and Congresswomen to read. It is the report of the Medicare trustees, the Medicare board of trustees which consists of three members of the President's Cabinet. It says in very clear terms—and let me quote from it—"The Medicare program is clearly unsustainable in its present form."

It says, and I quote, "We strongly"—the Medicare trustees, bipartisan, including three members of the President's Cabinet—"recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions and delivery mechanisms." It is said right here in this book Medicare is going to be bankrupt unless we do something.

Based on these facts, the Medicare trustees urged that the program be addressed and addressed immediately, and the gravest danger to this program and to the Nation's seniors who depend on it is continuation of the status quo and doing nothing.

My second point is that Republicans are responding to this urgent call. It is being addressed straight up front, in very direct fashion. No longer can the trust fund tolerate growth of 10.5 percent. The plan that we have put on the table is to allow it to still grow but allow it to grow at 6.4 percent. Thus, we are not cutting Medicare. It is not a cut in Tennessee when you are going to spend more next year and the year after that and the year after that, yet we see propaganda coming out from across the aisle and from the White House saying each county is being cut.

Each county is going to receive more in Medicare next year and not less. In 1995, Medicare will spend $178 billion. In 2002, under the Republican plan, that spending will exceed $273 billion—a 54-percent increase.

What does it boil down to on an individual basis? It means that this year in Medicare we are spending about $4,800 per individual; 7 years from now we are going to be spending $6,700. That is an increase of 40 percent between now and the year 2002.

So let us get our terminology straight. Let us shoot straight with the American people so that we can engage in a dialog that will truly be beneficial to the current generation to preserve Medicare, to protect Medicare and to strengthen the program so that it will be there not just for this generation but that next generation.

I think the message really needs to be made very clear to the American people that, No. 1, Medicare is going bankrupt, and No. 2, that there is something we can do but it has to be a dialog.

Over the next several weeks, we as Republicans are going to continue to listen—to listen to the providers, to listen to the senior citizens, to listen to all Americans, bring everybody to the table so that we together in a bipartisan way can work to solve what is a significant challenge, but it is a challenge we must face because without that the Medicare Program will be bankrupt.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

certain that we provide these dedicated men and women fair pay, decent living conditions, and the best equipment available. Those who choose to serve are our best deterrent of war and the means if necessary to defeat any adversary and safeguard our freedoms. And so we must support their needs, and I believe that this measure does just that.

Mr. President, may I repeat that I am in full support of this legislation. It is a good, a fair, and a very important bill, and so I encourage all of my colleagues to support it.

One of the major issues in this measure will be the increases that this committee has recommended in procurement. Yes, these are some programs that were not requested officially by the President of the United States, but these decisions were reached as a result of our consultation with the senior military officers and the senior civilians responsible for our defense.

For example, we have added two DDG–51 destroyers at a cost of $1.4 billion. The question may be asked, Why did we do this? The President's program calls for four destroyers. However, it calls for two at this moment and two at a later time, about 3 years from now. If we followed the administration's recommendation, that amount, $1.4 billion, would be increased by nearly $400 million. We can get a better deal by purchasing four at this time.

There is another large item, the LHD–7 amphibious assault ship. It is $1.3 billion—a whole lot of money—but even this is in the program that the Defense Department has.

We have decided to procure these items at this moment and not at a later date so that we can avoid the peaks and valleys that we usually experience. We have tried to level off our spending programs so that we will not be faced suddenly 2 years from now with a huge peak and then 2 years after that with a valley.

We have added, as the chairman noted, $777 million for National Guard equipment. These are requested by the adjutants general of the 50 States. Yes, there was a time when National Guard troops were riot-control experts, or they filled sandbags for flood control, they did civilian work. But today, as they did in Desert Storm, we have men piloting aircraft in the Bosnia theater. In Desert Storm, there were thousands of National Guard officers, men and women. So they are no longer local troops that take part in our national endeavors.

We also added 12 F/A–18 Navy fighters, $487 million. This is beyond the President's request, but here again, the President's program, the Defense Department program, calls for the acquisition of these aircraft at a later date. And if you want to have a better contract deal, now is the time to purchase this.

There is $300 million for Coast Guard. The Coast Guard has now gone beyond just guarding our coast. They have participated in Bosnia, and they still do; they participated in Desert Storm, and on top of that, we have directed the Coast Guard to conduct certain missions that were not heretofore part of their responsibility. They have a major responsibility in drug interdiction. The Coast Guard account, which is in the Treasury account, is not quite sufficient to meet all the payments, so we decided in the defense bill, because it is true defense work, to pick up part of the tab.

We are appropriating $241 million to purchase a WC–130 Hurricane aircraft. I hope that my colleagues will be able to convince our friends who live in Alabama, Georgia, North Carolina, South Carolina, Florida, Louisiana, and Texas that this aircraft is not necessary. This is the aircraft that gives citizens of these areas advance notice that something horrendous is coming along. Yes, it is expensive, but we need this aircraft.

The Army asked for one thing. It was not in the President's request: Comanche, $174 million. This is a helicopter program.

What I have listed represents about 6 billion dollars' worth. Mr. President, if my colleagues carefully study what we have done, I am certain they will go along with the subcommittee. This is not fat, this is not pork, and if I may be a bit parochial and personal about this, none of these items are purchased in Alaska or Hawaii. We do not have the plants that build the fighter planes. We do not have the plants and the shipyards that build these ships and destroyers. The chairman and I believe that this equipment is absolutely essential at this time if we are to modernize our forces and to present to them the best we can in equipment.

If these men, representing less than 1 percent of our population, are willing to step forward and say to us, "We are willing to risk our lives and shed our blood for you," the least we can do is to provide them with the best protection. This will do it.

So, Mr. President, I hope that my colleagues on both sides of the aisle will go along with the recommendations that Senator STEVENS and I are now presenting.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 2350 THROUGH 2362, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments that are technical, conforming and incidental. One is on Corps SAM; one LMT; one a study amendment; there is a pentaborane amendment; BIC; Hydra-70; the JTF; JAMIP; troops to cops; troops to teachers; energy savings; and the helicopter conversion amendment.

These have been examined by Senator INOUYE and by myself. I ask unanimous consent that it be in order that they be offered en bloc and adopted en bloc, and with a paragraph before each one explaining the action we have taken. These are to conform, basically, with the authorization bill request of Members or amendments that have been adopted each time we brought the bill to the floor.

May I state for the record that both our staffs, and both of us, have studied these amendments very carefully, and we have no objection.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2350 through 2362, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2350

On page 29, before the period on line 13, insert: ": *Provided further*, That of the funds appropriated in this paragraph, $35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) program".

AMENDMENT NO. 2351

On page 29, before the period on line 13, insert: ": *Provided further*, That of the funds appropriated in this paragraph, $3,000,000 shall be available for the Large Millimeter Telescope project".

AMENDMENT NO. 2352

On page 29, before the period on line 13, insert: ": *Provided*, That of the funds appropriated in this paragraph, not more than $48,505,000 shall be available for the Strategic Environmental Research Program program element activities and not more than $34,302,000 shall be available for Technical Studies, Support and Analysis program element activities".

AMENDMENT NO. 2353

(Purpose: To place a condition on the use of funds for destruction of certain pentaborane)

At the appropriate place in the bill add the following:

SEC. .

None of the funds appropriated or otherwise made available under this Act may be used for the destruction of pentaborane currently stored at Edwards Air Force Base, California, until the Secretary of Energy certifies to the congressional defense committees that the Secretary does not intend to use the pentaborane or the by-products of such destruction at the Idaho National Engineering Laboratory for—

(1) environmental remediation of high level, liquid radioactive waste; or

(2) as a source of raw materials for boron drugs for Boron Neutron Capture Therapy.

Mr. KEMPTHORNE. Mr. President, I want to thank the distinguished managers of the bill for including my amendment on pentaborane into the managers' amendment. My amendment will prohibit the Department of Defense from destroying a material,

provisions in the committee report accompanying this legislation.

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

SENATE REPORT 104–125 CLARIFICATIONS

On page 38, the amount provided for Resource Valuation does not include an increase of $600,000 for the marine minerals program. The amount provided for marine minerals is the same as the budget request, which is a $600,000 increase over fiscal year 1995.

On page 46 of the report, there are a couple of corrections to the table for Central Office operations. For the Assistant Secretary for Indian Affairs, the Budget estimate column should reflect "0", the Committee recommendation should be "2,168,000", and the Change column should be "+2,168,000". For Other general administration, the Budget estimate column should be "45,164,000", the Committee recommendation should "$34,187,000", and the Change column should be "−11,759,000". The totals for General Administration are correct as shown in the table. The general reduction of $24,700,000 for Central Office operations is shown in the change column only. The general reduction of $24,700,000 should be reflected in the Committee recommendation column as well. The total for Central Office operations in the Committee recommendation column is correct and does include the $24,700,000 reduction.

On page 47 of the report under "Other recurring programs", the Committee has assumed a reduction of $2,373,000 for facilities operations and maintenance from the budget request and $2,000,000 from the fiscal year 1995 level.

On page 48 of the report under "Nonrecurring programs", there should be no reduction mentioned for pay cost absorption. The reduction for pay costs was taken as part of the resources management and trust activities transferred to the Office of Special Trustee for American Indians and are reflected in the totals for that office.

On page 49 of the report, it is the intent of the Committee that none of the reductions for Central Office operations be applied against the two offices transferred to the Office of the Assistant Secretary for Indian Affairs.

On page 80 of the report, a reduction of $4,000,000 is indicated for fossil energy environmental restoration. This reduction is to be taken from low priority projects that do not present imminent threats to health and safety.

Also on page 80 of the report, except for $295,000 provided for technical and program management support, the funds provided for Cooperative Research and Development are to be divided equally between the Western Research Institute and the University of North Dakota Energy and Environmental Research Center.

On page 82, with respect to funds provided for program direction, no funds are to be reallocated between the various facilities to implement Strategic Alignment Initiative without prior approval of the Committee, consistent with the reprogramming guidelines, which apply to organizational changes.

On page 86 of the report, the second paragraph and third paragraphs should be reversed in order.

On page 94, the amount provided for facilities and environmental health support is $900,000 above the House level and $1,201,000 above the budget request.

On page 138 of the report, there are a couple of corrections to the table for Central Office operations. For the Assistant Secretary for Indian Affairs, the Budget estimate column should reflect "0", the House allowance should be "2,939,000", the Committee recommendation should be "2,168,000", and the change column should be "+2,168,000". For Other general administration, the Budget estimate column should be "45,164,000", the House allowance should be "41,808,000", the Committee recommendation should be "$34,187,000", and the Change column should be "−11,759,000". The totals for General Administration are correct as shown in the table.

On page 113 of the report, reference to $27,411,000 for tribally controlled community colleges, Bureau of Indian Affairs, should be deleted since these activities are authorized.

COMMITTEE AMENDMENT ON PAGE 95, LINES 19–21

Mr. GORTON. Second, Mr. President, I ask unanimous consent that we lay aside the pending amendment and take up the committee amendment found on page 95, lines 19–21.

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

The clerk will report.

The legislative clerk read as follows:

Committee amendment on page 95, lines 19 through 21.

Mr. GORTON. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 95, lines 19 through 21, strike the following: ", subject to passage by the House of Representatives of a bill authorizing such appropriation,".

Mr. GORTON. Mr. President, this is the committee amendment dealing with the endowment. The Senator from Arizona [Mr. MCCAIN], had objected to our taking that up last night. He has now withdrawn that objection if we adopt it under the same circumstances that we have adopted the other committee amendments. As a part of the overall text, it will be open to amendment. So I do not believe there is any debate on it. I urge the adoption of the amendment.

The committee amendment on page 95, lines 19–21, was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

Mr. JEFFORDS addressed the Chair.

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

Mr. JEFFORDS. Mr. President, as has been pointed out by the distinguished Senator from the State of Washington, we are in the process of trying to work out a solution to the very difficult questions of the fundings of the National Endowment for the Arts and the National Endowment for the Humanities and the Institute for Museum Services.

This is critically important because we must make sure that these very fine institutions survive. I am hopeful that we will reach an agreement, which will not make us all happy obviously, but which will allow us to go forward to reauthorize the endowments and to proceed on to conference, where we will at least know from both sides that the endowments will survive as will the museums services.

So I think that is all of our desires. This is a very volatile issue and yet an extremely important one. I note, for instance that this topic of funding for the arts and humanities has made the cover of Time magazine, and the article asks the question as to whether or not this institution, the Congress, will support the Endowments and recognize the importance of that to our Nation.

Let me give us all a little bit of a briefing on where we have gone this year relating to the concerns that have been expressed by Members. They are primarily related to grants that have been approved by the endowments which are considered by the American public as being less than acceptable, and concerns as they relate to the issue of pornography.

This has been a plaguing matter, and we have tried to relieve the public of anxiety over the years. To a large extent, we have prevailed in the sense that very few items, if any, have come to our attention in recent years that in any way have offended the public.

But under the leadership of Senator KASSEBAUM in our committee this year, we took up the Endowments and reauthorized them. In doing so, we also changed the law such that the chance of having the American public offended by grants for projects that they consider less than acceptable is totally eliminated.

How have we done that? First of all, we have addressed the issue of individual grants, where many of the problems have been. Individual artists are chosen by peer groups to be awarded a grant, and sometimes the grantee, the person who gets the grant, does not necessarily come forth with the kind of art that was anticipated by the peers. Thus, we get into great disputes and embarrassments. As this body knows, we have displays on the floor showing the kind of art that was referred to and the offensive aspects of it.

Under the leadership of Senator KASSEBAUM, we eliminated any possibility of that happening again. The individual grants to artists are limited only to the area of literature. That, in my opinion, goes a little too far, and it may end up being changed. Still, that action certainly responds to those concerns that have been raised.

In addition to that, there have been problems with subgrants and some seasonal support grants where the NEA itself has no knowledge of what is going

to be done with funds designated to an institution or for a season of productions. Many times it is just administrative expenses that have been supported by the national endowment. Yet, on the stage, if something occurs which is offensive and because there was a small amount of money that was spread throughout the whole budget of the institution which allowed this to occur on the stage, the national endowments have taken the rap and gotten a bad name. Such examples have been eliminated from having the possibility of receiving funds.

There still will be grants available to individuals at the State level, and there will be a large number of challenge grants. All these things that are presently allowed under the national endowments, all the good works which have not proven to be offensive to anyone, will still will be able to go forward.

On the other hand, unfortunately, due to these unfortunate matters, we have seen efforts to totally do away with the endowments. With that in mind, and without knowing for certain as to how this will come out in the House and the Senate—the thing we want to do today, the most critical thing, is to make sure that the endowments continue as strongly as possible this next year.

We have in the committee, under the leadership of Senator KASSEBAUM, as I mentioned, changed the endowments significantly and have taken steps to prevent those kinds of embarrassing matters from occurring in the future. These changes were made to protect the public and protect the endowments, and those changes that I mentioned before have now been incorporated into the text of the subcommittee appropriations bill.

So as well as appropriating funds to the endowments, we have changed the current law to prevent the kinds of grants that have, in the past caused a great deal of trouble.

Many of us would like the endowments to receive more money, and in taking the action that we will today, I hope to assure that there will be more money available to those agencies, as compared to what the committee has recommended. This is not the first time we have confronted this type of crisis situation of severe budget cutting. Fourteen years ago we faced such a crisis and an attempt to eliminate the Endowments. We survived and survived with about half the funding. Unfortunately, that is nearly where we find ourselves today. For the endowments to exist, there is a great deal of pressure to try and make sure we do not end up having to account for or explain questionable grants as we have had to in the past.

So I am hopeful we will reach a resolution which will be acceptable to Members and that we will not run the risk of losing the Endowments.

There are a number of Senators who have been helpful. At this time, I would like to yield the floor so that Senator PELL, one of the great defenders and also creators of the endowments, could make his remarks.

I want to, again, pay my respects to the incredible work that he has done in the area of the arts and humanities and the museum services over the years. He kept them alive and strong and has defended them with all the vigor possible.

At this time, Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my friend and colleague from Vermont for his very nice words and say it was just about 30 years ago that the Senator from New York, Mr. Javits, and I were able to get this legislation through. Those 30 years have gone very quickly. Many things have happened, but I think judgment, in connection with the arts and humanities, has been borne out.

The debate reminds me of a story I know concerning Winston Churchill. In the darkest days of the Second World War when the outcome of the battle, the conflict, was still unknown, a young staff assistant on the Prime Minister's staff found, to his shock, that the Government was funding the British Arts Council throughout the war. He went dashing off to Mr. Churchill, informed him that he found more funds for the war effort and how extraordinary it was that scarce resources were going for such a purpose when the empire was in the midst of a life-and-death struggle. I am told Winston Churchill turned to the young man and replied, "I remind you, sir, it is exactly this for which we are fighting."

I think this thought should remain in our minds as we discuss this issue. I think we should also bear in our mind whether we, as a Nation, want to be remembered as Athens was or Sparta was. Athens was noted for its diversity of culture; Sparta noted for its armaments, weapons, and warmaking ability. I think we would prefer to be remembered as an Athens and it is exactly that for which this legislation needs us.

Rather than being a subsidy for the rich, one of the primary missions of the NEA has been to encourage the spread of American culture beyond those individuals, communities, and regions rich enough to afford it.

Uncharacteristically among Federal programs, endowment dollars multiply and foster national support for the arts. The early endowment grants drew matching grants of about $1.5 billion in private, State, and local patrons. It is true that without the NEA and the NEH we would still have our history, literature and art. But these things would be reserved for those who can afford it. I think it is unfair to our citizens and for some individuals to assert that only wealthy Americans are interested in the development of the arts. I know as one Senator, I believe and the evidence supports the fact that Americans from every walk of life, from every economic level, strongly desire to seek access to cultural events in their own home communities.

From an economic viewpoint, the dollars sent by the arts endowment to communities around our Nation have been a very successful investment. For every dollar the endowment invests, there is created a tenfold return in jobs, services, and contracts.

The arts, fostered by the national endowment, encourage national and international tourism, attract and retain businesses in our communities, stimulate real estate development, increase the production of exportable copyright materials and, most important, contribute to our tax base. Governors and mayors from around the Nation can attest to the manner in which the endowment-supported projects have breathed new life into the downtown areas of their towns and cities. New businesses and tourists congregate in those areas which have developed a cultural life. San Antonio, Cleveland, Greenville, Oklahoma City, and Birmingham are among the cities studies have shown the enormous economic contribution of the arts.

Rather than being a subsidy for the rich, this has as its primary mission the encouragement of American culture beyond any small circle of those able to afford it. It is true that without the NEA and the NEH we would still have a history, literature, and art, but it would be reserved for those who could afford it.

All told, I can think of no legislation that would, for less money, add more to the quality of life for our citizens and our communities.

I hope that my colleagues will support this legislation, and that as the years go on we will have increased it and emphasized it. It has been 30 years since we started, 30 years since on the Senate floor some of us have advocated it. I hope that 30 years from now, down the road, we will continue to spend money on the arts and we will be known as not only a great Nation and a superpower, but known as the Athens of the world, the leader in the arts, humanities, literature, poetry, painting, and the like.

I yield the floor.

Mr. SIMPSON. Mr. President, I want to pay tribute to my friend Senator PELL, who through the years has been such an extraordinary supporter of the arts—music, theater, visual arts, the performing arts. He is an extraordinary man, a gentle man, and a gentleman.

And I also pay tribute to Senator JEFFORDS, who must just be listed as totally consistent, totally steady, totally fair as he pursues this great interest of his.

As for me, I, too, have found the arts and music and history and the visual and performing arts to be a very important part of my life. If politics is your sole reason for existence, it is a very barren experience, a rather barbaric experience. For me, the arts and music are the salvation, the softening of the edges of what we do here. And so, throughout the years, I have tried my level best to support these projects and programs, and I do thank Senator PELL and Senator JEFFORDS.

I think this is an excellent amendment, restoring a total of $17 million in funding for the National Endowment for the Arts and for the Institute of Museum Services, which is a very small agency that does very big work.

I think we have to commend Jane Alexander, a remarkably astute, bright, effervescent lady who knows what the problems of the NEA are and has sought to correct them, and has done a magnificent job of that. Also Sheldon Hackney of the National Endowment of the Humanities knows the problems, perceives them, intelligently looks at them, and has to suffer, along with Jane Alexander, the slings and arrows of an outrageous fortune, especially when he proposes something, I think, as vital as having a "National Conversation," which would be well worth doing, so that instead of the subterranean dealings with issues such as immigration and racism and homosexuality, we would discuss those things in a national conversation, where people could come into a civil surrounding and talk instead of just saying the most evil thing and writing the most outrageous columns—doing all the divisive things that are done in this remarkable arena.

I think this is an excellent step. I am proud to cosponsor it. The amendment is budget neutral. We would offset the funds, as indicated in the amendment, by striking at administrative costs. Many smaller programs are exempted from this reduction, as is the Park Service and the Bureau of Indian Affairs. We realize those two offices have taken some pretty good shots. It is all there. Many of my colleagues who support the arts may be feeling the pressure in this year of budget constraint. But even if we pass this important amendment, the arts endowments will have taken a very tough hit, a full 30-percent cut—the deepest in the bill.

Without this amendment, State grants at the NEA will be reduced by 30 percent, and "national significance" grants will be slashed by more than 50 percent. I believe that is a very high, very inequitable reduction that does not accurately reflect the usual thoughtful sentiment of this body.

I understand all of the difficulties. I commend Senator GORTON, a steady, thoughtful person, who listens to all of us, hears our pleas, which finally turn into plaintive wails or peals for assistance from on high; and Senator BYRD, who listens so patiently and wisely to all of this, and has, for so many years. He is absolutely tireless and is exceedingly fair in his work.

The fact is, in my State, direct Federal grants from the arts agencies provide critical funding for marvelous institutions that are seen and visited by people all over the United States. There are the Buffalo Bill Historical Center in Cody; the Grand Teton Music Festival, in its 7 weeks of performance in the beauty of Jackson Hole, where we have previously hosted the New York Philharmonic in residence for 2 weeks during our centennial year; the University of Wyoming Art Museum; the Mountain Man Museum; the Nicolaysen Museum, and in Southwest Wyoming; Green River; Rock Springs, all are receiving funding. There are hundreds of smaller programs that we do not see, and these endowments enrich the lives of so many Americans, particularly those in rural communities or "frontier" communities such as Wyoming.

The State art grants that find their way to small towns are also used at schools and local festivals. One found its way into the use of an "art mobile" at the University of Wyoming—my vital wife Ann was so very active in that—where you take original art, such as etchings, water colors, oils, out "on the road" to tiny towns where young people walk up and say, "What is an etching? How do you do that?"

And you say, "Well, you take a copper plate and either do it in dry point, or you do this by pouring acid in there and that eats those lines out, and then you put ink in there and place paper there, and you press it and pull it, and that is an etching."

And they say, "I did not know that!"

They might also say, "What is dry point?" "What is gouache?" Those things may mean nothing to some but to a kid, they may fire the imagination. That is what we should do.

People in rural areas simply do not have any access to the many privately-funded cultural institutions that exist in larger cities. Indeed, it illustrates the bizarre irony of the argument that the endowments are "welfare for the rich."

Just let me conclude with a few of the programs that are supported by the Wyoming Arts and Humanities Council. I will leave it up to my colleagues to decide whether these programs provide "welfare for the rich":

An Arapaho language immersion program for preschoolers on the Wind River Indian Reservation;

A performance of the Bear Lake Music Festival Orchestra at Evanston High School;

A presentation of Handel's "Messiah" in Afton, WY, in the Star Valley;

A theater production for people with physical and mental handicaps in Riverton;

"Fiddler on the Roof" presented in Sundance, WY;

Operating support for the famed drum and bugle corps, "The Casper Troopers";

Concert performances by "The Grizzlies" in Meeteetse, Torrington, Saratoga, and Encampment;

A "Young Author's" contest at Saint Stephens Indian School;

A fellowship for research on Shoshone Indian history;

A "Centennial Singers" performance in Baggs, WY;

A performance of the Utah Symphony in Wind River;

Musical workshops and a concert at the Chugwater Attendance Center;

Fellowship to research child development at the former Heart Mountain Japanese Relocation Center;

Lectures by biblical archaeologists presented by the UW religious studies committee;

Operating funds for the "Traveling Western Art Exhibit" in Green River;

A Wyoming territorial park exhibit of the first women to serve as members of common law juries;

Support for the children's theater in Thermopolis;

A jazz festival in Powell;

To bring a visiting artist to Pinedale;

A guest lecture on "The Oregon Trail" in Medicine Bow;

A folk dance performance in Dubois; and

Over 100 grants to elementary and secondary schools for arts in education.

A program at the former Heart Mountain Japanese Relocation Center. That ought to be studied. This is where our fellow citizens were placed behind barbed wire in 1943. They were not aliens, they were not permanent resident aliens; they were U.S. citizens put behind wire. That is where I first met Congressman NORM MINETA. We were together in the Boy Scouts—he behind the wire, and me in the town of Cody. Interesting times. The two of us have shared much together in talking about it and remembering it.

The people who attend these events are not "highbrow elitists." They are genuine, hard-working, sensible folks whose lives are truly brightened and improved by the work of the NEA and NEH. And today these folks are provided enlightenment in a sea of the present shallowest, coarsest television pop culture of the ages.

People certainly do actively participate in the arts. In the past 4 years, more than 3 million people have attended NEA or NEA-supported events or facilities in Wyoming alone. That is not too bad in a State with only 476,000 people!

Yes, yes, there is always going to be the emotional debate regarding obscenity. We have all seen the grotesque—stupefying, actually—and explicit photographs and listened to the very real concerns of many Members of the Congress. But in nearly 30 years, with nearly 100,000 grants, only a small handful of those projects have been controversial in any way. That is a pretty good track record, a handful of decisions in 30 years. I believe we could find a greater number of mistakes or oversights in many more Federal agencies, or perhaps even in the Congress itself! We just might have made a mistake or two here in 30 years. But that never receives the same level of intense scrutiny. In directing our displeasure, we should attack the cancer, not kill the patient.

The arts are an integral part of our society and serve as a unifying force. We are all concerned about the economy and appropriate use of dollars. But this is a measure that I hope will pass.

I thank again Senator GORTON. I thank all those involved—Senator BYRD. The Interior appropriations bill is all about conserving our Nation's resources. I deeply believe the money we spend on our culture is no less important than the money we spend on our natural resources, our forests, our animals—the flora, the fauna—and our energy. This bill provides a great deal of taxpayers' money to conserve those natural riches. We should make a similar Federal commitment to stimulate and preserve fully our Nation's varied cultural treasures and riches.

I thank the Chair and I thank particularly the managers of the bill for their extraordinary patience and courtesy.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS-CONSENT AGREEMENT

Mr. GORTON. Mr. President, a technical point. I ask unanimous consent the last committee amendment adopted on the National Endowment for the Arts be considered as original text for the purpose of amendment.

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

Mr. BENNETT. Mr. President, I simply want to pay tribute to the chairman of the subcommittee, the Senator from Washington, for the expert and patient way in which he has dealt with this issue. It is my belief the amendment that is going to be offered by the Senator from Vermont is a salutary one. It is one I support and intend to vote for. It is my understanding that it enjoys wide support in the body and will, in all probability, be agreed to.

I want to repeat my own commitment to some kind of national presence with respect to the arts. Senator HUTCHISON and I have introduced a bill that would create a single endowment, combining the National Endowment for the Arts and the National Endowment for the Humanities, in an effort to get more efficiency out of the overhead money connected with these efforts. But I believe, for the same reasons the Senator from Wyoming has outlined, that cutting off all significant national presence in this area would be a mistake, and it would hit most heavily, ironically, in the more rural areas.

In the State of Utah we have a long history of commitment to the arts and involvement with the arts. It goes all the way back to Brigham Young, the first Governor of the Territory of Utah, who, in their days of poverty, led the original settlers of Utah to build a theater and to recognize the importance of the arts that early in their lives. That is a tradition I am proud of and that I want to perpetuate here.

I simply want to make the point that Federal arts funding is not sufficient to sustain any of the groups that depend upon it. They all require much more private funding than they get from the Federal Government. The thing the Federal funding does is give, if you will, a "Good Housekeeping Seal of Approval" to the fundraising efforts of the locals, who are trying to support arts in the community. Particularly in rural areas, which abound in my State, there would be a devastating effect on the fundraising efforts of local people if the imprimatur that comes from the NEA were to disappear.

For that reason I intend to vote for this amendment and urge my colleagues to do likewise.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I would like to speak today more broadly about the future of the National Endowment for the Arts as opposed to speaking specifically on this amendment. I had earlier thought about possibly offering an amendment of my own which, if agreed to, would have accomplished the objective of moving us in the direction of privatization of the endowments—both the arts endowment as well as the humanities endowment. For a variety of reasons, I have decided to withhold at this time. If we do bring our bill to the floor, which has passed the Labor Committee, to authorize the endowments, I will probably offer my amendment in that context where I think it would be more appropriate. I also may, at a later date, bring it as a freestanding amendment somewhere else, if I believe circumstances warrant that.

I would like reflect here, today, a different viewpoint, to some extent, than that which we have heard; specifically, the viewpoint that one can be pro-art, and a supporter of arts, and a believer that the arts are important to this country, while not necessarily supporting the notion that the Federal Government and taxpayer dollars ought to be used to support the endowment, or a similar national entity supporting the arts.

I have given a lot of thought to this, because I do not come at this from the perspective of feeling we should diminish the role of the arts in our society. But as I talked to constituents and watched the debate and read the articles that have been referenced here, I have increasingly come to the conclusion we are headed in the direction, ultimately, that will be a lose-lose for America and specifically for people who support the arts.

There are, obviously, a lot of arguments against the notion of Federal support in general. There is the philosophical question of whether or not the Government has an appropriate role in supporting the arts. I do not wish to address that today. There is obviously quite a lot of division on that.

But we are in an era of limited budget availability for all programs, and while certainly a case has been made by some that the arts, as a priority, should be high on the list, it is hard in an era where we are limiting the growth of many important programs—whether it is Medicaid or Medicare or school lunches or anything else—that those priorities should not come first.

In addition—and quite visibly in recent months, of course—we have had questions once again raised about the funding of art projects or of artists or of entities which sponsor what clearly becomes objectionable expressions of art. And whether it was the eating performances or the more recent Horizons project in California, I think American taxpayers are rightfully upset when they see their dollars being used to subsidize in part or in full what at least is claimed to be art but which, at least to them, is in fact objectionable and in some cases perceived to be obscene.

These issues will not go away. I think we, as the Congress, should try to look at the long-range perspective here, not just the question of whether or not there are $99 million or $112 million next year in the endowment's war chest. The fact is, these problems will continue. I do not think halfway measures will work.

Consider where we are headed. Where we are headed now is in a direction in which we both provide less funding than in the past for the endowments, but with more strings, more hoops to jump through, more restrictions on the kind of support that is going to be provided. It is my belief that this approach will continue to make the money available to the arts scarcer—at least that from the Federal Government. And I believe we will continue to increase the amount of regulations on the endowments in the years ahead, because I think we are probably no more than one or two additional objectionable projects away from a complete elimination of funding.

I think that is a lose-lose situation. It is a "lose" in the sense the Federal

support, or national support, for the arts will end in its entirety. And it will happen so suddenly there will not be an adequate time of transition to deal with that cessation of support.

And the reason it will happen is because we cannot, in my judgment, in Congress ever successfully arbitrate the dispute which on the one hand has constituents calling and complaining to us that we should not be providing taxpayer funds for what they consider to be obscenity or objectionable art and on the other hand please the people who are beneficiaries of this, be they the artists or museums or others who say we should not censor the arts.

When Government gets into the middle of providing support and then placing strings on the various grants that are given, we inevitably have, I think, an impossible fine line to try to walk: the line that separates obscenity on the one hand and censorship on the other.

So it is my view that all the intermediate steps, whether it is just giving the money back to private institutions rather than individual artists or just giving the money to State councils or putting a lot of boards and regulations into place, all of these I think are going to appease for a short period of time only. And then another project will come along that people find so objectionable that I think the grassroots will rise up and cause a majority of people in the Congress to say "enough is enough." Indeed, on the House side, I guess that is where they have already arrived.

So what I will be offering, as I say, at some point is an amendment that I brought before our committee, the Labor and Human Resources Committee, an amendment on a reauthorization bill which called for a privatization of the national endowments, a privatization over a sufficiently lengthy period of time—5 years—that would give the endowments an opportunity to make the transition from Government funding to private funding. It would proceed on a slow enough pace I think for the entities to be able to develop the kind of financial resources necessary to continue to be national entities but to no longer be ones which had either, A, direct taxpayer support; or, B, a lot of Government censorship as part of their day-to-day regimen.

I know that some people question whether or not this is feasible. But the fact of the matter is that today the role in terms of the funding that we provide—that is, the Congress provides—the arts is a very small percentage of the total amount of funding that the arts receive annually. Indeed, it is less than 2 percent. Our $145 or $147 million, which was this year's funding level, is just a thimbleful of support compared to what comes from private sources. Mr. President, over $9 billion in support of the arts comes from private sources.

It seems to me that it is very likely and very feasible that a national entity which would continue to provide the sort of national imprimatur that we have heard discussed here today would be able to raise the kinds of resources necessary to maintain a level of activity at least as vigorous as we currently have. Indeed, I would suggest that a national entity, if it received as much support from the artists and the arts community that we have seen evidenced in this debate, would be able to have even more resources available to support the causes that such a national entity decided to back.

So, Mr. President, without belaboring the issue at great length today, I will be coming back to this Chamber at some point with an amendment which will outline a 5-year plan of privatization. I think the net effect of that will be a win-win: a win in the sense that there will remain a national entity providing the imprimatur of support for worthy arts projects across America; a win for the taxpayers in the sense that those who wish to continue supporting it could make charitable contributions and receive tax deductions for those charitable contributions, but the taxpayers who do not support the program will no longer be forced directly to support such an entity; and I think a win for the American people in general and for the arts community in particular because I believe when it is over and that process is in place, that there will be more, not less, support available from a national source to give those worthy projects the backing they need to remain in existence.

Mr. President, I will be bringing this to the floor sometime in the near future. I look forward to discussing it further with interested colleagues.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The Senator from Vermont is informed that the pending amendment is the Craig amendment.

Mr. JEFFORDS. I ask unanimous consent that we set aside the pending amendment so that I might offer my amendment.

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

AMENDMENT NO. 2304 TO VARIOUS COMMITTEE AMENDMENTS

(Purpose: To increase the funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. JEFFORDS), for himself, Mr. LEAHY, Mr. SIMPSON, Mr. PELL, Mr. BUMPERS, Mr. KENNEDY, Mr. DODD, Mr. LAUTENBERG, Mr. AKAKA, and Ms. MOSELEY-BRAUN proposes an amendment numbered 2304 to various committee amendments.

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

Mr. HELMS. Mr. President, I respectfully object. I would like for the clerk to read the entire amendment. I want to be sure everything is in there that I want in there.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to report.

The assistant legislative clerk continued to read as follows:

On page 2, line 11, strike "$565,936,000" and insert "$564,938,000".

On page 2, line 24, strike "$27,650,000" and insert "$27,273,000".

On page 3, line 5, strike "$565,936,000" and insert "$564,938,000".

On page 3, line 11, insert before the period at the end thereof the following: ": *Provided further*, That not more than $44,879,000 of the total amount appropriated under this heading shall be used for administrative support for work force and organizational support".

On page 9, line 23, strike "$496,978,000" and insert "$496,792,000".

On page 10, line 19, insert before the period at the end thereof the following: ": *Provided further*, That not more than $13,442,000 of the total amount appropriated under this heading shall be used for general administration and for the Central Office Administration of the Fish and Wildlife Service".

On page 16, line 13, strike "$145,965,000" and insert "$145,762,000".

On page 17, line 14, insert before the period at the end thereof the following: ": *Provided further*, That not more than $14,655,000 of the total amount appropriated under this heading shall be used for the administration of the Natural Resource Science Agency".

On page 21, line 22, strike "$577,503,000" and insert "$577,157,000".

On page 24, line 13, insert before the period at the end thereof the following: ": *Provided further*, That not more than $25,027,000 of the total amount appropriated for the United States Geological Survey shall be used for the general administration of the United States Geological Survey".

On page 24, line 23, strike "$182,169,000" and insert "$181,725,000".

On page 26, line 14, insert before the period at the end thereof the following: ": *Provided further*, That not more than $32,099,000 of the amount appropriated shall be used for administrative operations and general administration and for the Minerals Management Service".

On page 27, line 10, strike "$132,507,000" and insert "$132,216,000".

On page 28, line 6, insert before the period at the end thereof the following: ": *Provided further*, That not more than $21,024,000 of the amount appropriated shall be used for the general administration of the Bureau of Mines".

On page 28, line 14, strike "$95,470,000" and insert "$95,316,000".

On page 29, line 6, insert before the period at the end thereof the following: ": *Provided further*, That not more than $11,135,000 of the amount appropriated under this heading shall be used for the general administration of the Office of Surface Mining Reclamation and Enforcement".

On page 29, line 12, strike "$170,441,000" and insert "$170,374,000".

On page 30, line 17, insert before the period at the end thereof the following: ": *Provided further*, That not more than $4,820,000 of the amount appropriated under this heading shall be used for the general administration of the Abandoned Mine Reclamation Fund".

On page 66, line 15, strike "$1,256,043,000" and insert "$1,252,291,000".

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

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

The text of the remainder of the amendment is as follows:

On page 67, line 3, insert before the period at the end thereof the following: ": *Provided further*, That not more than $271,248,000 of the amount appropriated under this heading shall be used for the general administration of the National Forest System for the Department of Agriculture".

On page 77, line 9, strike "$376,181,000" and insert "$376,027,000".

On page 77, line 12, insert before the period at the end thereof the following: ": *Provided further*, That not more than $11,167,000 of the amount appropriated under this heading shall be used for headquarters program direction and fossil energy research and development for the Department of Energy".

On page 78, line 3, strike "$136,028,000" and insert "$135,938,000".

On page 78, line 7, insert before the period at the end thereof the following: ": *Provided further*, That not more than $6,510,000 of the amount appropriated under this heading shall be used for the program direction of the Naval Petroleum Reserve for the Department of Energy".

On page 78, line 10, strike "$576,976,000" and insert "$576,661,000".

On page 79, line 2, insert before the period at the end thereof the following: ": *Provided further*, That not more than $22,741,000 of the amount appropriated under this heading shall be used for the technical and financial assistance management for energy conservation for the Department of Energy".

On page 95, line 19, strike "$82,259,000" and insert "$92,753,000".

On page 96, line 23, strike "$96,494,000" and insert "$92,000,000".

On page 97, line 21, strike "$21,000,000" and insert "$22,000,000".

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, sponsor or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion."

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, sponsor or produce materials or performances that depict or describe, in a patently offensive way, sexual or excretory activities or organs."

Mr. JEFFORDS. Mr. President, I want to explain what we are doing here.

Our main concern and main desire and the purpose of this amendment is to ensure that the endowments go forward and that we will have in conference comparable bills which ensure the existence of the endowment and the Museum Services Institute. That is the essence of the amendment though we may have a change in just how the offsets are crafted for the increase in funding—but the level of the endowments will be raised to $110 million each.

Also, there are two amendments that were added at the request of Senator HELMS dealing with pornography and dealing with the inappropriate depiction of religious items which will be made a part of the agreement.

I am hopeful that by doing this we can lay to rest the fear that many have that this Congress and the Senate in particular is going to step back from its commitment to the arts. Nothing could be further from the truth. And I hope with the near unanimity that we have on this amendment it would indicate appropriate guidance with respect to what is a proper utilization of money from the arts endowment, an issue that Senator HELMS has addressed with his language and idicate as well that there is a desire to continue the operation of the endowments. The endowments will be operating at a greatly reduced level, though our amendment today will put them at a significantly higher level than the House has offered. We will have to discuss that issue further in conference.

I should also like to point out how important the continuation of the endowments is. I will later make a part of the RECORD an article in the Smithsonian from May of this year: "Deep in the North Country They Danced Their Hearts Out," which highlights the important ways endowment funds have been put to use.

Also, as I mentioned, Time magazine had on its cover this week an indication of how incredibly important it is for this Nation to stand behind its commitment to the arts, for a nation without art and without a commitment to the arts, is really a nation without soul. And it is important that that is demonstrated by Congress, in particular.

So with that, Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I am pleased to join Senators JEFFORDS, SIMPSON, BUMPERS, and others in offering this amendment to strengthen the National Endowments for the Arts and Humanities.

The debate over funding for the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH] is not about making tough budget choices. This is a debate over whether reason will prevail over hysteria.

The Federal deficit is out of control and Congress must continue to make tough choices to get our fiscal books in order. But we are not going to balance the budget by eliminating Federal funding to the arts and humanities.

Opponents of Federal support for the cultural agencies have singled out a tiny fraction of the total grants provided across country as objectionable. I, too, have found several of the projects which received funding personally disturbing.

But since when does Congress eliminate an entire agency for a few bad grants? The Department of Defense would have been abolished long ago if it had been held to a similar criteria that a few bad contracts were justification for closing down the Pentagon.

Federal cultural agencies have unfortunately become political symbols for groups that objected to that tiny fraction of grants. I strongly believe, however, that they are a worthy investment—even in these times of fiscal restraint.

Promoting the arts and humanities is much more than awarding grants. These agencies promote programs that foster the healthy artistic and cultural weave that binds our diverse society together.

I need to look no further than my home State of Vermont to see why we must maintain adequate Federal funding for NEA and NEH. It is easy to review lists of the grant awards that have been made in Vermont or any other State. Such a shallow approach belittles the work done by these agencies. These grants keep our culture vibrant and remind all of those who they touch how fortunate we are to live in these United States.

Let me highlight some of the programs in Vermont and show how the benefits far exceed the minor investment we make to promote the arts and humanities.

The Folklife Center is one recipient in Vermont of a challenge grant from the NEA. The center enriches Vermonters of all ages by displaying the beauty and importance of the artisans and their crafts of basketry, quiltmaking, stonework, slate and granite carving.

Arts programs benefit the entire community.

The Catamount Film and Arts Co. in a very rural part of Vermont, known as the Northeast Kingdom, has earned a national reputation for excellence in programming and community service. The $5,000 that they receive from the NEA enables them to present over 25 live performing arts events each year.

Over 5,000 Vermonters visited the Rutland Region Ethnic Festival last year thanks to support from the NEA. Everyone enjoyed entertainment and a variety of foods from around the world.

Through a grant from the NEH, the Mother Goose Program promotes literacy throughout Vermont by encouraging parents to read with their children. A special part of this program is dedicated to teen parents.

Mr. President, every program in this appropriations bill is being cut. That is reality. This amendment brings parity to the arts and humanities.

With the additional funds provided in this amendment, both NEA and NEH are funded at $110 million. This amendment is not perfect. Even at this level, NEA would be reduced by 32 percent and the NEH by 36 percent from this year.

I would certainly like to see funding for the NEA and NEH at a much higher level. More than the numbers involved, however, this amendment is a show of the Senate's commitment to continuing strong Federal arts and humanities programs now, and in the future.

The NEA and NEH are extremely important to my home State of Vermont. And I am pleased to be working with my colleague from Vermont, Senator JEFFORDS, to strengthen these institutions. Senator JEFFORDS has been tireless in his support for the arts and humanities.

The amendment we are offering is about more than the State of Vermont, it is about our country as a whole.

These agencies and the grants they award preserve and perpetuate our national cultural heritage. They deserve our support and I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I rise to support the amendment which would restore a minimal amount of funding to our Nation's cultural endowments and the Institute of Museum Services. I am a cosponsor of this amendment.

I proudly stand here in support of the NEA, the NEH, and the IMS. The cuts in this bill which devastate the endowments will have serious implications on our local theaters, arts classrooms and on the creative voice of our Nation.

Let us not kid ourselves. These cuts are not a result of fiscal restraint. The cost of maintaining the NEA amounts to 65 cents a person. A few days ago, we in the Senate defeated an amendment to the Defense appropriations bill that would have eliminated the $7 billion increase over the budget request. Seven billion dollars.

Some may say that we need these funds to boost readiness. Mr. President, some may not know that the Department of Defense spends more money on military bands than we appropriate for the NEA. In fiscal year 1995, the Department was appropriated $179.5 million. That is over $10 million more than was appropriated for the NEA in fiscal year 1995, and almost twice as much as is appropriated for the NEA in this bill.

Opponents of the NEA, NEH, and the IMS contend that Government should not fund the arts.

Perhaps the entities should be privatized. Mr. President, military bands play for free, with no private cost share. On the other hand, every Endowment dollar attracts $11 for the arts from State, regional and local arts agencies, foundations, corporations, businesses, and individuals.

Now, I am not against military bands. But to claim that the NEA receives too much money while the military receives almost twice as much for military bands reflects skewed priorities.

I am a longtime supporter of the Endowments. I fully believe that the arts and humanities reflect and shape what we are as a nation.

It is not just the Lincoln Centers, the New Jersey Performing Arts Centers, the McCarter Theaters—it is a schoolchild's first exposure to creativity when he or she writes a poem or a story or draws a picture in class.

It is their enchantment at hearing their first opera on a fifth grade field trip. It is their joy in performing in their grade school play or their high school production.

It is the joy of millions who see productions from the smallest community theaters to Broadway, from the church pageant to the Mark Taper Forum in LA; from the band that plays in the local municipal Fourth of July parade to the Tyrone Guthrie Playhouse in Minneapolis.

It is how America is represented to the rest of the world. It is how America reaches the rest of the world.

These are our Shakespeares, our Maya Angelous, our Mary Cassats, our Dizzy Gillespies and Count Basies and Lionel Hamptons; our Whitney Houstons, and our Jane Alexanders whose achievements will never enlighten and enchant and allow generations to dream if we eliminate the funding.

In the name of budget cutting we will be killing off a vital part of what we are. What we spend on the arts now is minuscule compared to the return. The arts are our past, our present, and our future. They are our collective memory and our collective dream.

Mr. President, I have heard from hundreds of New Jerseyans on the NEA and the NEH. The level of support for the NEA and NEH is overwhelming. Let me relay to the Senate selections from a few of those letters:

I am an eleven year old music student. My father has told me that throughout history, almost all civilized governments have supported the arts.

I feel it would be a tragedy for this country, the greatest in human history, to abandon the arts, and allow much beauty to wither away.

* * * * *

How can we contemplate eliminating these cultural necessities while still pretending to be a great, mature nation? The more we cut, the more careful we must be in order not to lose what is valuable. Wholesale slash-and-burn is no substitute for intelligent government.

* * * * *

One of the reasons I love living in New Jersey is indeed for the easy availability of the arts here. For a country that prides itself on freedom of speech and a diversity of points of view, it is only fitting that the nation as a whole would act as an arts patron. This is hardly a novel idea—the other industrialized nations subsidize their arts and artists at far higher rates than we do.

* * * * *

Please don't let the NEA die. Let our elected leaders help to leave a legacy to future generations.

Help these generations become the enlightened, enriched citizens of tomorrow.

Mr. President, my constituents say it better than I do. Support this meager increase in funding for the NEA, the NEH, and the IMS. I urge adoption of the amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see my colleague and friend, Senator PELL, who was the prime sponsor for the legislation establishing these programs 30 years ago. I commend his vision and believe that the record of these agencies is a tremendous tribute to him.

We have had over the period of recent weeks and months a relentless assault on the National Endowment for the Arts and the National Endowment for the Humanities. I think many of us across this country understand the importance of these agencies. They are deserving of our support because they make an enormous difference in the quality of life of our Nation—and, most importantly, in our culture, helping to define the context of our history and our society. If we do not understand the humanities, we really fail to understand the individual aspects of our culture, and the unique aspects and values of our society.

Although the funding levels for these agencies are modest, the achievements of this program have been extraordinary over any careful and honest examination of its history. The National Endowment for the Arts is the principle way that the Federal Government demonstrates the Nation's appreciation of and respect for the arts. Every great civilization from recorded times has valued the arts and valued the humanities. The legacy of the Endowments is extraordinary. Small communities and countless neighborhoods have benefited in a variety of different ways, further encouraging as the Endowments support programs and performances in theater, music, dance, poetry, and painting.

We do not have to mention at this time the list of writers and painters, those individuals whose creative energy and expression have enriched the Nation, achieved the top tier of recognition and accomplishment, and look back with pride and gratitude to Endowment support in their early years of development.

The Senator from Vermont, Mr. JEFFORDS, and Senator LEAHY, along with Senator PELL and others, have been the

workhorses in the effort to enact this legislation. I think all of us are grateful for all they have done.

There are provisions included in this compromise amendment which I myself would oppose if they were offered as individual amendments. I continue to oppose any attempt to impose content restrictions on the grant-making process and hope that they will not be ultimately agreed to. Nonetheless, I also hope that adoption of this amendment is a clear indication of support for the arts and that the Endowments are here to stay.

We will have an opportunity to fight another day to enhance their accessibility and availability to millions of our citizens. But clearly with the acceptance of this amendment the NEA and the NEH will continue to function and enrich the lives of millions of American citizens.

The funding levels approved in the amendment are a significant increase over those approved by the House. I am pleased that we have been able to improve that level of support and, as I stated earlier, affirm our strong support for the continued existence of these agencies that contribute in such a meaningful way, to our American way of life.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, if the Senator from Texas will yield just for a moment, I compliment the Senator from Vermont and the Senator from Massachusetts and others, the Senator from Wyoming, the distinguished chairman and others, who have worked closely, the Senator from Utah, the Senator from Rhode Island. I commend them very highly. It has been a very, very difficult time getting this far, and I hope we will see next year a chance to increase these funds once again. But I think it is absolutely essential we save these two endowments.

Mr. JEFFORDS. Will my senior colleague yield?

Mr. LEAHY. I yield.

Mr. JEFFORDS. Mr. President, I thank my senior colleague from Vermont for the effort he has put in over the years in this matter. We have worked very closely on this, and I can assure you that back in Vermont it is no political liability to do what we are doing here today as our State is very much involved in the arts and maintaining them. I know there are others who wish to speak. I know the junior Senator from Texas is here, and so I yield the floor at this point.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

I rise to speak in favor of the amendment because I agree with many of those who have spoken so far that we are a nation that should be committed to the American culture, and it should be a priority. I should like to speak from personal experience.

I grew up in La Marque, TX, a town of 15,000. Now, obviously we did not have cultural centers in La Marque, TX, but because of the NEA and because of the commitment that we have in America to making sure our young people do have the ability to have access to the arts, I was able to go 35 miles to Houston, TX, to see the ballet, to see the opera, to see the symphony. And from that, I received an awareness of a very important performing arts culture that I would not have had as a young girl in a very small town.

That is duplicated all over this country. In Abilene, TX, a town of under 50,000, they now have a burgeoning opera helped by the NEA, and just this past month they performed "La Traviata," and it was a sellout at every performance.

Do we have problems with the NEA? Absolutely, we do. We all acknowledge that there are problems with the way things have been handled where taxpayers have been required to fund offensive art.

Is the answer to do away with the American commitment to our culture? Absolutely not. What we must do is make sure we are funding what is uniquely American and what is educational for young people from small towns as well as young people in our inner cities about what is good in the world.

An appreciation of the arts is a very important part of overall education. Senator BENNETT of Utah and myself came up with a new bill to reorganize the NEA. Senator JEFFORDS and Senator KASSEBAUM came up with other ways to reorganize the NEA. Each is coming at this in a different way but not in such a different way that we will not be able to make some changes to improve the NEA, the NEH, and our museum services so that they will be available for more people in our country and so that we also will be able to keep the national treasures such as we have in Washington and New York. I think we can come up with a fair allocation.

In our bill that Senator BENNETT spoke about earlier today, we make sure that the funding goes to organizations of the arts, not to individual artists that might do things that would offend the conscience of mainstream America. We also have an outright ban of any kind of obscenity, pornography or anything that would violate the standards of common decency. Some people in the arts community like to say, "Oh, but you cannot define decency. That would be too hard. That would offend our artistic license."

I could not disagree more. There is a standard of common decency. And when we are using American taxpayer dollars, I think we can easily determine what should be used for arts appreciation and what is inappropriate. Do those people have a right to go out and use private funds to have their interpretation of art? Absolutely. But do we have to have Government funding of that? No.

I think we can make a clear distinction with American taxpayer dollars. So, yes, we have some problems. But we can face those problems without giving up the commitment to America's culture and to educate our children about the importance of appreciating the opera, appreciating our art museums, appreciating symphonies, and the ballet. Because I grew up in a town that was close to Houston where we had regional art centers, I was able to go to Houston every Saturday morning and participate in the Houston Youth Symphony ballet. So I had the opportunity to perform, to have access to this kind of very important part of my education.

I want to make sure that the young girls and boys growing up all over our country have regional centers and that we have a commitment to that so that they will grow up to be able to appreciate and understand the importance of arts in our country.

I want to end with a quote from John Ruskin, the great British art historian of the last century, who set down the standard for nations when he wrote, "Great nations write their autobiographies in three manuscripts: the book of their deeds, the book of their words, and the book of their art."

Mr. President, I want to make sure that we have the book of art and the book of words along with our great standard of deeds in this country for our future generations to appreciate. And that is the purpose of this amendment and the purpose of Senator BENNETT and myself working with Senator JEFFORDS and Senator KASSEBAUM to make sure that the NEA does what our standards would require that they do; and that is, provide the support for the excellence in the arts for our future generations to be able to have the access that we would like for them to have.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair would like to ask the gallery not show any signs of approval or disapproval to any statement.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Thank you, Mr. President.

Mr. President, I want to first compliment the Senators from Vermont for offering this amendment. And I intend to vote for it, but not with much relish. The reason I am not voting for it with much relish is because it still leaves the National Endowment of the Arts [NEA] and the National Endowment for the Humanities [NEH] terribly underfunded.

There is not anything wrong with this country and there is not anything wrong with Congress except our priorities. We can balance the budget by the year 2002. We could educate our children. We could teach humanities and the arts. We could become a much more civilized nation. But you cannot do that and take care of all these other things that are mostly political. For example, Congress is proposing to spend $7 billion more on defense than even the Defense Department asked for. And people are almost afraid because they do not want to go home and say they voted against the defense bill, they do not want their opponent to say they are weak on defense.

A lot of times I think—and I do not mean this to be demeaning of my colleagues—that one of the reasons people cast irresponsible votes around here is because it is easy, it is easy not to have to go home and explain a controversial vote. How many times do you read almost daily how people wish Congress would gather up their nerve and do the right thing? You know what that means? That means doing things that are controversial and that you have to give an accounting for.

I have cast my share of controversial votes, and it gets me in a lot of hot water. For example, I am not going to vote for a school prayer amendment to the Constitution. I am for prayer in school but not for tinkering with the Constitution. I am not going to vote for the flag desecration amendment to the Constitution, where we would allow each State to decide what desecration is and the penalty therefor. What kind of a Constitution would it be where free speech will be determined by each of the 50 States? In one State you get the death penalty for spitting on the flag and another you get a $10 fine for burning one in public. What kind of result would that be? And it is controversial. You ask the ordinary man on the street in America, "do you favor flag burning?" "Of course not. Who does?" "Do you favor prayer in school?" People are sure that they are going to get stricken dead if they say no.

You know why people vote for those things? Some of them vote for them honestly. They believe in it. And some of them simply do not want to go home and try to educate their electorate. You know being a legislator requires you to also be an educator.

And so here we are, on the Interior appropriations bill, giving away $15.5 billion in gold and silver last night—corporate welfare galore—and cutting the NEA and NEH. Even with this amendment, those two programs are still cut 30 percent. So what does that mean? A little State like mine that has a fine symphony is going to have to get out and grub it out and try to find some money to make up for what they are going to lose from the National Endowment for the Arts. The Arkansas Repertory Theater, not big but extremely important to a few people, is going to have to go out and try to find the money or have a lot fewer performances. The very things that are so limited, but which make us a more civilized nation, are what we are choosing to cut.

Mr. President, most everybody whoever watched PBS knows who David McCullough is. He wrote that magnificent book on Harry Truman. And here is what he said about the NEH. Listen to this poignant quote.

> When I think of what the National Endowment for the Humanities has done to support gifted young documentary filmmakers like Ken Burns, when I count up the programs in "The American Experience" series that have benefited from Endowment funding—38 films thus far, including biographical portraits of such American figures as Eisenhower, FDR, Lindbergh, Duke Ellington, Thurgood Marshall—when I see the magnificent library of America volumes filling shelf after shelf, when I see in libraries and archives the priceless historic documents that have been preserved, all this, the films, the books, the conservation efforts—because of endowment grants, I know absolutely the value of the returns for such government investment.

Many years ago I read in Time magazine where the University of Texas was offering a dynamite course on the differences in the philosophies of Virgil's "Aeneid" and Homer's "Ulysses," sort of a comparison really of authoritarian versus nonauthoritarian governments.

They had room for 224 teachers for a 9-week course at the University of Texas, and they had 4,400 teachers apply for those positions. What a dynamite subject for teachers to pass on to their students about the beginnings of our civilization and how we got to where we are now.

So I began to try to get money here for that, because that one was privately funded. We finally got the National Endowment for the Humanities up to the point that last summer, Mr. President, they had 3,250 teachers in those summer seminar courses in philosophy, political science, our beloved Constitution, literature, drama, and art, and they go back and they pass that off to 500,000 youngsters.

So many children, particularly those who grow up in small towns like I did, are lucky to ever be exposed to anything that has any cultural enrichment. Turn the networks on tonight and turn on most of the pay-per-view movies, and you know what you get. I would hate to be raising children today. I feel sorry for parents in this environment. I think parents ought to have a right to determine what their children are going to see, and at the rate we are going, they are not going to see "Mister Rogers," Big Bird, and "Sesame Street." Oh, they must be subversive. Why else would we be cutting PBS funding?

I remember when I was a sophomore in high school and we were reading "Beowulf" we had a literature and English teacher, Miss Doll Means. She let us read a paragraph, and we would talk about that paragraph. I had been reading for a full page, and I looked up because I wondered why she was letting me read longer, and she said: "You have a nice voice and you read beautifully." She did more for my self-esteem in about 3 seconds than anybody, except my father, before or since. It was her saying that to me, plus the fact that I had had some success as a trial lawyer, to jump up out of a town of 1,000 people and run for Governor.

My father said public service is the noblest of all callings. I do not know what he would think today. I always thought I wanted my children to follow me in politics. I am not so sure. It was always a given that we would go into public service, and now with the atmosphere, poisoned as it is all across America, people becoming increasingly uncivilized—"thank you" and "please" and "excuse me" are words you hardly ever hear anymore.

Mr. President, when I went to World War II, I was stuck overseas at the end of the war. One day, I saw a note on the bulletin board: "If you're interested in Shakespeare, show up at such and such a barracks tonight." I thought, I do not know anything about Shakespeare, but it beats sitting around the barracks. So I went. Six marines were there, and the teacher who was going to teach us about Shakespeare, as it turned out, not only was a Shakespearean scholar, but he was a Harvard professor. He had a tape recorder, which at that time was unheard of. I had never seen a tape recorder in my life. You could actually speak into a microphone and listen to your voice come back to you.

So he said, "We'll start off with Hamlet's speech to the players," and he did. He had a booming base voice. He said:

> Speak the speech, I pray you, as I pronounced it to you, trippingly on the tongue: but if you mouth it, as many of your players do, I had as lief the towncrier spoke my lines.

That was pretty common. That has been 50 years ago, and I still remember it. He played it back on the tape recorder, and it sounded so beautiful. He said, "OK, you're first." And so I did it, and when he played it back to me, I could not believe I had an Arkansas twang. It was embarrassing to have to listen to it after Miss Doll Means told me I had a wonderful voice.

But do you know what? That day, listening to that tape recorder, I made up my mind I was not going to be like everybody else. I was going to learn to speak. I knew English because Miss Doll Means taught me how to diagram sentences and I knew how to speak because it was genetic; my father was a great speaker.

I said, "I'm not going to be like everybody else and just drift through life. I am going to try to be distinct."

These are personal stories, but they relate to the subject we are debating

today. Think of the 500,000 children that are exposed to these teachers who go to these NEH summer seminars. Think of the people who watched "The Civil War" series on PBS. Think of the moral stories that children get from "Mister Rogers" and "Sesame Street", and look at the way people dress and the way they act, and you wonder where this country is headed. You read "The Decline and Fall of the Roman Empire" and see if you see any analogies between then and now. Ask yourself why we spend less money on cultural enrichment than any other developed country in the world. I went to the Soviet Union in 1971. I was staggered by how much money that poor country spent on cultural programs, even trying to preserve the history of the czars.

Well Mr. President, while my speech may have been too lengthy, I just want everyone to know that I think the reduction in spending on NEA and NEH is a terrible tragedy. I applaud the Senators from Vermont for trying to do something about it.

I offered an amendment during subcommittee consideration of the Interior appropriations bill to increase funding for the NEH by $15 million, and we succeeded. I am as proud of that as anything I have done since I have been in the Senate. But it pales in comparison to what we should be doing.

Someday—and it may be too late—we are going to understand that funding for NEA and NEH is not wasted money. It is money that makes us a greater Nation. It makes us more civilized. It makes us appreciate where we came from. It is a tragedy that we have to cut it. But I am very pleased to support the amendment to increase the levels of funding in comparison to the House bill.

I yield the floor.

(Mr. ASHCROFT assumed the chair.)

Mr. KEMPTHORNE. Mr. President, I would like to make a couple of comments regarding the pending amendment. I appreciate what Senator SIMPSON stated when he gave quite a list as to how the National Endowment for the Arts has helped rural States such as Wyoming. Certainly, I can show an equal list of what it has done for the State of Idaho. Senator HUTCHISON, who went into great deal of her own experience and how this has helped. I am receptive to those arguments.

I know that we all realize there have been problems with the NEA with things that have been funded that I think no one in this Chamber is proud of. In fact, I remember last year there were examples of items that had been the product of perhaps grants from the National Endowment for the Arts that were in the Cloakroom that could not be brought out here because they were obscene. I do not think anybody can understand how we would utilize funds for that purpose.

But that was under a different situation. There is a new director now at NEA, Jane Alexander. I think many of us who have been watching have been favorably impressed by her and by those that she has surrounded herself with in working on this.

I say to those individuals that have this responsibility now, that as they look to the future, if in doubt, do not. If there is any question, if there is a gray area as to whether or not that particular project should or should not be funded because it could borderline on something that we would not want to see, that is not a question of censorship; that is a question of sponsorship. That is their responsibility. They must exercise that responsibility, and they must say on different occasions, no. Because if they do not, the Senate and the House will say no to the funding of the NEA.

But this amendment that is before us now contains language of the Senator from North Carolina dealing with this question of obscenity, pornography. I feel it sets the parameters, sets the guidelines.

But, again, we have a situation where we have new leadership in the National Endowment for the Arts, and I am supportive of that leadership. I say let them continue this effort now under the new regime.

When I was mayor of Boise, ID, I know there were different occasions that, by use of public funds, not many but some, it serves as a catalyst so that you can increase efforts toward art and culture, because that defines a society. That is positive.

So I do support this amendment that is before us. I do support the efforts of Jane Alexander and those individuals that are working with her, but to remind them that they are going to have to make the tough decisions because, if not, we certainly will.

Mr. CRAIG. Will my colleague yield?

Mr. KEMPTHORNE. I yield to the senior Senator from Idaho.

Mr. CRAIG. I thank my colleague. I want to associate myself with his remarks. I also want to thank the chairman of the subcommittee for working out what could have been a very difficult situation and for recognizing, as I think the Senate always has, that there are public moneys for the arts, and there should be.

But what my colleague from Idaho just said, we have also recognized that there is a clear difference between censorship and sponsorship and the use of public dollars. Certainly the use of public dollars ought to meet the broad test. And the broad test is, can the general public view these experiences or can they view these acquisitions or these sponsorships? I think when you are using public dollars, you have to say yes.

While I appreciate some artists' expressions that others do not, I think it is important to recognize that we have the responsibility as the guardians of the public treasury and trust, that all that we do meets the broader test. Where there is an expressive individual who chooses to go in another direction, they ought to seek private sponsorship and not public sponsorship for such an expression.

I agree with my colleague from Idaho, that while our funds are limited and while this amendment represents a substantial cut, it also says very clearly that the Senate, the Congress, wants to continue the National Endowment and all that it does for our communities, and especially for rural States as has been so eloquently expressed by some, where small communities have little to no access to what larger communities have and the National Endowment has brought them the arts in very unique and positive ways. I thank my colleague for yielding.

Mr. KEMPTHORNE. To conclude, I thank the managers of the bill because I think they have been very helpful in bringing us to the point where we can move forward in the proper fashion.

I yield the floor.

Mr. BINGAMAN. Mr. President, I rise today as a cosponsor of the Leahy-Jeffords amendment to restore funding to the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services. I believe it is important to note at the outset that this amendment will not fully restore funding for any of these agencies. Indeed, these agencies are still will face cuts approximately twice that of overall spending in the Interior appropriations bill.

Mr. President, I would like to share with the Senate just a few of the worthy programs in New Mexico that received funding in fiscal year 1995 from these agencies. This funding includes $6,100 that the Museum of New Mexico received from the NEA for a traveling exhibit exploring the 20th century phenomenon of Hispanic women as santeras, or makers of saint icons, called "The Art of the Santera." The making of santos is a particularly beautiful and respected art form in New Mexico, and this exhibit traveled throughout the Southwest. The museum also received NEA funding for a family photography project, which served over 24,000 New Mexicans in Raton, Aztec, Jemez, Fort Selden, Clovis, and Las Cruces. Participants in these mostly rural communities learned how to preserves old family photos, and used the photos to improve their understanding of their history and culture.

The Museum of Indian Arts and Culture benefited from several NEA grants this year, including $34,000 for the "Families and Communities" demonstration and mentoring program. With this funding, the museum will be

able to establish eight teams of established and younger Indian artists to conceive, create, and demonstrate their traditional arts. Visitors to the museum will be able to discuss and interact with the teams as they work.

Mr. President, both of these awards highlight the role the NEA has played and should continue to play in creating and disseminating culture, and facilitating communication and appreciation among the diverse communities living in New Mexico and throughout the Nation. In an increasingly balkanized society, we have more than enough issues that drive us apart. Art is a powerful tool we can use in our attempts to create ties that bind us back together.

The NEA is also an important tool in educating our children. We know that many important skills can be taught to children using the arts. Yet in my State, and throughout the Nation, schools are struggling to find funding for art education. I believe that the NEA can help leverage funding for this important activity. The city of Santa Fe, for example, recently applied for a grant of up to $175,000 for arts education. I am told that this application was instrumental to the city council's quick approval of a commitment to match that funding. It is likely that if the city is successful in establishing this program with seed money from the NEA, it will find a way to continue the program, perhaps with the help of private funding. I believe the experience of the city of Santa Fe is a perfect example of how the NEA has been able, with limited funding, to seed the development of enduring and very beneficial programs.

The final NEA grant in New Mexico I would briefly like to highlight was given to the Fund for Folk Culture, a national organization headquartered in Santa Fe. The Fund for Folk Culture has been able, with a $50,000 grant from the NEA, to hire a staff person to administer $750,000 in privately donated funds for grants to support folk art throughout the Nation. The NEA funding is needed because of the difficulty the Fund for Folk Culture faces in raising any private foundation money for salaries and administration. Mr. President, this grant is leveraging 15 times the amount of the NEA grant. I challenge my colleagues to point to other Federal programs with this sort of leveraging effect.

The NEH and IMS also fund outstanding projects in New Mexico. One that I have found particularly interesting is a grant the University of New Mexico has received from the NEH to find, catalog, and microfilm 2,600 historic newspapers. I am told by the managers of this project that many of the newspapers they are saving through this project are literally coming out of the attics of New Mexicans who had previously had no understanding of the historic resources lurking there. So far, 300,000 pages have been microfilmed as part of this effort, which is part of a nationwide historic preservation project. When complete, the project will be an invaluable resource for both historians and residents of many of the small, rural communities in New Mexico and throughout the Nation.

Mr. President, I could continue for some time on the benefits brought to my State and the Nation by the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services. I believe that the examples I have given, however, highlight the central point I wish to make: Far from funding frivolous culture for the elite with public money, the NEA, NEH, and IMS are leveraging funding for educating our children, leveraging large amounts of private funding, and providing access to the arts and humanities for rural and disadvantaged American. This support is, in my opinion, critical to our sense of nation, and our ability to bridge the cultural differences that so often tear us apart rather than bring us together.

For all of these reasons, I am proud to cosponsor the amendment of my colleagues from Vermont.

Mr. DASCHLE. Mr. President, we would be hard-pressed to find anyone in this Chamber to argue that art does not enrich American life. I think it would be equally difficult to find someone who has not been touched by art in some way at some important point in their lives.

There is no dispute that art has played an invaluable role in the cultural life of our Nation. Increasingly, however, we are presented with what amounts to a "yes or no" proposition: is art important enough to fund at the Federal level?

I firmly believe the answer to that question is "yes." Americans want the Federal Government to play a role in promoting the arts. And they feel so strongly about this issue precisely because the small amount of Federal funding received by the NEA each year goes so far toward enhancing the cultural life of our Nation.

The matching power of NEA grants is exceptional. Every dollar we appropriate at the Federal level generates more than $12 at the State and local level. This extraordinary leveraging power has helped increase the number of arts organizations and opportunities around the country since the NEA's inception since 1965: the number of large symphony orchestras has doubled; the number of dance companies has increased from 37 to over 400; the number of theaters has multiplied by 8; and the number of State arts agencies has increased from 5 to 50.

I am not shy about admitting that a good deal of my support of the NEA derives from the benefits it provides my State. South Dakota is a rural State, and many communities could not maintain on their own the kinds of cultural opportunities they have been able to maintain with the help of the NEA and the South Dakota Arts Council, which also receives funding from the NEA.

My hometown of Aberdeen, SD, a city of about 25,000 people, has an orchestra and a community theater, both of which are made possible in part because of NEA dollars. And my hometown is one of the biggest cities in South Dakota.

The support provided by the NEA is even more important to the many smaller communities of my State: communities like Freeman, which has a Swiss choral society; Sisseton, which operates a Heritage Museum; and Faith, which has an arts and historical society—all of which operate with assistance from the NEA.

This is a big return for a relatively small investment.

Mr. President, I am aware of the budgetary constraints under which we operate this year. Each year our fiscal decisions get more difficult as the demands of a runaway deficit grow ever larger. In such an environment, we must look critically at every program, and the arts are no exception.

But let us be fair, and let us be reasonable. When I am told that it costs each American only 64 cents per year to support the NEA, I have to admit that sounds like a good return on our investment. I do not believe the NEA deserves the level of funding cut it is facing. I do not believe Americans want this small investment—whose corresponding benefits are so great—taken away from them.

Unfortunately, the NEA has been an easy political target because of a few controversial grants it has approved. I fully appreciate the intensity of public opposition to Federal support for specific projects that many Americans consider offensive, and it is appropriate that the public and their representatives in Congress press this issue forcefully.

Concern about the NEA's grant application process has been expressed, and NEA Chair Jane Alexander has addressed that concern frankly and forthrightly. Moreover, I fully expect that dialogue between the Congress and Ms. Alexander to continue.

Nonetheless, the statistics have been overwhelmingly clear on this issue: the number of controversial grants made by the NEA is exceedingly small when compared to the total number of NEA-funded projects.

I should also add that I think it is unrealistic to expect the NEA to be entirely free of controversy. It never will be, and we should not expect it to be. In her remarks to the Senate Labor Committee during her confirmation hearing, Jane Alexander said that—

* * * the very essence of art, after all, is to hold the mirror up to nature; the arts reflect the diversity and variety of human experience. We are, as Hamlet says, 'the abstracts and brief chroniclers of the time,' and, as such, the artist often taps into the very issues of society that are most sensitive.

And that is the way it should be. We should have constructive debate on how to improve the grant application process and the operation of the NEA. But the fact that there is occasional controversy should not be used as an excuse to abolish the agency or drastically reduce its funding.

Mr. President, I realize we must make significant cuts in the budget this year. The arts, like every other area, will have to carry its share of the burden in this effort. It is my hope, however, that this debate will be fair, enlightened, and reasoned. Americans deserve the NEA's positive contributions to our culture.

AMENDMENT NO. 2304, AS MODIFIED

Mr. JEFFORDS. Mr. President, I wish to modify my amendment. The modification is at the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The amendment (No. 2304), as modified, is as follows:

On page 95, line 9 strike "$82,259,000" and insert "$88,765,000".

On page 96, line 6, strike "$17,235,000" and insert "$21,235,000".

On page 96, line 23, strike "$96,494,000" and insert "$94,000,000".

On page 97, line 6, strike "$18,000,000" and insert "$16,000,000".

On page 3, line 17, strike "$242,159,000" and insert "$240,159,000".

On page 67, line 11, strike "$385,485,000" and insert "$381,485,000".

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, sponsor or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion."

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, sponsor, or produce materials or performances that depict or describe, in a patently offensive way, sexual or excretory activities or organs."

Mr. JEFFORDS. Mr. President, this amendment, sponsored by myself and Senators LEAHY, SIMPSON, PELL, BUMPERS, KENNEDY, and DODD, restores funds to the National Endowment for the Arts. This amendment does restore modest funds to the agency, but still in making this effort, the endowments will still carry the burden of greatly reduced budgets.

As I rise today, I must say that I am somewhat disappointed that we are not restoring even more funds to these agencies. I am well aware that cuts are inevitable this year, but I do not believe that these agencies should be singled out for a disproportionate share of reductions. The proposed reduction of 40 percent to the NEA will devastate the Endowment. More importantly, this reduction will have an enormously negative impact on communities throughout the Nation, especially rural communities.

It is very necessary and appropriate for our Government to support these agencies that encourage learning and support scholarship, preserve paintings and writings for future generations, bring the beauty and magic of art to all Americans as well as preserve and nurture our cultural heritage. The small contributions we make to these agencies go a very long way in preserving our history and investing in our future. This mission has been at the heart of both Endowments since their creation. Federal support has been under attack and criticism from those who perceive the Endowments as nothing more than Federal support for the rich and cultural elite. But nothing could be further from the truth.

We can point to many examples of the very real ways in which all of our States as well as local communities benefit from Endowment or IMS supported projects. The Endowments and the IMS support projects that invigorate our downtowns. The Shelburne Museum in Vermont attracts visitors from across the State, around the country and from abroad to see the wonders of this renowned folklife center. The Endowments and the IMS enrich the learning experiences of young people in small communities, through grants to programs such as the Music, Words, Opera in schools throughout the State of Delaware, or the Artist in Residence Program which brought the Quantum Brass Quartet to Big Sandy, TX. They support projects to protect our most venerable works and texts for all to appreciate and see. A grant to the Historical Society of Iowa will go to preserving Iowa newspapers and a grant to Johns Hopkins University will go toward preparing an edition of papers of President Eisenhower. The Endowments make available projects and programs which make learning our history accessible and engaging such as the Civil War series, the Baseball series and other series on FDR and on the American Revolution.

The agencies have proven effective in nurturing our cultural heritage, making the arts and humanities accessible to all the corners of the Nation, providing learning opportunities for young and old and generally encouraging a growth and flourishing of the arts and humanities in this country. We should not take for granted the importance of the work of these agencies, especially in the difficult times that face our Nation.

The benefit to Vermont from these agencies is immeasurable, and Vermont, while unique in so many ways has that in common with all the other States in the country—they are well served by the programs supported by the NEA, NEH, and IMS. The projects and programs that the NEA, NEH, and IMS support are important and consequential. We can look at specifics, and we must today understand the impact of the cuts we are considering today. These drastic cuts will jeopardize both the important work being done by States in supporting local projects which the strengthen and enhance the education of our young people and provide learning opportunities for those not in school.

One cannot minimize the impact that arts has on increasing the level of participation, the level of interest, the level of commitment of children in school. One cannot minimize the value of having exceptional, world acclaimed dance companies like Mark Morris Dance Group and the Trisha Brown Company visit and perform to people in small communities in Vermont, or being able to participate in a cultural festival which brings people in the community together like the one in Rutland, my hometown, funded in part by the NEA—all in Vermont, all thanks to the support of the NEA, NEH, and IMS, and all of which are of significant importance and value to the people of the State. I am not willing to jeopardize the availability of the Vermont Council on the Humanities and their Beginning with Mother Goose Program; the Ethan Allen Homestead Trust in Burlington, and the Brattleboro Museum and Art Center, in Brattleboro supported by the IMS; and the Flynn Theater, the Vermont Council on the Arts in Montpelier and Crossroads Arts Council in Rutland supported by the NEA.

I would like to share an article with you that appeared in Smithsonian magazine which was given to me by the Executive Director of the Vermont Council on the Arts, Nicki Clarke. It is about the Wolcott Children's Ballet, which sprang up in 1980 thanks to the incredible commitment of people in this community. It has continued on a shoe string budget and continues to have an enormous impact on the lives of all who are part of it—the young dancers, volunteers, instructors, Vermonters from Wolcott, Hardwick, and other towns. This ballet school has enriched the community, and made so many lives more full. It has received some of its much needed support from the Vermont Council on the Arts. Projects such as this are far too important to underestimate or ignore.

So I ask for your support today of this modest effort to make sure these agencies can continue to do their good works.

I will yield to the floor manager soon for his comments. What we have done

here, through an error, we took the money from the wrong accounts. Looking at all the figures, I did not notice that. I apologize to my colleagues for that error. I think we have now adjusted the amendment to take the money from where everybody thought it was coming from.

Mr. President, I ask unanimous consent that the Smithsonian Magazine article to which I referred be printed in the RECORD.

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

[From the Smithsonian, May 1995]

DEEP IN THE NORTH COUNTRY, THEY DANCE THEIR HEARTS OUT

(By Richard and Joyce Wolkomir)

In an out-of-plumb town hall in Wolcott, in northern Vermont's lumbering country, a child is dancing. It is 9 at night. Under bare light bulbs hung from a tin ceiling, the 10-year-old pirouettes to Vivaldi's *Four Seasons*. *"Relevé lent!"*

Kennet Oberly, director of the 50-dancer Wolcott Children's Ballet, watches with penetrating black eyes as the girl rises on the balls of her feet, practicing a solo sequence. When the troupe takes *The Four Seasons* on the back roads in a few weeks, 3,000 schoolchildren and hundreds of adults in Vermont's hardscrabble "Northeast Kingdom" will see classical ballet. Far from the spotlights, the cheering fans, the megastars and the glittering performances of the nation's premier companies—the American Ballet Theater, say, or the Joffrey—a troupe of children practices in obscurity, striving for perfection. Oberly wants every foot to arch exactly. Every finger must curl just so. *"Arabesque,"* he says. The child elevates one leg behind her, toes pointed.

Oberly, bald on top, a mane of black hair spreading over his collar, demonstrates the steps, lithe as an otter. "Good, Jamie," he says. "Now, *posé en arrière*." A log truck rumbles by, shaking the building. The child falters. A gust spatters the windows with April sleet. Oberly stops the battered tape recorder. Turning toward two visitors, he pivots from the diaphragm, as if he were still onstage in Stuttgart, Tallinn, Helsinki, Stockholm, Copenhagen, Paris, Milan, Boston, Los Angeles, San Francisco or New York. "We're getting there," he says. "Almost."

Director and ballerina stoop to the day's final task. They pull up strips of gray duct tape for sticking mats to the floors, which decades of work boots and galoshes have worn too slick for ballet slippers. The child pulls a parka over her pink leotard. Outside, wisps of mist rise from the still-frozen ground. "Repetition is the mother of learning," Oberly says, and switches off the lights.

Weeks later, on a Sunday morning in May, a local agitator for good causes, Nola Denslow, is explaining how a classical ballet troupe sprang up here. She is talking over pancakes and maple syrup in the Village Restaurant in Hardwick, five miles east of Wolcott. Many of the diners are wearing billed caps inscribed "Caterpillar" or "John Deere." Parked outside are pickups with rifles racked across the rear windows.

It began when Nola Denslow knocked—presumptuously—on a stranger's door. She had moved to Vermont with her seven children "hoping to re-create the romance of rural Mexico," where she had once lived. But she found "any chance to be involved in the arts was limited." So in 1980 she dragooned volunteers, raised funds and got Wolcott to transform its boarded-up railroad station into an arts center, offering courses in everything from music to pottery making.

But no dance. Then Denslow heard that a retired ballerina and her husband lived on a Wolcott farm. June Gorton had been an early member of the Balanchine Company and had assisted Jerome Robbins in choreographing The King And I. Denslow quickly was knocking at the Gortons' door, which was opened by a gray-haired woman with a dancer's regal posture.

Teaching dance would be a tremendous service, Denslow said. "Absolutely not!" June Gorton said. "I don't dance anymore." "I'm really sorry," Denslow said, merciless in a good cause. "A lot of kids in this town should have this opportunity." The next day, Denslow's telephone rang. "I'll do it." June Gorton said.

She taught virtually for free. Her husband, Robert, built sets. But eventually the arts center's federal funding evaporated. Wolcott had to decide: road salt or watercolors? The vote was 50 to 49 for road salt. "When people realized it was lost, a gasp went through the town meeting," says Denslow. The Gortons announced they would fund the Wolcott Children's Ballet themselves. Classes moved to the Wolcott Town Hall.

For many youngsters, the ballet had become indispensable. Girls who had never heard classical music in their lives discovered that, onstage, they could excel. "Once, they were rehearsing with the Vermont Symphony Orchestra, which had a formidable conductor at the time," recalls Denslow. One little dancer, normally a mouse, turned to the baton-waving maestro on the podium and commanded: "Increase the tempo, please!"

In 1991 a cerebral hemorrhage partially paralyzed June Gorton. From her wheelchair she continued to take an active interest in the ballet, but she could no longer teach. Finding another director with June's qualifications, who could work for almost nothing, would be impossible. But the children were addicted. And so Wolcott took a deep breath and decided to raise money to hire a director. A Utah dancer agreed to come, despite the tiny salary. The "studio" awaiting her had wavy floors; sets and costumes were all homemade. She stayed only a year. And then—by a fluke—Kennet Oberly and his wife, Larissa Sintsova, a principal dancer with the Estonian National Ballet, arrived from Tallinn.

Oberly's father, a physicist, developed the lens coating on the camera Neil Armstrong used on the moon. His mother, a theater director, was a founding member of Washington, D.C.'s Arena Stage Theater.

"When I was 5, in 1962, a touring group of West Side Story came to Boston, where we lived, and it electrified me—the energy, the music," Oberly remembers. "But what really got me was the guys jumping around in sneakers, knife fighting, smoking and climbing chain link fences—I thought it would be neat to get up there and smoke and climb chain link fences." "Wait until you're 8," his mother told him. When the family moved to Pittsburgh Kennet told his mother: "Now I'm 8." He became the only boy in a ballet class of 30 girls. "This was not what I'd intended," he says.

Still, by age 12 he was so promising that he became a student at the Harkness Ballet in Manhattan. By age 14 he had joined Germany's Stuttgart Ballet. Oberly danced next with the Boston Ballet, the Houston Ballet, the European troupe of Maurice Béjart, returning to the Boston Repertory Ballet in 1978. Then, for eight years he worked in Des Moines with Ballet Iowa, rising from dancer to artistic director.

He was ballet master of the Finnish National Ballet when the Estonia Theater invited him to revive works by the 19th-century Danish choreographer August Bournonville. While working with the Estonian ballet, Oberly married ballerina Larissa Sintsova. He had taught at a ballet camp in Vermont, and they decided to take over a dance school in Burlington. But the deal fell through. When they heard that the Wolcott Children's Ballet needed a director, "I took the plunge," says Oberly.

His salary is about $20,000. But raising even that much is formidable for the Children's Ballet. "We're having a cash crisis right now." Oberly says, shrugging, as he pets Masha the cat, in his still mostly unfurnished house on one of Hardwick's steep back streets. Sintsova teaches at the Children's Ballet for free. "You can't look at it as a business, and that's one reason I like being here," says Oberly. "We're not trying to become the next Ballet of New England—we are two professionals who settled here for our own personal reasons, and we're trying to bring dance to the Northeast Kingdom."

At 3 the next afternoon, he is back at the Wolcott Town Hall, unrolling the floor mats. Bronwyn Potter, pianist for the troupe, lays her pocketbook on the hall's worn upright piano. Oberly begins taping down the mats.

Six days a week he teaches the school's 48 students. He also choreographs and conducts rehearsals for the spring production. Last year the dancers performed The Four Seasons in remote town halls throughout the Northeast Kingdom and in northern New Hampshire.

Tickets cost only about $5. In the isolated hill towns—Island Pond, Hardwick, Orleans—weathered men come in work boots, and women wear their best dresses. Sometimes, as the music wells and the costumed dancers spin and leap, children in the audience run into the aisles to perform impromptu solos. Every year, some join the Wolcott Children's Ballet themselves.

At 3:30 p.m. a class of such beginners arrives, four ponytails, one pageboy. They line up in front of Oberly, belt-high recruits gazing up at their giant drill sergeant. Oberly demonstrates the movements he wants them to practice. First position: heels together, toes totally turned out. Second position: "Move your heels a foot apart." Third position . . . "Elbow in front of your ribs," Oberly says, eyeing his ragged line of 8-year-olds. While the girls slowly execute two demi-pliés, he straightens torsos and adjusts elbows. He dances with one girl so she can mirror his movements.

As the lush practice music fills the hall, the little girls frown in concentration. If they learn to make their pliés and jetés precisely and gracefully, they will join the troupe and go on the tour. "It's not so important, ladies, to lift your leg high, because you get distortion," Oberly says. "It's like chocolate—do you want quantity or quality? We want Belgian dark chocolate. And just a little of it." "No!"—rebellion in the ranks. "Hershey bars!" "A lot!" Oberly pretends to look crestfallen. An older group is now arriving, their knapsacks full of schoolbooks and leotards and slippers.

Among the newcomers is Jamie McCollough, one of the students Oberly considers talented enough for a ballet career.

That is her ardent plan. "Finances are the hard part," Jamie's father, Mark, a carpenter, had explained earlier that day at the McCollough's old house in Wolcott, which he is slowly shoring up and renovating. Jamie's mother, Mollie, a waitress, said: "Sometimes on her way to bed she actually apologizes for her passion for ballet, even though she's in fourth grade and gets straight A's! And in the morning she comes down and dances to the refrigerator!"

While the adults talked in the kitchen, Jamie and her friend Cody Leary, who also plans a dance career, practiced steps in the living room, in full stage regalia. The McColloughs worry about funding Jamie's training as a dancer once she is too old for the Wolcott Children's Ballet. They worry about the troupe itself. "I'm surprised about the audiences because it's just about always full houses," said Mark. "But now we have to raise money." The fundraising crisis, Mollie says, is never-ending.

"It's hard," she observes, "to ask the same little businesses month after month for money. Everything's difficult." Mollie points to the kitchen's cinder-block chimney, festooned with pairs of defunct dancing slippers. "Slippers—once a month! And the stockings!" But they are enthusiasts. As Mollie puts it: "Can you believe it? Ballet—here!"

At the hillside home of 13-year-old Eliza Martin, another of the dancers, the troupe's finances are also a worry. Eliza's father, Tom, a cabinetmaker, builds props when the troupe needs them. Her mother, Linda, Wolcott's town clerk, also serves on the ballet's board of directors. She believes the ballet has become part of everyday life here. "I think it gives the kids more than dance because it requires them to commit themselves to something, and performing gives them self-esteem. It's so important for adolescents to have a chance to do something besides watch TV or hang around on the streets—that's why I wanted to be a board member."

At the Wolcott Town Hall, Eliza Martin, Jamie McCollough, Cody Leary and the rest of their group have taken the floor. Oberly is eyeing their feet.

"What happens when you stand on your heels?" he asks. "You fall down. The moral is, stand on the balls of your feet. Even when you play basketball. Or prizefight. Do you know who Muhammed Ali is? How could he dance like a butterfly if he didn't stand on the balls of his feet?" Oberly presents a balletic interpretation of Muhammed Ali, dancing like a butterfly. "Each step you take is like stepping on stones along a lake, and do you know why?" Oberly asks. "Because every move you make for an audience must be special."

Now the most advanced students are arriving, girls of 13 and 14. While they warm up at the barre, the younger group disperses next door to the Wolcott Store and Gas Station for a supper break. In their gauzy skirts and tights, holding grinders and Fudgesicles and bottles of juice, they line up at the counter behind two burly men in flannel shirts smeared with chain-saw oil, buying cigarettes and six-packs. Then they hurry back to the town hall to await their turn to rehearse for the spring tour.

They practice late into the evening. "One of our problems here is that these children never see ballet," Oberly announces. "They have only me and Larissa and each other, so we're all going to Boston." That weekend, most of the troupe goes to the big city to see the Boston Ballet perform *Eugene Onegin*. They return starry-eyed. Jamie McCollough and Cody Leary declare they are even more determined to make their careers in ballet. First, however, they must master *The Four Seasons*. "It's a meditation on the seasons," Oberly explains to one class. "Life is seasons, too, and we have our own inner seasons."

But this is a dance with no story. He must find ways to help the dancers bring it to life. "Really slow, Kaili," he says. Kaili Goslant, a slender 10-year-old from Morrisville, whose mother is a police officer and whose father operates a ski lift, is kneeling for a sequence in the "spring" section. "Make believe you're following a spider along the ground," Oberly suddenly says. "Catch it!" Kaili follows—and grabs—the imaginary spider. And one more segment of *The Four Seasons* is alive.

A bearded man wearing blue jeans and a flannel shirt walks into the hall. He tells two visitors watching the rehearsal that he is John Hancock, father of Juliette Hancock, one of the *Four Seasons* dancers. He is a logger and the treasurer of the ballet's board of directors.

Luckily, he says, use of the Wolcott Town Hall costs just $10 a day. "If we had to pay at the commercial rate, we couldn't do it." Tuition is a minuscule $5 per class. But even these modest fees are waived for children whose parents cannot afford them. Donations trickle in from businesses and citizens. And the troupe applies hopefully for grants. The Vermont Historical Society, for instance, funded half the $1,600 for floor mats. Summers, when the resort town of Stowe puts on pop concerts, Wolcott Children's Ballet volunteers drive over the mountain to run a concession stand.

A few afternoons later, Kennet Oberly is teaching his boys class, while one mother, Peggy Sprague, watches from the sidelines. Her daughter, Kate, has just finished her class, and now it's her son Zachary's turn. When red-haired Zachary, who is 11, decided to take ballet, his mother was flabbergasted. "I told Zach the other boys at school might make fun of him, but he said he didn't care. He said it teaches him good balance."

After the boys troop out, Larissa Sintsova takes over another class. Her family moved to Estonia from Ukraine when she was 6, and she graduated from the Tallinn Choreographic Institute, becoming a principal dancer with the Estonian National Ballet. She brings to the Wolcott Town Hall the Russian no-nonsense style of dance teaching. As the six dancers line up at the barre, she pats her midsection. "Stomach!" she says, and the dancers instantly flatten in front. Satisfied, Sintsova moves down the line to Jamie McCollough, who requires only a slight adjustment to the curve of her wrist. "Remember, Jamie—nice hands," she says. Sintsova demonstrates new steps. The dancers imitate her.

"Chest is nice, but back—like this," she says, arranging a girl's posture as if arranging flowers. She drops to her knees to study moving feet. She shows Jamie McCollough and Cody Leary where to look. Even the eyes—every molecule of the body—must be part of the dance. "Everybody! Elbows are very nice!" she announces. "But hands and arms—not forming a round line!" She has them run through the routine again. "Ever so slow, Jamie," says Sintsova. "And make the nice hands!"

Later that evening, the company's directors meet at the Puffer United Methodist Church in Morrisville. The issue is the new budget. "I always say, if they can run a tunnel under the English Channel and connect Britain and France, we can run a ballet company," says Mark Demers, minister of the Morrisville church and also of the Methodist church in Wolcott. "But I just saw a cartoon where you come out of the tunnel on the French side, and there's a huge guillotine poised over the exit, which seems to sum up our situation."

"We never made money on The Nutcracker at Christmas before, so why is it budgeted to earn $3,500 now?" asks Jack Benoze, a retired Manhattan marketing executive, scrutinizing the budget with a businessman's eye. "Well, I was encouraged by the attendance at Hardwick last year," responds treasurer Hancock. "I can guarantee the rent on the town hall will increase, because the cost of fuel has doubled," says board member Linda Martin.

Tuition fees come up. Are they too low, especially when low-income families aren't even charged? The troupe faces a $1,700 shortfall. "We don't want to turn children away," says Mark Demers. "We've never turned anyone away who couldn't pay, but what about those who say they'll pay and don't?" asks Jack Benoze.

The board decides to require 25 percent up front. But that does not solve one embarrassing problem: the directors owe a grant writer $1,000. "We have to prioritize," says John Hancock, sadly. He points out that he is already paying from his own pocket for routine expenses, like the much-used duct tape. Mark Demers volunteers to send the grant writer an apologetic letter, explaining the delay in payment.

The next afternoon, rehearsals for the spring production continue. Now the first performance is just days away. "Kennet, what's the story of The Four Seasons?" asks one small blonde girl. "it's about all the insects in the local swamp," Oberly says blandly.

He lines up his "insects" for their next run-through. The sequence calls for one dancer to lie prone and beat out time on the floor with her hands, while another girl does a headstand and three more dancers form a rotating ring. Oberly gives more instruction in the art of walking, showing how to keep the chest up and the eyes on the goal. "You're going somewhere," he says. The dancers do it all again. Finally, Oberly nods.

One May 19th last year, the Wolcott Children's Ballet began its spring tour with five shows for schoolchildren, performed at Johnson State College. (This fall they will be presenting The Little Match Girl, using music composed by several girls in the troupe who live on a communal farm in East Hardwick, where they are home-schooled in music.) School buses from throughout northern Vermont rolled up to the auditorium each day, delivering 500 or so students per show.

For the first performance, the auditorium was filled with kids generating a DC-10 roar. One burly boy turned to the adults sitting behind him and announced with historic disgust: "We have to come every year." He pointed to his friend, who was even larger and rougher-looking: "He likes it!" The friend reddened.

Kennet Oberly walked onstage as the dancers cart-wheeled and pirouetted behind him. He explained that the performance had no sets because it was abstract. "It's color, it's emotion, but there is no story line—it is pure movement, and it's about how we feel." The dancers were already moving across the stage, he said, because the seasons never start and never stop.

The dance began. And the 500 youngsters in the audience—amazingly—were attentively

silent. At the end, raucous applause. Hoots. Whistles. As the audience left, several small girls danced out the door.

A few days later, the troupe began its next tour performance at the Hardwick Town Hall, where the stage floor is warped. It was, mostly, a bib overalls and billed-cap crowd. As the music filled the little hall and the dancers spun and leapt, seemingly in danger of tumbling off the tiny stage, toddlers in the audience took to the aisles to dance along. A tiny voice rose from somewhere in the hall: "I like the girls' costumes!"

Onstage, two little girls whistled like the November wind. Dancers whirled. Jamie McCollough danced her solo. Relevé lent, arabesque, posé en arrière . . . And she had—definitely—"the nice hands."

Mr. GORTON. Mr. President, I want to compliment the Senators from Idaho, who have spoken, and the Senator from Texas, both Senators from Vermont, and the Senator from Arkansas, and the Senator from Massachusetts, for the way in which we have been able to accommodate what I think is the justified expectations of people who sometimes rather strongly disagree. In any event, they formed a powerful combine, and together, with the cooperation from the Senator from North Carolina, who is deeply concerned about matters relating to obscenity and disrespect for religion, we have come upon and agreed upon an amendment in this field. I wish to make public the private assurances that I gave to the Senator from Vermont, Mr. JEFFORDS, that this is not a pro forma amendment that I have agreed to, and I will defend the position of the Senate in any conference vigorously.

With that, I hope and trust that we are ready to accept the amendment by a voice vote.

Mr. JEFFORDS. Mr. President, I want to say one word. I thank certainly my colleague who I have known for many, many years, for all his assistance in bringing about what I believe we have as a consensus on passing this legislation.

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

The question is on agreeing to amendment No. 2304, as modified.

The amendment (No. 2304) as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2303

Mr. GORTON. Mr. President, what amendment do we return now to?

The PRESIDING OFFICER. The question recurs on the CRAIG amendment No. 2303.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator BURNS be added as a cosponsor to the amendment of Senator CRAIG.

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

Mr. GORTON. Mr. President, having spoken earlier to determine whether or not there were any objections or anyone else to speak, we have no speakers, and I believe we are ready to put the question.

NATURAL RESOURCES SCIENCE AGENCY'S [NRSA] GREAT LAKES SCIENCE CENTER IN ANN ARBOR, MI

Mr. LEVIN. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Subcommittee on Interior and Related Agencies in a brief discussion regarding the impact of H.R. 1977 on the Natural Resources Science Agency's [NRSA] Great Lakes Science Center in Ann Arbor, MI.

The committee's report accompanying the bill recommends approximately $145 million for the NRSA, about $28 million below the budget request. If the committee's recommended level prevails, will this center remain open in fiscal year 1996?

Mr. GORTON. It is the committee's intent to provide sufficient funds for research so that research units such as the Great Lakes Science Center and other aquatic fishery research centers can continue to operate in fiscal year 1996 to the extent possible.

Mr. LEVIN. I thank the Senator from Washington for his responsiveness. As he may know, the Great Lakes Science Center conducts fishery stock assessments that are relied upon by States, tribes, and Canada, in part to help fulfill treaty obligations. Effective management of fish stocks in the Great Lakes is critical to the $4 billion fishing industry in the region.

The center has other important duties. Besides its fishery stock management activities, the center conducts invaluable scientific research on preventing, controlling, and mitigating the impacts of nonindigenous species, such as the zebra mussel. And, the center is conducting essential studies on the sources and health effects of toxics in the Great Lakes ecosystem.

I have been a supporter of the NRSA in the past. However, I am very concerned about administration proposals for allocating any possible fiscal year 1996 budget reductions disproportionately to the Great Lakes region. I will strongly oppose efforts to close or significantly reduce the center's activities.

The PRESIDING OFFICER. Is there further debate on the CRAIG amendment? The question is on agreeing to the amendment.

The amendment (No. 2303) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I believe we now have a full list of amendments to be proposed by Members on this side of the aisle, and I believe the other side of the aisle is very close to that point. I urge anyone who wishes to add his or her name to do so. I hope that soon we can at least get the unanimous consent agreement on what amendments remain to be discussed.

AMENDMENT NO. 2305

(Purpose: To permit the use of funds for the award of grants to individuals for National Heritage Fellowships and American Jazz Masters Fellowships)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN], for himself, Mr. PELL, and Mr. SIMON, proposes an amendment numbered 2305.

The amendment is as follows:

On page 135, line 25, insert before the period at the end thereof the following: ", National Heritage Fellowship, or American Jazz Masters Fellowship".

The PRESIDING OFFICER. The committee amendments will be set aside.

Mr. BINGAMAN. Mr. President, I will not belabor the issue but I would like to explain this. I have the cosponsorship of Senator PELL and also Senator SIMON for the amendment.

Mr. President, I rise today to offer an amendment to H.R. 1977 that would expand the category of individual fellowships that could be awarded by the National Endowment for the Arts to include National Heritage Fellowship Awards and American Jazz Masters Awards. Under the bill reported by committee, only literature individual grants could be awarded. This amendment provides no new funding—the NEA would have to pay for these honorific fellowships out of existing funds.

Mr. President, the fellowships I am seeking to restore, out of existing funding for the NEA in the bill, are given in recognition of outstanding achievement in the folk arts and in jazz music. An individual cannot apply for these awards; he or she must be nominated. To the best of my knowledge, these awards have generated absolutely no controversy at any time. They have, however, generated great and well-deserved pride for those receiving them, and have done much to preserve the folk and traditional art and jazz music that distinguish our great nation.

To give some flavor of the artists recognized by these awards, I can share with my colleagues some of the artists recognized by the National Heritage Fellowship Program this year. They include Mary Holiday Black, a Navajo basket weaver, Robert Lockwood, Jr., an African-American blues guitarist, Donny Golden, an Irish-American step dancer, and Buck Ramsey, a cowboy poet and singer from Amarillo, TX. Jazz artists recognized this year include Ray Brown, Roy Haynes, and

Horace Silver. Each of these artists is a part of our diverse and truly wonderful American cultural heritage, and all are worthy of our recognition. By recognizing these artists, we also gain the opportunity to appreciate our diversity, and the unifying effect this appreciation can have on our Nation.

I think it is worth noting that we are not the only nation that recognizes its masters of traditional art forms. In fact, the fellowships I seek to restore are sometimes called National Treasure Awards because they resemble the Living National Treasures awards given in Japan. I am told that those awards in Japan are in fact richer awards, providing annual stipends for life. Our awards, by contrast, provide one-time awards of $10,000–$20,000.

Although the financial award is often very important to the traditional artists and musicians receiving them, at least as important is the recognition that their art is cherished by our Nation. This national recognition simply cannot be recreated by the States, and for that reason, I believe that we must allow the NEA to continue these important programs.

In closing, I would like to quote one of the several New Mexicans who have received a National Heritage Fellowship. Upon receiving his award during the Reagan administration, the great Santos woodcarver George Lopez noted, "I receive this, but it is for all those who came before me and made a lesson for all of us with their lives."

Mr. President, let me just elaborate a little bit on each of these categories to make the point a little more clearly for my colleagues. The idea of these awards is to pick out a very few artists toward the end of their career, artists who provide a positive vision for what can be done and what can be preserved that is great in our culture and our heritage.

The recipients this year come from a variety of States—from New York, Utah, Missouri, Virginia, North Carolina, Alaska, California, Ohio, Florida, South Dakota, and Texas. All of these recipients are deserving recipients.

By giving them these National Heritage Fellowship Awards, we are acknowledging them for their work as teachers, their work as role models, mentors, or innovators. Each artist receives a one-time stipend, as I indicated.

Let me say a couple of words about the Jazz Masters Award. There have been many great jazz artists in the history of our country who have received this award in recent years: Dizzy Gillespie, Count Basie, Miles Davis, Ella Fitzgerald, Louis Bellson, Art Blakey, Sarah Vaughan, and Lionel Hampton are examples that I think all Members of this body will recognize.

The present practice of the National Endowment for the Arts is to make awards to somewhere between 3 and 5 individuals each year under the Jazz Masters Awards, to make awards to 12 individuals each year under the National Heritage Award.

As I said at the very beginning of my discussion, this is not an amendment to add money to the National Endowment for the Arts budget. All this amendment is, Mr. President, is a granting of authority for the National Endowment for the Arts to continue with these very valuable, very important programs which we have all recognized over the years.

I point out to my colleagues and remind them that each year, here in the Senate, we have a reception at which we recognize and acknowledge and congratulate the winners of these National Heritage Fellowship Awards. So I think it would be highly misguided for this body at this time to approve legislation that prohibits the National Endowment for the Arts from going forward and maintaining this tradition that they have begun, which I think is so important to our country.

Mr. President, I ask unanimous consent to have printed in the RECORD a full list of the National Heritage Fellowship Award winners, by State.

There being no objection, the list was ordered printed in the RECORD, as follows:

NATIONAL HERITAGE FELLOWSHIP AWARDS BY STATE

ALABAMA

Dewey Williams, Shape Note Singer 1983
Jerry Brown, Potter
Nora Ezell, African American Quilter

ALASKA

Ester Littlefield, Alaskan Craftsman 1991
Belle Deacon, Basketmaker
Nichalos and Elena Charles, Woodcarvers
Paul Tiulana, Eskimo Artist
Jenny Thlunaut, Blanket Weaver

ARIZONA

Chesley Wilson, Fiddle Maker

ARKANSAS

Almeda Riddle, Ballad Singer 1983
Glenn Ohrlin, Cowboy Singer

CALIFORNIA

Brownie McGhee, Blues Guitarist 1882
John Lee Hooker, Blues Musician 1983
Nativitad Cano, Mariachi 1990
George Blake, Native American Craftsman 1991
Edwardo Guerro, Mexican Composer 1991
Kahmvong Insixiengmai, Asian Singer 1991
Gussie Wells, African American Quilter
Arble Williams, African American Quilter
Francisco Aguabella, Afro Cuban Drummer
John Naka, Bonsai Sculpter
Louis Ortega, Raw-hide Worker
Kansuna Fujima, Dancer
Jose Guiterrez, Musician
Richard Hagopian, Musician

COLORADO

Eppie Archuleta, Weaver

CONNECTICUT

T. Viswanhhan, Flute Master
Ilias Kementzides, Musician

FLORIDA

Nikitias Tsimouris, Greek American Musician

GEORGIA

Bessie Jones, Georgia Sea Island Singer 1982
Hugh McGraw, Shape Note Singer 1982
Lanier Meaders, Potter 1983
Lucinda Toomer, Black Quilter 1983
McIntosh County Shouters, Spiritual Performers
Claude Joseph Johnson, Singer

HAWAII

Marie McDonald, Lei Maker 1990
Seisho Nakasone, Okinawan Musician 1991
Nalani Kanaka'ole and Pualani Kanaka'ole Kanahele, Hula Masters
Emily Kau'i Zuttermeister, Hula Master
Meali'i Kalama, Quilter
Raymond Kane, Guitarist
Clyde Sproat, Hawaian Cowboy Singer

IDAHO

Rose Frank, Native American Weaver 1991
Elmer Miller, Silversmith
Jimmy Jausoro, Accordionist

ILLINOIS

Adam Popovich, Tamburitza Musician 1982
Joe Shannon, Irish Piper 1983
Michael Flatley, Irish Step Dancer
Albert Luandrew, Blues Pianist

INDIANA

Earnest Bennett, Whittler

IOWA

Genevieve Mougin, Lebanese-American Lace Maker 1984
Everett Kapayou, Native American Singer

KANSAS

Sonia Domsch, Lacemaker
Kepka Belton, Egg Painter

KENTUCKY

Morgan Sexton, Banjo Player
Clyde Davenport, Fiddler
Lilly Mae Ledford, Musician

LOUISIANA

Dewey Balfa, Cajun Fiddler 1982
Ada Thomas, Chitimacha Basketweaver 1983
Clifton Chenier, Creole Accordionist 1984
Marc Savoy, Accordian Maker
Inez Catalon, Singer
Alfonse Ardoin, Accordionist
Canray Fontenot, Fiddler
Thomas Edison Ford, Cowboy Singer
Allison Montana, Costume Maker

MAINE

Slater Mildred Barker, Shaker Singer 1983
Simon St. Pierre, French American Fiddler 1983

MARYLAND

Lem Ward, Decoy Carver/Painter 1983
Peou Khatna, Dancer
Ola Belle Reed, Banjo Player

MASSACHUSETTS

Joseph Cormier, Cape Breton Violinist 1984

MICHIGAN

Wade Mainer, Banjo Picker
Yang Fang Nhu, Weaver
Howard Armstrong, String Band Musician
Art Moilanen, Accordionist

MINNESOTA

Leif Melgaard, Woodcarver
Maud Kagg, Ojibwe Storyteller
Christy Hengel, Concertina Maker

MISSISSIPI

Othar Turner, Fife Player
Jack Owens, Blues Singer

MISSOURI

Henry Townsend, Blues Musician
Mone and Vanxay Saenphimmachak, Lao Weaver
Willie Mae Ford Smith, Gospel Singer
Mabel Murphy, Quilter

MONTANA

Walace McRae, Cowboy Poet

NEBRASKA

Albert Fahlbusch, Hammered Dulcimer Maker/Player 1984

NEVADA

B.B. King, Bluesman

NEW HAMPSHIRE

Newton Washburn, Basket Maker

NEW JERSEY

Giuseppe and Raffaela DeFranco, Musicians
Charles Hankins, Boat Maker
Harry Shourds, Decoy Carver

NEW MEXICO

George Lopez, Santero 1982
Margaret Tafoya, Santa Clara Potter 1984
Cleofes Vigil, Storyteller/Singer
Helen Cordero, Pueblo Potter
Emilio and Senaida Romero, Hispanic-American Tin and Embroidery Workers

NEW YORK

Joe Heney, Irish Singer 1989
Sanders "Sonny" Terry, Blues Musician 1982
Mike Manteo, Sicilian Marionettist 1983
Elizabeth Cotten, Black Songster/Songwriter 1984
Martin Mulvihill, Irish-American Fiddler 1984
Howard "Snadman" Sims, Black Tap Dancer 1984
Dave Tarras, Clarinetist 1984
Periklis Halkias, Greek Clarinetist
Jack Coen, Irish Flautist
Fatima Kuinova, Jewish Singer
Ng Sheung-Chi, Chinese Folk Singer
Liang-Xing Tang, Lute Player

NORTH CAROLINA

Tommy Jarrell, Appalachian Fiddler 1982
Ray Hicks, Appalachian Storyteller 1983
Stanley Hicks, Appalachian Storyteller/Musician/Instruent Maker
Bertha Cook, Knotted Bedspread Maker 1984
Burlon Craig, Potter 1984
John Dee Holeman, African-American Dancer/Singer
Douglas Wallin, Ballad Singer
Etta Baker, Guitarist
Walker Calhoun, Cherokee Musician
Doc Watson, Appalachian Guitarist

NORTH DAKOTA

Sister Rosalia Haber, Lace Maker

OHIO

Elijah Pierce, Carver/Painter 1982
Kenny Sidle, Fiddler

OKLAHOMA

Georgeann Robinson, Osage Ribbonworker 1982
Joyce Doc Tate Nevaquaya, Indian Flutist
Vanessa Paukeigope Morgan, Kiowa Regalia Maker

OREGON

Duff Severe, Western Saddlemaker 1982
Bua Xou Mua, Hmong Musician
Genoveva Castellanoz, Corona Maker

PENNSYLVANIA

Horace "Spoons" Williams, Spoons Player
Em Bun, Silk Weaver
LaVaughn Robinson, Tap Dancer

PUERTO RICO

Rafael Cepeda, Bomba Musician/Dancer
Julio Negron-Rivera, Instrument Maker
Juan Alindato, Carnival Mask Maker
Emilio Rosado, Woodcarver

SOUTH CAROLINA

Philip Simmons, Ornamental Ironworker 1982
Janie Hunter, Black Singer/Storyteller 1984
Mary Jane Manigault, Black Seagrass Basket Maker 1984

SOUTH DAKOTA

Alice New Holy Blue Legs, Quill Artist
Kevin Locke, Lakota Flute Player

TENNESSEE

Bill Monroe, Bluegrass Singer 1982
Alex Stewart, Cooper/Woodworker 1983
Nimrod Workman, Ballad Singer
Robert Spicer, Flat Foot Dancer
Kenny Baker, Fiddler
The Fairfield Four, Gospel Singers
Earl Scruggs, Banjo Player

TEXAS

Lydia Mendoza, Mexican-American Singer 1982
Narcisco Martinez, Tejano Accordionist/Composer 1983
Valerio Longoria, Mexican-American Accordionist
Alex Moore, Sr., Blues Pianist
Pedro Ayala, Accordionist

VERMONT

Amber Densmore, Quilter

VIRGINIA

Ralph Stanley, Banjo Player
John Jackson, Black Songster
John Cephas, Blues Singer

WASHINGTON

Santiago Alameda, Tex-Mex Conjunto Musician

WEST VIRGINIA

Melvin Win, Fiddler

WISCONSIN

Louis Bashell, Polka Master
Gerald Hawpetoss, Menominee Reglia Maker
Ethel Kvalheim, Rosemaller

WYOMING

Don King, Saddle Maker

Mr. BINGAMAN. I am glad to respond to any questions anyone has about this, if there is any confusion about the purpose of my amendment. It is an amendment I know several Senators support. Perhaps some of them would like to speak. I know the Senator from Vermont had indicated he wanted to speak briefly in favor of the amendment.

Perhaps—in order to ensure that he has that opportunity, at least for a few moments here, 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. GORTON. 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. GORTON. Mr. President, I listened to the Senator from New Mexico. I understand the Senator from Kansas [Mrs. KASSEBAUM] has had concerns about this amendment and it is also for that reason a quorum was put in. We needed to check with her to see whether or not she wished to speak on the amendment.

I am now informed the Senator from Kansas will later put a statement in the RECORD on this, and is willing to allow the amendment to be voted on by voice vote.

Mr. BINGAMAN. Mr. President, I just informed the manager I was advised by Senator JEFFORDS he did want to speak briefly in favor. I do not know if that is still the case, but we are checking on that. If we can just have another few moments with which to do that, and then have a voice vote? I certainly do not require a rollcall vote on the issue. I would just like him to be able to make a statement if he desires to do so.

Mr. GORTON. I note the presence of the Senator from Vermont now.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have listened to the statement of my good friend from New Mexico on the amendment. I personally support it. I do not believe in any way it goes against what we intended to do in the committee, with respect to individual artists and the questionable works of some.

The purpose and intent of reducing those who are eligible for individual grants was to protect the integrity of what we are trying to do in preserving the endowment.

I personally believe that the amendment represents an improvement in the bill.

I have notified the chairman of the committee, Senator KASSEBAUM, who may or may not have an objection to it—notified her some time ago, Senator KASSEBAUM. I do not know her feelings. In committee she was very restrictive, and understandably so. But I support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator from Vermont. Based on the statement that the manager of the bill has made about the Senator from Kansas intending to put a statement in the RECORD but allowing this to be voice voted, I have no objection to that procedure. If we could dispose of it at this time, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on amendment No. 2305, the Bingaman amendment?

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

The amendment (No. 2305) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, we are open for business. There may be discussions going on at the present time. I can say I know the Senator from Vermont [Mr. LEAHY] has an amendment on stewardship incentive programs which will require debate and a vote. I believe the Senator from North Carolina [Mr. HELMS] has an amendment on

the red wolf, which I suspect will require a vote.

I know Senator SIMON has an amendment on a museum that I believe will require a vote. And perhaps two or three others.

But I solicit Members to come to the floor and see whether or not we can accept their amendments or have a debate. The majority leader, understandably, would like very much to finish this bill by late this afternoon in order that we can go on to further business and begin our summer recess promptly.

With that, 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. GRAHAM. 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. GRAHAM. Mr. President, I recognize that we have completed action on an amendment that was offered by Senator JEFFORDS relative to restoration of funds for the National Endowment for the Arts and the National Endowment for the Humanities. However, I would like to make a brief statement on those issues.

Mr. President, I am pleased with the action we have taken today. I share the disappointment of my colleague from Arkansas, Senator BUMPERS, that it was not more substantial. And I hope that the action today is an indication of a continued interest by the Senate on the issue of national support for the arts and the humanities that we can build upon this decision in future years.

I believe that this issue of the appropriateness of a national commitment to support the arts and humanities has unfortunately been trivialized in that a few extreme examples have been cited as representative of the totality of our national effort and have in fact distorted what the United States has done in terms of its support for the arts and humanities.

Let me just mention a few things that benefit America in a very real and tangible sense which would not be but for this national commitment to the arts and the humanities. One of those is to bring the arts to the areas of America that would otherwise be excluded from such exposure because of their remoteness, because of their small population, because of their lack of a cultural infrastructure.

In my own State of Florida, many small communities are benefited by having access to performing arts and creative arts which they would not have but for the grants that are made available either directly through the national endowments or through the State endowment programs that depend upon Federal support.

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One of the most important aspects of the National Endowment for the Humanities is the support for America's libraries. America's libraries are probably the most underappreciated aspect of our educational system. They provide resources increasingly in all of the means by which information and ideas and creativity are transmitted to all Americans. They are a free institution that contributes significantly to seeing that all Americans have an equal access to learning.

We debated this extensively during the course of the telecommunications bill and decided that it was appropriate to give some special recognition to public libraries in terms of their access to the information highway. The National Endowment for the Humanities has been providing that on ramp for many years through its support of the expansion of opportunities available through public libraries.

The preservation of historic documents is largely a responsibility of the National Endowment for the Humanities through programs like the Brittle Book program, which is converting tens of thousands of books which would otherwise evaporate in a physical sense, evaporate but for the efforts supported by the National Endowment for the Humanities to see that they are microfilmed and preserved. Today one of the most important aspects of this preservation relates to newspapers. As many newspapers, particularly smaller newspapers, go out of existence or merge, their libraries of old newspapers are now being preserved through the efforts of the National Endowment for the Humanities, an invaluable resource of the history and culture of our Nation.

It is unfortunate that this debate on the national support for the humanities and arts is often characterized as elitist, that the only people who care about this issue are small groups of persons who are affluent enough to do this on their own and, therefore, inappropriate for public support.

I disagree with that and so would the facts. As an example, Mr. President, the Metropolitan Museum in New York, which most Americans have benefited from, even those who live thousands of miles away from New York City, that great world treasury draws more people annually than all of the sports teams in New York City. More people visit the Metropolitan Museum than visit the Giants, the Mets, the Yankees, the Knicks, and all of the other professional teams in New York City. It is not an elitist institution. It is an institution which serves the broadest public interest.

There are important economic aspects of our support for the arts. Strong artistic institutions create a synergy in terms of the economics of the communities. There are many examples in my State. I would just cite the tremendous economic influence which the Miami City Ballet, which has received support through these endowments, has had in terms of supporting important artistic and economic components of our State. But beyond the economics, there are extremely important cultural aspects of our support for the arts.

Throughout time, societies have influenced their world by the use of the arts. One of the reasons that the Greeks and the Romans, and the Egyptians before them, were such powerful influences and then have continued to influence our life today, is because of the arts and the use of the arts as a means of expressing a societal set of ideas and values which have had transcendence of importance.

Today, the United States of America, while we may have a trade deficit in terms of the sale of products, has an enormous trade surplus in terms of the export of ideas and creativity. That not only has economic value, but it also helps to advance the cultural goals that the United States hopes to carry to the world. We want the world to see the values that we stand for—freedom, independence, respect for human rights, democracy, a market system that democratizes economic decisions. We would like to see the world adopt those values, not because we want to impose them but because we think those are the values that advance the human spirit. Our investment in and our dominant position in the culture of the world is an important means by which we will achieve that goal.

The support for the small artistic institutions or the individual artists is the seed corn for our ability to exercise that type of a strong cultural influence in the world.

One of my favorite political figures, Mr. President, was the President of Costa Rica during the 1940's and 1950's, President Figueres, whose son is now the President of Costa Rica. President Figueres did a number of bold acts as President of Costa Rica. He disbanded the army. He took the money that had been spent on the military and used it to enhance education and health and the arts, including the establishment of a national symphony for the small and relatively poor country of Costa Rica.

President Figueres was much criticized for the establishment of a national symphony. It was too much for the economy of Costa Rica to be able to support. It was a diversion of funds away from more important and immediate needs of the people. President Figueres responded to those criticisms by saying, "We in Costa Rica believe in work. We work hard on tractors. Why do we work hard on tractors if it is not to be able to listen to violins?"

The arts express the reason for life. Tractors are important, but they are a means by which we can enrich our spirit by exposure to the arts.

So, Mr. President, we have made a small step forward today in recognizing the importance of that in our times and in our society, the United States of America.

It is not as far as I would have wished that it could have been but by preserving this base of national support for the humanities and the arts, I hope that we will be planting our own form of seed corn that will allow us to grow a deeper and more abundant support for these important national initiatives.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the American Historian David McCullough in support of the Endowments for the Humanities and Arts.

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

TESTIMONY OF DAVID MCCULLOUGH BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON FEBRUARY 16, 1995

As a citizen I am greatly concerned about the decline of library facilities in our schools, the decline, even the elimination of art, music, and dramatic instruction in the schools, the reduction of services at our public libraries, and the current ill-reasoned, ill-informed assaults on public television. But as one who works in public television and with schools and universities, museums, libraries, I also know the marvelous possibilities there are, how much more can be done and done better, and that to me is what is so exciting.

In the year 1814, after invading British troops burned the congressional library, and Thomas Jefferson offered to sell Congress his own library as a replacement, a heated debate ensued. The issue, much like today, divided mainly on party lines, with those in opposition to the purchase arguing that the cost was too much or that since the books belonged to Mr. Jefferson, a known freethinker, some might not be at all suitable. Critics attacked the very idea of wasting federal money on "philosophical nonsense." A large number of the books were described by one member of Congress as "worthless, in languages which many can not read, and most ought not."

But Congress voted for the purchase, $23,950 for 6,500 volumes. It may be seen as the beginning of federal involvement in the arts and humanities and to the everlasting benefit of the country. Today the Library of Congress is the largest, finest repository of knowledge in the world, a crown jewel in our national life.

The Lincoln Memorial, completed in 1922, is a great work of public art. Its colossal statue of Lincoln, an effort of thirteen years by the American sculptor Daniel Chester French, is indeed the greatest work of public sculpture in America and stunning testimony to the virtue of public support—public money—for the area. It was costly to create. It is costly, still—more than a million dollars a year for upkeep and guide personnel—and worth every Lincoln penny of that.

In the 1930s, during the hard times of the Great Depression, came the Federal Writers Project, the Federal Arts Projects, the Federal Theater Project, providing work opportunities for writers and artists as never before. The Federal Writers Project alone employed 12,000 people, among whom were young Richard Wright, Ralph Ellison, Eudora Welty, and Saul Bellow. The paintings, post office murals, the incomparable series of state guidebooks that resulted are among our national treasures.

In World War II, hundreds of artists, photographers, filmmakers were assigned to record the experiences of American service men and women on both fronts, and again at government expense.

The programs and projects of the National Endowment for the Humanities "are sound investments for the federal government to make, even during this era of fiscal constraints,"said the chairman of the Endowment, Lynne Cheney, before a House committee in 1991. The American people, she said the following year, "value the humanities and understand the importance of things historical and cultural." Projects supported by the Endowment, she continued, "help to make available a rich variety of opportunities for people to learn more about the nation's heritage and the history and thought of other cultures." What she said was right then and it is right today, make no mistake.

It is argued that because a few of the hundreds of programs sponsored by the Endowments have proven unworthy, or ill-conceived, or worst of all, flagrantly offensive, that therefore both the National Endowment for the Arts and the National Endowment for the Humanities should be done away with. That's absurd. It would be like saying that because of the Tailhook Scandal we must get rid of the Navy.

When I think of what the National Endowment for the Humanities has done to support gifted young documentary film makers like Ken Burns, when I count up the programs in The American Experience series that have benefited from Endowment funding—thirty-eight films thus far, including biographical portraits of such American figures as Eisenhower, FDR, Lindbergh, Duke Ellington, Thurgood Marshall—when I see the magnificent Library of America volumes filling shelf after shelf, when I see in my own research in libraries and archives the priceless books and historic documents that have been preserved, all this, the films, the books, the conservation efforts—because of Endowment grants, I know absolutely the lasting value of government support.

Last night's broadcast of The American Experience, a program called "One Woman. One Vote," marking the 75th anniversary of the 19th Amendment, was called "first rate" by The Wall Street Journal, which also praised the "intellectual mettle and moral character" of the protagonists portrayed in the long fight for women's suffrage. The broadcast, funded in part by the National Endowment for the Humanities, was seen by about 5,000,000 people. And that's only the beginning. As the executive producer of the series, Judy Crichton, says, this is not "disposal television." Every program is rerun, and with the audiences for the second or third broadcasts often lager than the first. Further, the programs are used in schools throughout the country, and more so all the time.

Anyone who claims that commercial television could do the same thing as well doesn't know what he's talking about.

The Library of America has been called by Newsweek, "the most important book publishing project in the nation's history." It is a collection of the riches of our American literature and political philosophy, clothbound, on acid-free paper, and reasonably priced. There are now seventy-three titles in print, two and a half million of these books in circulation. Were it not for the National Endowment for the Humanities, the Library of America would not exist.

Mr. Chairman, I can tell you about the rare documents in the collection of the library of the Philadelphia Athenaeum, including original architectural drawings of the Capitol, that are being properly maintained with the help of NEH grants. I can tell you about the twenty-year program, starting in 1989, with congressional support, the goal being to preserve on microfilm the content of some 3,000,000 brittle books. Grants already made will, when completed, have saved the contents of 660,000 volumes. This is unprecedented. And seventy libraries are taking part nationwide. I can tell you about the humanities program at one of our oldest and best small colleges, Union College in Schenectady, New York, which next week celebrates its 200th birthday. Long known for the strengths of its science and technology departments, Union, motivated by two NEH grants, is greatly enlarging its library and thus its whole humanities curriculum. Because of three NEH grants for the new John Heinz Pittsburgh Regional History Center, grants totaling $1,500,000, we have been able to raise at least twice, if not three times that amount, from private, corporate, and foundation sources. Critics of the Endowments carp about money spent for elitists' interests. Mr. Chairman, attendance for this one new museum is expected to be somewhere between 400,000 and 500,000 people a year, including at least 100,000 school children. And while the NEH grants represent only a fraction of the total cost, perhaps 6 percent, I assure you the project would not be where it is today had there been no National Endowment endorsement.

One of the glories of our American way of life, Mr. Chairman, is our nation-wide system of public libraries, free public libraries, the large majority of which, let me emphasize, are located in small towns and cities of less than 25,000 people.

When you cross the threshold into an American public library, you enter a world of absolute equality. All are welcome, all have the same access to the riches within.

We hear much talk about the information highway. But information isn't learning, isn't education, and there is no education without books. In our wonderful public libraries the books are free. Everyone has open access to ideas. The computer hookups, too, are free. At the public library, a youngster in a town on the Nebraska plains or a mill town in Ohio can tie in to the same resources now as a student at one of the great universities. Isn't that marvelous? Isn't that American?

Newspapers, magazines, books in bookstores, cable television, they all cost money. They're all fine if you can afford them. Our national parks now charge an admission. There's even talk here of charging for a tour of the Capitol! But the public libraries remain free to the people, thank God, and I don't know of federal dollars better spent than those that through the National Endowments go to support our public libraries.

Mr. Chairman, we now have 6,000,000 children living below the poverty level—in this country, here in the United States of America. What an outrage that is. And what a terrible cost it will mean, unless something is done. What kind of education will those children get? What kind of education will any of our children get if the cutbacks continue in the teaching of arts and music in our public school? What can we expect when school libraries have no books, or when school libraries shut down.

Mr. Chairman, as good as the work of the National Endowments has been it is hardly a

scratch on what could be done, and what needs to be done. We have, for example, the two great existing national institutions of public television and the public library system that could join forces. They're going concerns, each with its own immense power. Join that power, those resources, and the effect could mean new breakthroughs in education at all levels. I feel very strongly about this. I want to see television audiences brought in to the libraries and the libraries brought home to television audiences, and I am working on a new project to that end.

Instead of arguing over cutting the life out of the existing programs of the Endowments, or ditching them altogether, we ought to be joining forces in an effort to make them better, more effective, of even greater benefit to the country. We ought to be using our imaginations to do more not less. Appropriations for the Endowments shouldn't be cut, they should be doubled.

Mr. Chairman, more than two hundred years ago, a member of another congress, the Continental Congress, wrote privately of his fear that the future might be in the hands of members who would hold sway by "noise not sense, by meanness not greatness, by ignorance nor learning, by contracted hearts not large souls."

As events would prove and to the everlasting benefit of our nation, he, John Adams, and others of the founders were Americans of abundant sense, learning, and soul, who knew education to be the foundation upon which depended the whole daring American experiment.

If a nation expects to be ignorant and free, it expects what never was and never will be," warned Thomas Jefferson. If was the example of America that so mattered for the future of mankind.

They were politicians, to be sure. They could be inconsistent, contradictory, mistaken, human. But they were great lovers of books, of language, of art, of history. They were architects, musicians, philosophers, and poets, if not in practice, then certainly at heart.

John Adams, let us also not forget, was a farmer who worked his land with his own hands, whose homestead comprised all of four rooms.

In your deliberations, Mr. Chairman, you and your fellow members of Congress—you who have so much of the future of the country in your hands—might well take to heart these wonderful lines written by John Adams in a letter to his wife Abigail.

"I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain."

Mr. Chairman, a great nation puts the highest value on its art and literature, its history, its intellectual heritage. A great nation takes its measure by the quality of life on its citizens. A great nation takes care of its children, provides schools second to none, schools where painting and music are never dismissed as frills, never ever considered expendable. A great nation prizes its poets no less than the best of it politicians.

Mr. GRAHAM. I thank the Chair. I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, with the permission and understanding of the manager of the bill, the distinguished Senator from Washington [Mr. GORTON], and also after consultation with the ranking member of the Appropriations Committee, I ask unanimous consent that I may proceed for a time not to exceed 12 minutes in morning business.

Mr. GORTON. Reserving the right to object, and I will not object, the Senator from Arkansas has been waiting a long time to make remarks and I certainly want to allow him to make the remarks. We do have now present in the Chamber the Senator from Illinois, who will have an amendment which will require a rollcall vote. So as promptly as the Senator from Arkansas completes his remarks, I hope we will go to the Senator from Illinois.

Mr. PRYOR. Mr. President, then let me withdraw that request.

Mr. SIMON. Go ahead.

Mr. PRYOR. The Senator from Illinois says he is waiting, so I will proceed.

COLLECTION ACTIVITIES OF THE INTERNAL REVENUE SERVICE

Mr. PRYOR. Mr. President, on Saturday when the Treasury, Postal Service and general Government appropriations bill came to the floor of the Senate, it had what I thought to be a rather odd provision. I authored and had introduced in my behalf—I was not present on Saturday—an amendment to strike $13 million to "initiate a program to utilize private counsel law firms and debt collection agencies in the collection activities of the Internal Revenue Service."

In short, Mr. President, this provision requires the IRS to spend $13 million—this was under the proposed language—to hire private law firms and private bill collectors to collect the debts of the American taxpayer owed to the Internal Revenue Service. My amendment is very simple. It strikes this provision from the Treasury, Postal Service appropriations bill, as well it should. I thank the managers of the bill for accepting my amendment. I urge the conferees to stay with the decision of the Senate in this matter.

Mr. President, in over 200 years of our Federal Government, we have never turned over the business of collecting taxes to the private sector.

I must point out that this dubious practice is as old as the hills and dates back to ancient Greece. The practice of a private tax collection theory even has a name, I have discovered. It is called tax farming. Its modern history is chronicled in a book authored by Charles Adams, a tax lawyer and history teacher. This book is named, "For Good and Evil: The Impact of Taxes on the Course of Civilization."

In this book, Mr. Adams recounts many tales of how the world has suffered under the oppression of tax farmers. He specifically describes the tax farmers sent by the Greek kings to the island of Cos as "thugs, and even the privacy of a person's home was not secure from them," according to the author. He further states that a respected lady of Cos around 200 B.C. wrote, "Every door trembles at the tax-farmers." Once again, Mr. President, the tax farmers were the private collectors of the public debt.

In the later Greek and Roman world, no social class was hated more than the tax farmer. A leading historian of that period described tax farmers with these words:

> The publican (keepers of the public house) certainly were ruthless tax collectors, and dangerous and unscrupulous rivals in business. They were often dishonest and probably always cruel.

Tax farming flourished; it was a monster of oppression in Western civilization, in many forms, for over 2,500 years until its demise shortly after World War I.

Tax farming, Mr. President, brutalized prerevolutionary France. The French court paid the price during the Reign of Terror when the people were so incensed that they rounded up the tax farmers, they tried them in the people's courts and they condemned them to death. Accounts of this time tell us of the taxpayers cheering while the heads of the tax farmers tumbled from the guillotine.

In 17th century England, Charles II imposed a hearth tax assessing two shillings per chimney in each house. To collect it, the King contracted out—in fact, he privatized the tax collection system—with private collection parties named by the people as "chimney men." These chimney men were ruthless. They were hated by the people of England. Hatred of the privately collected tax helped to depose Charles' brother, James II. As soon as the new monarchs, William and Mary, were installed, the House of Commons abolished the tax, ending a "badge of slavery upon the whole people that allowed every man's house to be entered and searched at the pleasure of persons unknown to him."

I am not suggesting that providing $13 million to the Internal Revenue Service in order to contract out, to privatize collections with private law firms and collection agencies will cause anyone to actually lose their head, but for well reasoned decisionmakers history should be utilized as a guide as to what is and what is not a good idea. Clearly, history tells us that contracting out the tax collection system and the responsibilities that Government should be performing is not a good idea.

Some very notable economists and philosophers have also warned against tax farming. In his book, "The Wealth of Nations," Adam Smith states, "The best and most frugal way of levying a tax can never be by farm."

Mr. President, I know there are those in this Chamber who revere Adam Smith so I hope they will heed his message in "The Wealth of Nations" against tax farming. Just as relevant to the discussion is how this practice may be employed in our time and by the Federal Government. Who will these people be? How will they be hired? Who will train them? Who will oversee them? Which taxpayers' cases can they work on? What type of taxpayer information will be made available to them? And how will these private bill collectors be paid? Will we be creating a true bounty hunter system within our tax collection process?

This legislation provides no answer to these important questions. It simply provides taxpayers' dollars, $13 million, to nameless, faceless, untrained, unaccountable bill collectors and law firms with no guidance as to how they will be paid or how they will protect the confidentiality of the taxpayer's information.

Let us just briefly explore two of the questions I have just mentioned. First, to what type of taxpayer information will these private bill collectors have access? The American people demand that their tax return information be kept confidential, that it will only be shared with the appropriate personnel within Government. It is an essential element which lends confidence in our tax system, and it leads to a very high percentage of voluntary compliance. If taxpayer information is shared outside of the Government confidence, how many taxpayers will decide to no longer comply? This is a critical question. I fear in an effort to collect more revenues we will in fact collect less.

Second—and I am about to close, Mr. President—how will these bill collectors be paid? This bill does not specify that, and also does not specify which of these private law firms and private collection agencies will be compensated.

Mr. President, most bill collectors are paid on a contingency basis; that is, they are compensated by a percentage of what they collect. Again, bounty hunters will be created to collect our taxes.

It is exactly what the 1988 taxpayer bill of rights, which passed that year, declared illegal and unlawful. There is included in the taxpayer bill of rights a strict prohibition against the Internal Revenue Service from using enforcement goals or quotas.

Mr. President, I know that my time is running out, but I would like to have printed in the RECORD a letter from the Commissioner of the Internal Revenue Service, Margaret Milner Richardson, that she wrote to me on August 4, stating her grave concern about even the remote possibility of farming out and privatizing the IRS collection system.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, August 4, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: I am writing to express my concern regarding statutory language in the FY 1996 Appropriations Committee Bill (H.R. 2020) for Treasury, Postal Service and General Government that would mandate the Internal Revenue Service (IRS) spend $13 million "to initiate a program to utilize private counsel law firms and debt collection activities * * *" I have grave reservations about starting down the path of using private contractors to contact taxpayers regarding their delinquent tax debts without Congress having a thorough understanding of the costs, benefits and risks of embarking on such a course.

There are some administrative and support functions in the collection activity that do lend themselves to performance by private sector enterprises under contract to the IRS. For example, in FY 1994, the IRS spent nearly $5 million for contracts to acquire addresses and telephone numbers for taxpayers with delinquent accounts. In addition, we are taking many steps to emulate the best collection practices of the private sector to the extent they are compatible with safeguarding taxpayer rights. However, to this point, the IRS has not engaged in contractors to make direct contact with taxpayers regarding delinquent taxes as is envisioned in H.R. 2020. Before taking this step, I strongly recommend that all parties with an interest obtain solid information on the following key issues:

(1) What impact would private debt collectors have on the public's perception of the fairness of tax administration and of the security of the financial information provided to the IRS? A recent survey conducted by Anderson Consulting revealed that 59% of Americans oppose state tax agencies contracting with private companies to administer and collect taxes while only 35% favor such a proposal. In all likelihood, the proportion of those opposed would be even higher for Federal taxes. Addressing potential public misgiving should be a priority concern.

(2) How would taxpayers rights be protected and privacy be guaranteed once tax information was released to private debt collectors? Would the financial incentives common to private debt collection (keeping a percentage of the amount collected) result in reduced rights for certain taxpayers whose accounts had been privatized? Using private collectors to contact taxpayers on collection matters would pose unique oversight problems for the IRS to assure that Taxpayers Bill of Rights and privacy rights are protected for all taxpayers. Commingling of tax and non-tax data by contractors is a risk as is the use of tax information for purposes other than intended.

(3) Is privatizing collection of tax debt a good business decision for the Federal Government? Private contractors have none of the collection powers the Congress has given to the IRS. Therefore, their success in collection may not yield the same return as a similar amount invested in IRS telephone or field collection activities where the capability to contact taxpayers is linked with the ability to initiate liens and levy on property if need be. Currently, the IRS telephone collection efforts yield about $26 collected for every dollar expended. More complex and difficult cases dealt with in the field yield about $10 for every dollar spent.

I strongly believe a more extensive dialogue is needed on the matter of contracting out collection activity before the IRS proceeds to implement such a provision. Please let me know if I can provide any additional information that would be of value to you as Congress considers this matter.

Sincerely,
MARGARET MILNER RICHARDSON,
Commissioner.

Mr. PRYOR. I strongly believe, Mr. President, it is an idea whose time has not come. I strongly urge, Mr. President, that our conferees on the Treasury, Postal Service, and General Government appropriations bill adhere to the decision that we made, that now is not the time nor will it be in the near future for us to privatize the collections of the Internal Revenue Service.

Mr. SIMON. Would my colleague yield for a question?

Mr. PRYOR. I will be proud to yield to my friend from Illinois.

Mr. SIMON. First of all, I concur completely. This idea of privatizing everything sounds good. What it does, it gives an administration or a Congress an ability to say, "Oh, we have reduced the number of Federal employees." We do not save one dollar for the Federal Government. And we invite abuse.

I would mention second—I would be interested in the reaction of the Senator from Arkansas—I have learned, in the Office of Personnel Management, we are moving toward privatizing the investigators there, the people who will investigate people for trust positions with the U.S. Government. Now, you privatize that and someone maybe is slipped a few dollars or—all kinds of abuse is possible there.

Does the Senator from Arkansas think that privatizing investigators in the Office of Personnel Management is a direction in which we ought to go?

Mr. PRYOR. Mr. President, I do not know how much time I have left. But I would respond to my friend from Illinois that I have been here now for 16½ years. I have watched us rely, as a Government, more and more on private contractors—and we are not holding down the cost of Government, as the distinguished Senator from Illinois has stated. We are continuing to have the cost of Government rise, while the accountability of Government falls. This is of great concern to me. It concerns me that the private contractors are under no code of ethics whatsoever. They have no Government code of ethics and they are out there in a competitive work force trying to get the Government grants in order to perform services that our Government should perform in the first place.

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

Mr. PRYOR. Mr. President, I ask unanimous consent to proceed for 30 more seconds.

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

Mr. PRYOR. This area of privatizing income tax collections is something

that I think goes far beyond anything that I have seen in this whole area of contracting. I urge the conferees to stay with the decision of the Senate.

Mr. SIMON. I thank the Senator from Arkansas. I agree with him completely.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2306

(Purpose: To authorize the establishment of the National African American Museum within the Smithsonian Institution, and for other purposes)

Mr. SIMON. Mr. President, I have an amendment I would like to offer.

The PRESIDING OFFICER. If there is no objection to the pending committee amendment being set aside. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. MCCAIN, Ms. MOSELEY-BRAUN, and Mr. PELL, proposes an amendment numbered 2306.

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

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

The amendment is as follows:

At the end of the bill, insert the following:

TITLE ___—NATIONAL AFRICAN AMERICAN MUSEUM

SEC. ___01. SHORT TITLE.

This title may be cited as the "National African American Museum Act".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the National Park System and other Federal entities are inadequate;

(2) the inadequate presentation and preservation of African American life, art, history, and culture seriously restrict the ability of the people of the United States, particularly African Americans, to understand themselves and their past;

(3) African American life, art, history, and culture include the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99-511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African Americans and the contributions made by African Americans to the society of the United States; and

(6) the Smithsonian Institution operates 15 museums and galleries, a zoological park, and 5 major research facilities, none of which is a national institution devoted solely to African American life, art, history, or culture.

SEC. ___03. ESTABLISHMENT OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a Museum, which shall be known as the "National African American Museum".

(b) PURPOSE.—The purpose of the Museum is to provide—

(1) a center for scholarship relating to African American life, art, history, and culture;

(2) a location for permanent and temporary exhibits documenting African American life, art, history, and culture;

(3) a location for the collection and study of artifacts and documents relating to African American life, art, history, and culture;

(4) a location for public education programs relating to African American life, art, history, and culture; and

(5) a location for training of museum professionals and others in the arts, humanities, and sciences regarding museum practices related to African American life, art, history, and culture.

SEC. ___04. LOCATION AND CONSTRUCTION OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

The Board of Regents is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution to house the Museum.

SEC. ___05. BOARD OF TRUSTEES OF THE MUSEUM.

(a) ESTABLISHMENT.—There is established in the Smithsonian Institution the Board of Trustees of the National African American Museum.

(b) COMPOSITION AND APPOINTMENT.—The Board of Trustees shall be composed of 23 members as follows:

(1) The Secretary of the Smithsonian Institution.

(2) An Assistant Secretary of the Smithsonian Institution, designated by the Board of Regents.

(3) Twenty-one individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American art, history, and culture, appointed by the Board of Regents, of whom 9 members shall be from among individuals nominated by African American museums, historically black colleges and universities, and cultural or other organizations.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 3 years. Members of the Board of Trustees may be reappointed.

(2) STAGGERED TERMS.—As designated by the Board of Regents at the time of initial appointments under paragraph (3) of subsection (b), the terms of 7 members shall expire at the end of 1 year, the terms of 7 members shall expire at the end of 2 years, and the terms of 7 members shall expire at the end of 3 years.

(d) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(e) NONCOMPENSATION.—Except as provided in subsection (f), members of the Board of Trustees shall serve without pay.

(f) EXPENSES.—Members of the Board of Trustees shall receive per diem, travel, and transportation expenses for each day, including travel time, during which such members are engaged in the performance of the duties of the Board of Trustees in accordance with section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service.

(g) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority vote of the members of the Board of Trustees.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(j) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board of Trustees may accept for the Board of Trustees voluntary services provided by a member of the Board of Trustees.

SEC. ___06. DUTIES OF THE BOARD OF TRUSTEES OF THE MUSEUM.

The Board of Trustees shall—

(1) recommend annual budgets for the Museum;

(2) consistent with the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum;

(C) establish policy with respect to the utilization of the collections of the Museum; and

(D) establish policy regarding programming, education, exhibitions, and research, with respect to the life and culture of African Americans, the role of African Americans in the history of the United States, and the contributions of African Americans to society;

(3) consistent with the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Museum;

(B) solicit funds for the Museum and determine the purposes to which such funds shall be used;

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum; and

(D) consult with, advise, and support the Director in the operation of the Museum;

(4) establish programs in cooperation with other African American museums, historically black colleges and universities, historical societies, educational institutions, and cultural and other organizations for the education and promotion of understanding regarding African American life, art, history, and culture;

(5) support the efforts of other African American museums, historically black colleges and universities, and cultural and other organizations to educate and promote

understanding regarding African American life, art, history, and culture, including—

(A) the development of cooperative programs and exhibitions;

(B) the identification, management, and care of collections;

(C) the participation in the training of museum professionals; and

(D) creating opportunities for—

(i) research fellowships; and

(ii) professional and student internships;

(6) adopt bylaws to carry out the functions of the Board of Trustees; and

(7) report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

SEC. ___07. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution, in consultation with the Board of Trustees, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees of the Museum, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. ___08. DEFINITIONS.

For purposes of this title:

(1) ARTS AND INDUSTRIES BUILDING.—The term "Arts and Industries Building" means the building located on the Mall at 900 Jefferson Drive, S.W. in Washington, the District of Columbia.

(2) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(3) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the National African American Museum established in section ___05(a).

(4) MUSEUM.—The term "Museum" means the National African American Museum established under section ___03(a).

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary only for costs directly relating to the operation and maintenance of the Museum.

Mr. SIMON. If I may have the attention of the managers of the bill—if I may have the attention of the Senator from Washington and the Senator from West Virginia. I would be willing to enter into an agreement for 30 minutes, 15 minutes on each side, or whatever time agreement you would like.

Mr. GORTON. That is a wonderful offer on the part of the Senator from Illinois and is completely—I will put it in this fashion. I think that is a gracious offer on the part of the Senator from Illinois.

Mr. SIMON. It moved from "wonderful" to "gracious."

Mr. GORTON. I think it is wonderful myself. I do have present on the floor the Senator from North Carolina who would want more time to amend if the amendment survives a motion to table.

So if the Senator will agree, I will ask there be 30 minutes equally divided on the Simon amendment prior to the disposition of the motion to table, and that no second-degree amendment be permitted prior to the expiration of the 30 minutes and the disposition of the motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMON. Mr. President, I offer this amendment on behalf of Senator MCCAIN, Senator MOSELEY-BRAUN, Senator PELL, and myself. It is an amendment that has passed the Senate on a previous occasion and would have passed the tail end of the last session, but it was stopped as some 50 or 60 bills all of a sudden were frozen as they moved ahead.

This amendment says that we—it authorizes, does not appropriate any money. We do not appropriate a dollar in this, but authorizes that the Smithsonian can have a national African-American museum. There are two distinct groups of Americans whose history is, frankly, very different from those of us who are German-American or British-American or Danish-American or whatever our background is, and that is Native Americans, American Indians, and African-Americans who came over here as slaves. I think it is important for us to understand our heritage, for all of us, no matter what our background, and also particularly for those who are of African-American heritage to take special pride in this.

As I said, this does not appropriate one dollar at this point. That would have to be done at some time in the future when Congress feels it is wise to do so. But it would permit the Smithsonian to collect money from a foundation or from some private entity for this purpose.

It also authorizes the Smithsonian to work with local museums around the Nation. We have a museum in Chicago that is a very fine local African-American museum. That is the kind of museum that they can work with. It is not that complicated.

I know I have the opposition of my friend and colleague from North Carolina, Senator HELMS. But I hope this body will accept this amendment. I reserve the remainder of my time, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is with deep regret that I am going to have to oppose the amendment proposed by the Senator from Illinois, although I suspect, if I looked up rollcalls, that I would have voted for his proposal in previous Congresses.

But, Mr. President, there just is not any money for this project now, and it is almost certain that there will not be any in the foreseeable future.

I wish to emphasize the amendment is an authorization. We are dealing with an appropriations bill.

The authorization bill is before the relevant committee. It has not been reported or recommended by that committee. The Smithsonian is now authorized to build a museum of the American Indian. Very large amounts of private money have been collected for that museum, but it is simply not possible to appropriate so much as a dollar for it in this bill.

The Smithsonian is authorized to expand the Air and Space Museum in a significant number of facilities out near Dulles Airport. Planning has actually gone on that one, and money has been spent on that one. There is no way that we can fund its creation.

By dint of very careful management and reductions in this bill, which have been objected to since the moment the bill's debate was begun, we got together a little bit more money so that the present Smithsonian can literally fix the roof, so that deferred maintenance, which must be accomplished, can be accomplished.

The Smithsonian, together with the National Gallery of Art and a couple of other Federal cultural institutions and the National Park Service, are literally the only functions in this bill that do not have budget cuts from last year. But we cannot build another museum. We cannot build two museums we have already authorized. And there is nothing in a budget resolution leading to a balanced budget in the year 2002 that indicates we are going to be able to do so between this day and that.

So to pass this proposal is to make a promise we cannot keep, and, regrettably, I believe it to be irresponsible.

Mr. BYRD addressed the floor.

Mr. GORTON. I yield to the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I fully support the position that has been taken by the distinguished Senator from Washington. I do this reluctantly. I consider PAUL SIMON to be a happy warrior, my friend, and I am sorry to see him depart membership in this body after this term.

This amendment, which contains 11 pages of authorizing language, in the first place does not belong on an appropriations bill. Second, as the manager of the bill has pointed out, it authorizes yet another new museum for the Smithsonian. While the amendment limits the Smithsonian's exposure to that of operations and maintenance, these expenses will still be a drain on the budget at a time when the overall dollars are declining.

The Smithsonian requested $19 million for the Indian Museum Cultural Resources Center in fiscal year 1996. This has been reduced to $15 million. Still facing the committee are the Federal costs associated with the construction of the mall facility for the Indian museum. Mr. President, these construction requirements are in direct competition with operating dollars.

The subcommittee also faces the additional operating expenses associated with the Indian museum, and I believe that it is irresponsible—and I say this with all due respect to the cosponsors of the amendment—it is irresponsible to add yet another burden to the Smithsonian's portfolio at this time. The Smithsonian has a repair and rehabilitation backlog estimated at a cost of $250 million. We should address these requirements before taking on the burden of a new facility.

Congress has already also authorized the construction of an expansion facility for the Air and Space Museum, and, again, we should address facilities already authorized before proceeding with any additional new facilities. This is an inappropriate time to adopt this amendment. This is a freestanding bill, and we ought to treat it as such.

So, Mr. President, I regretfully oppose the amendment. We see here what is going to be a growing problem. We are just beginning now. Wait until next year, as the chairman of the Appropriations Committee said the other day during a markup of the committee. It is tough this year, but just wait until next year, and it is going to be tougher.

We have these competing requests for funds, and we have discretionary funds eating discretionary funds; domestic funds eating domestic discretionary funds—cannibalization of the domestic discretionary budget with various and sundry domestic discretionary programs and agencies cannibalizing other discretionary domestic programs. And in the final analysis, the military will cannibalize them all. Military is expected to increase by $7 billion, while domestic discretionary is going to be cut.

I have to oppose the amendment. I hope that the managers' words will be heeded and the Senate will reject the amendment, with all due respect for my friend.

Mr. STEVENS. Mr. President, will the Senator from Washington yield me 5 minutes?

Mr. GORTON. I yield the remainder of my time to the Senator from Alaska.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Alaska.

Mr. STEVENS. Mr. President, I, too, oppose this amendment. The Rules Committee has been following the Smithsonian quite closely, and I call to the attention of the Senate the Commission on the Future of the Smithsonian. That Commission said in a report recently:

> On the basis of the programmatic issues we have already described, as well as the financial realities, continued capital expansion in the early decades of the next century at the rate experienced over the past few decades is out of the question. The Smithsonian should essentially assume a moratorium on new museums, other than what has already been approved.

This is what they said in their report, Mr. President, if anyone wants to see it. The authorization of the African-American museum is contrary to these recommendations. The projections for the cost of operating the Smithsonian range from $417 million for this year to $650 million in the year 2000. If you add to that approximately $190 million needed for capital projects and capital needs for building maintenance for museums already authorized, the result is that the budget needed for the support of museums will almost double by the year 2000. Almost double without considering the cost of any new museums, including the African-American museum. I am sad to say this is just not possible. The Smithsonian has not told us how they expect to pay the operating costs of any new museums.

I understand there will be contributions to the capital costs. But let me remind the Senate of the Smithsonian Environmental Research Center, known as SERC, located in Edgewater, MD.

In 1963, the Smithsonian was given a parcel of land on the Chesapeake Bay for environmental research. By the mid-1970's, the Smithsonian was using Federal funds. By the late 1970's, the Smithsonian began to request funds for renovation and construction and reconstruction at the Chesapeake Bay center.

In justifying its request for Federal funds, the Smithsonian used the fact that "although originally established with non-Federal funds, the center has come to be heavily dependent upon appropriated funds for operating program support."

In this year, 1995, SERC again received Federal funds in the amount of $2.5 million. Federal funds now provide 90 percent of the operating funds and all funding for repair, restoration, and maintenance of buildings. This is typical of the situation we get into when we accept donated funds for capital costs and do not realize how the incremental operating costs pile up year after year. It is just not possible for us to fund this.

I believe I am one of the Smithsonian's greatest supporters, and I have told them before that I hope it will be around for my grandchildren and their grandchildren. They take umbrage once in a while at some of my comments, but, in my opinion, the Smithsonian must make serious changes in its budgeting and planning if it is to survive into the next century based on what they already have and what is already authorized.

We are not going to be able to have new initiatives that take taxpayers' money and still have the Smithsonian survive as we know it in the decade after the turn of the century. I believe the Senate should reject this amendment, as worthwhile as some may believe it is. We have other African-American museums already authorized, and the Smithsonian has plans for a new Center for African-American History and Culture to organize exhibitions and sponsor research at existing facilities.

Under the circumstances, I cannot support Senator SIMON's amendment. I support the position taken by the managers of the bill and the distinguished ranking member of the Appropriations Committee.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Will the Senator yield me 30 seconds?

Mr. GORTON. I yield whatever time I have left.

Mr. HELMS. Mr. President, as I do every day the Senate is in session, I made a brief report to the Senate yesterday identifying the latest available figure of the Federal debt—down to the penny. This is a sort of daily report on irresponsibility of the Congress of the United States.

I reported today that as of the close of business Monday, August 7, the Federal debt stood—down to the penny—at $4,946,673,660,276.63. On a per capita basis, every man, woman, and child in America owes an average share amounting to $8,777.66.

With a debt this large, should Congress create a new program the cost of which is unknown? I hope not. But that is precisely what Senator SIMON is proposing with his amendment to authorize the National African American Museum—saying, go ahead, give us unlimited amounts of taxpayers' money without making us accountable for 1 penny.

The Simon amendment authorizes unlimited funds for an unlimited period of time for museum maintenance and operation. The Smithsonian has refused to furnish any estimate as to how much the project will ultimately cost the taxpayer—even after my asking them precisely that question on numerous occasions.

In addition, the Smithsonian refuses to provide a budget for the museum's first 5 years—the Congressional Budget Office estimates the museum will cost $5 million per year until 1997, then a $6 million authorization for 1998.

Mr. President, it is puzzling that this amendment would be offered at a time when the Smithsonian is lamenting its existing lack of funds before any consideration of yet another museum. As reported in the Washington Post, "The Dilapidated State of the Nation's Attic," June 10, 1995, "half a billion dollars' worth of repairs will be needed over the next 10 years to keep the Smithsonian Institution's aging facilities open." Smithsonian officials have told Congress that the Smithsonian buildings "will all reach the end of their useful service lives within a 5-year time span."

Certainly, this is not the time for the Smithsonian to be saddled with another responsibility—especially a new museum.

Mr. President, most bills coming before the Senate provide lengthy estimates and explanations of what the particular project plans to do, what funds will be needed to fulfill those goals, where the funds will originate, etc. But, with this project, we have been told by the Smithsonian—we want to create a museum, please authorize the project so we can come up with a plan. Well, this Senator is used to seeing the plan and the projected costs involved before he votes.

Let me reiterate, the Senate has no business authorizing any legislation when we do not know the basic facts about its conception, costs, and mission.

I hope the Simon amendment will be tabled.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. How much time do I have left?

The PRESIDING OFFICER. There are 12½ minutes remaining.

Mr. SIMON. I will probably not use all that. Let me point out that there is not 1 penny of appropriations in this. This is a request that has been made by Smithsonian in past years. This complies with that request. The only expenditure possible without the approval of the Appropriations Committee would be if foundations provided assistance.

Again, the Appropriations Committee, or the Rules Committee, would have oversight on this. I agree with Senator BYRD in terms of the cannibalization of domestic funds and that we ought to be pulling back on the military, the $7 billion we are spending on the military. I voted to take away that firewall, which I do not think makes any sense whatsoever.

But I think the reality is that this is something that Smithsonian has requested in the past. It makes sense. Again, I simply remind everyone that there are two American groups with very distinctive histories, different from the histories of English-Americans or German-Americans, or Norwegian-Americans, and every other group, and that is the Native Americans, the American Indians, and African-Americans, those who were brought over here as slaves. The need to recognize that this distinctive history should be part of the Smithsonian, I think, is a wise decision.

I hope the motion to table that I assume my friend from Washington is going to be making in a moment or two will be defeated.

I reserve the remainder of my time.

Ms. MOSELEY-BRAUN. Mr. President, it gives me great pleasure to speak in support of the establishment of a National African-American Museum within the Smithsonian Institution.

The Smithsonian Institution is the national collection of American art and culture. Until now, this great collection did not include representation of the African-American experience in the United States. Today, because of this amendment, we will add a museum dedicated to the presentation and preservation of African-American art, culture, and history to our national collection.

This museum is very important. Twelve percent of the population in this country is African-American. There are 40 million African-American schoolchildren in the United States. This museum will be a tool for teaching those children about their history and their culture. It will give all Americans an opportunity to know and appreciate the many contributions and important history of the descendants of Africa in America. Finally, the museum will recognize the rich legacy of the African-American experience in the United States, and celebrate the diversity of this Nation.

I want to commend my friend and colleague, Senator PAUL SIMON of Illinois, for his leadership in guiding this legislation through the Senate. I thank him for his dedication and commitment to the establishment of a National African-American Museum within the Smithsonian Institution.

Mr. GORTON. Is there any more time available?

The PRESIDING OFFICER. Three minutes, sixteen seconds.

Mr. GORTON. Mr. President, I will use very little of that time.

The report of the Commission on the Future of the Smithsonian Institution, issued earlier this year, says:

> To assure the future, declare a moratorium on new museum construction unless the incremental funds needed for construction and operations are assured.

Mr. President, they are not assured and they cannot be assured.

Second:

> Devote attention and resources to the rehabilitation and maintenance of existing facilities.

That is what we attempt to do in this bill, given the severe limitations and great cuts to which it is subjected.

Mr. President, is the Senator finished?

Mr. SIMON. I will take 1 minute of my time. Again, I simply stress that we are not asking for a penny here. We are simply authorizing it subject to the action of the Appropriations Committee. I point out again that this has passed the U.S. Senate before. It is not novel action here. I see my cosponsor walking onto the floor.

I do not know if he wishes to have a minute or two before I yield back, but if the Senator from Arizona wishes the floor, I am pleased to yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I support my colleague's amendment, as I have in the past. I think it is an appropriate action. I remind my colleagues that there are a lot of questions now today about our relations with minorities in this country. I think recognition of the contributions that African-Americans have made is appropriate for this country to do. I think that sooner or later, we will decide to do that. We have decided to build an Indian museum. We have built other museums to memorialize the contributions and sacrifices of other Americans. I think this is appropriate, too.

I appreciate the tenacity and dedication of my colleague from Illinois.

Mr. STEVENS. Mr. President, the commission has spoken. We have no alternative but to listen. If we authorize this museum, it will be built with non-Federal funds, but it will immediately become a burden on the Smithsonian that the commission has urged us not to undertake.

Is all time yielded back yet?

The PRESIDING OFFICER. No. There is 1 minute 52 seconds for opponents and 8 minutes 52 seconds for the proponents.

Mr. GORTON. Is the Senator from Illinois ready to yield the remainder of his time?

Mr. SIMON. After taking 30 seconds, I will do that. I simply again say that we do not appropriate a thing here. I think the remarks of the Senator from Arizona were right on target. I think this is the time to pull people together. This is a way of doing it. I hope the motion to table will be defeated.

I yield the remainder of my time.

Mr. GORTON. As I do, Mr. President.

Mr. STEVENS. Mr. President, I move to table the Simon amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2306, offered by the Senator from Illinois [Mr. SIMON].

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 Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of family illness.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—50

Abraham	Ford	Lott
Ashcroft	Frist	McConnell
Baucus	Gorton	Moynihan
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Burns	Grassley	Packwood
Byrd	Gregg	Pressler
Chafee	Hatch	Rockefeller
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Coverdell	Hollings	Shelby
Craig	Hutchison	Simpson
D'Amato	Inhofe	Smith
DeWine	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kerrey	Thurmond
Faircloth	Kyl	

NAYS—47

Akaka	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Brown	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Campbell	Kennedy	Robb
Cohen	Kerry	Sarbanes
Conrad	Kohl	Simon
Daschle	Lautenberg	Snowe
Dodd	Leahy	Specter
Dorgan	Levin	Thompson
Exon	Lieberman	Warner
Feingold	Lugar	Wellstone
Feinstein	McCain	

NOT VOTING—3

Bradley	Breaux	Mack

So the motion to table the amendment (No. 2306) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I know the Senator from Nevada is ready with his amendment. But the Senator from Arizona has spoken very eloquently on the earlier amendment with respect to the Bureau of Indian Affairs and wished to engage in a colloquy with me in lieu of another amendment on the same subject. We hope we can do that in an informal fashion and then go to the Senator from Nevada.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Washington.

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

Mr. MCCAIN. I would like to thank my friend from Nevada. This will not take very long.

The Senator from Washington was able to defend the committee position on the reductions in funding for various Indian issues. I respect the verdict of the full Senate.

My colleague from the State of Washington has successfully defended the committee position. I had contemplated proposing further amendments, perhaps, in hopes of restoring at least some of the funds that were taken out, restoring some of the funds that were reduced in the bill in existing programs. I do not believe that probably will be, one, viable, or, two, an appropriate use of the time of the Senate over the last couple of days before we go out.

The Senator from Washington knows from the debate how strongly the Senator from New Mexico and the Senator from Hawaii and others feel on this issue, who have been involved in it for many years.

I think it is important that my colleagues know that the Senator from Washington and I have engaged in conversations privately and that he has assured me that he will make an effort to at least restore some of those funds during the course of the conference. I think it would be helpful that it be on the record that the Senator from Washington and I have had this colloquy.

Mr. GORTON. I thank my friend from Arizona. I point out to him what he already knows—that there is perhaps a larger difference in this account between the House and the Senate than there is in any other account in this bill.

The Senator from Arizona also knows and has expressed his appreciation for the very difficult challenges which have faced both me and the Senator from West Virginia in meeting these stringent requirements of the budget. But I have made private assurances, which I wish to make public, to the Senator from Arizona. The conference committee report is not going to come back with the figure which caused so much heartache to my friends from Arizona, New Mexico, and Hawaii. And I am certain that I will support significant restorations to the accounts which were of such concern to the three Senators who proposed that amendment.

Mr. MCCAIN. Mr. President, I would like to, first of all, thank the Senator from Washington for that commitment. I know that he and the distinguished Senator from West Virginia are very aware of the importance of these issues. I also appreciate the assurance of both the Senator from West Virginia and the Senator from Washington in allowing the Senator from New Mexico, the Senator from Hawaii, and me to make inputs as to where the most important priorities are for restoration of funding as we go into the conference, perhaps even to the point where the Senators from New Mexico and Hawaii and I may send a letter to both the distinguished Senator from West Virginia and the Senator from Washington outlining our priorities as to where we think the most poor areas are where funds need to be restored.

I want to again say to the Senator from Washington that I understand that he has had to make very tough decisions. Obviously, I did not agree with those decisions. But that does not mean that I have a lack of respect for, first, his diligence, and, second, the difficulty of the task that lays before him. I am especially appreciative of his commitment to try to at least restore in conference, in the course of the negotiations, as happens in every conference. This is not a very unusual situation. It has been unusual, obviously, to have this large a difference between the two bodies. But I am deeply appreciative that he is willing to consider restoration of funding in certain areas as he goes forward in the conference.

I have made my arguments in the course of the amendment of the Senator from New Mexico. It was defeated. I will not make those arguments again.

I again want to thank the Senator from Washington and the Senator from West Virginia for their consideration and appreciation of the seriousness of these issues.

Mr. GORTON. Mr. President, the Senator from Arizona in his set of remarks made a second point which is important to respond to. In dealing with this bill, the Senator from West Virginia and I had to keep our focus constantly on the total amount of money we had available and carry it out as we did. The Senator from Arizona, together with the Senator from Hawaii, chairman and ranking member of the authorizing committee, the Committee on Indian Affairs, have far more expertise than we do as to internally how to divide such moneys and efforts in the programs. I can say for myself that I defer to leadership and the advice and counsel of the Senator from Arizona and the Senator from Hawaii on those internal divisions of money, and we look forward to his advice. I think I can say that his advice will be followed.

Mr. MCCAIN. I say to my friend from Washington—and I note the presence of both my colleague from New Mexico and my dear friend from Hawaii, who I know will have additional remarks. Again, I appreciate the consideration that is shown by the Senator from Washington to all of us as we try to get through this very difficult situation.

Mr. DOMENICI. Mr. President, I thank Senator MCCAIN from Arizona for the colloquy and for his observations, and I might say to my good friend, Senator GORTON, I am on his subcommittee, so I will be there at the conference with the House. So he will certainly be advised what I think is right. I will not have to bring him a letter. I will be pleased to carry their letter with my signature. But I will be there and suggesting what has been discussed here today.

I want to thank Senator GORTON for the understanding. Obviously, we were very concerned about one particular aspect of Indian funding, and we understand clearly that he had much more than that to look at. As I said before,

Senator GORTON and Senator BYRD, with reference to the Indian health, which is one of those major programs that we have to run as a nation unless and until we change things, have been very generous. We from Indian country appreciate that. But, obviously, with reference to this particular one that we are concerned about, we hope we can work with Senator GORTON, since the House was higher on that, and perhaps some other of the Indian programs that we might think are of higher priority. I thank him for that.

I understand his comments to Senator MCCAIN would apply equally to what I have in mind and my concerns.

Is that correct?

Mr. GORTON. Mr. President, they do.

Mr. INOUYE. Mr. President, I wish to join the distinguished Senators from Arizona and New Mexico in expressing my words of gratitude to the Senator from Washington for his words of assurance.

I thank him very much.

Mr. GORTON. Mr. President, I appreciate the comments of the Senator from Hawaii.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2308 TO THE COMMITTEE AMENDMENT ON PAGE 9, LINE 23, AND TO THE BILL

(Purpose: To increase the amount of funds made available to activities relating to the administration of the Endangered Species Act of 1973, with an offset)

Mr. REID. Mr. President, I send an amendment to the desk in behalf of myself, Senator CHAFEE, Senator LAUTENBERG, Senator LIEBERMAN, and Senator BOXER, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, proposes an amendment numbered 2308 to the committee amendment on page 9, line 23, and to the bill.

Mr. REID. 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 9, lines 23 through 25, strike "$496,978,000, to remain available for obligation until September 30, 1997," and insert "$501,478,000, to remain available for obligation until September 30, 1997, of which not less than $3,800,000 shall be made available for prelisting activities, $18,297,000 shall be made available for consultation activities, and $36,500,000 shall be made available for recovery activities, and".

On page 27, line 10, strike "$132,507,000" and insert "$128,007,000".

On page 27, line 11, before the period, insert the following: ": *Provided*, That none of the reduction below the FY 1996 budget request shall be applied to the health and safety budget activity".

Mr. REID. Mr. President, as a young boy growing up, I had living across the alley the Vincent family. The boys as I knew them were raised basically by their mother. They were a large family of eight or nine children, but the young men in the family were the toughest, strongest, most athletic young men that you could imagine in a family. One of them was a Golden Gloves champion. They were, I repeat, all very tough young men. We played ball together. We grew up together. We were very close friends.

One of the Vincent boys, as we referred to them, was Don Vincent. He was one of the older boys. As tough and as handsome and as energetic as all of them was Don Vincent. His first child was a little boy and, of course, in this Vincent society this young man was going to grow up and be just like his dad.

Well, he was a Little League baseball player, and he hit a ball a long way into the outfield as a Little Leaguer, and he was running, coming around third base. He almost stopped. He made it home, but he was tired. And his dad, of course, did not want to have the boy be a quitter; the Vincents were not quitters. He talked to his boy: You cannot quit; you have to go hard. He could not understand why a Vincent would not do his best.

Mr. President, this little boy had leukemia. He died very quickly. You see, 25 years ago, 30 years ago, as the Vincent family was growing up, the second generation that I knew, they had no cure for childhood leukemia. Everybody died. A child got leukemia; the child died. It is not that way anymore. Had this little boy gotten leukemia today, there would be over a 99 percent chance he would be healed.

So I talked to the Vincents, talked to Donnie, as we call him, about his little boy and how things have changed. Why now can someone like the little Vincent boy be saved? Because of a plant, a plant, Mr. President, called the Madagascar rosy periwinkle. This plant, of course, from the country of Madagascar, is near extinction. They are wiping out the rain forests in Madagascar and with it the periwinkle. Not only does it have a better than 99 percent rate of remission with childhood leukemia, but it also has over an 80-percent cure rate for Hodgkin's disease—not bad.

What we are here today to talk about is endangered species. It is the sense of the Senate and the House that there is a moratorium on listing further endangered species. I disagree with that. I think it is wrong. But that is the will of the Senate.

Therefore, this amendment does not try to eliminate the moratorium on endangered species. What it does do is focus attention on the fact that endangered species are important, and this amendment further says that we should spend more money on certain areas dealing with endangered species listing than we have in the committee mark that is now before this body.

We need to spend more money in recovery. We need to spend more money in prelisting. And we need to spend more money, Mr. President, in consultation. Even though we are spending money in these areas—that is prelisting, consultation, and recovery—we are still spending less money than we did even last year.

If, in fact, the periwinkle bush was the only plant that had great lifesaving value, it would still be worth doing more endangered species, but it is not the only plant that saves lives.

The Pacific yew tree is a relatively new plant family. It is a tree we have found that has lifesaving qualities. It produces something called taxol. Taxol was first used relatively recently in 1983 to treat ovarian and breast cancer and some lung cancers and today, after 10 short years, is the most effective treatment for achieving remission in advanced ovarian cancer that has ever been known.

Originally, this substance—it is a chemical substance—was extracted from the bark of a yew tree—y-e-w. It took 3 to 12 trees, which take 100 years to reach maturity, to provide enough taxol to treat one woman with ovarian cancer.

Now, we are doing research to find out if there are other ways we can come up with this lifesaving chemical that is in the bark of the yew tree. We are doing it from the needles of the yew tree. We are making some progress there. We have even been able to synthesize this chemical, and so we are making progress.

But since clearcutting of forests in the Pacific Northwest has really squandered the natural yew supply, it is important that we have developed this alternative.

Mr. President, about 50 percent of the medicine and treatments used today can be traced directly to plants. If someone within the sound of my voice goes today to a drugstore to get a prescription, there is a 50 percent chance that the medicine they are getting has some relation to a plant.

Nearly all prescription antibiotics in addition to that were isolated from molds and microbes.

We have heard a lot about the Contract With America, and I think that is important. It has been an important discussion in this body and the other body. I think we should dwell on something called a contract with nature, a term that was developed by Thomas Eisner. He said he feels that we as Americans and we as world citizens should be concerned about what nature has to provide for us. The irony of the Endangered Species Act is that most species cannot be listed on it because they do not even have a name.

Let me give you an example. Dr. Eisner and his colleagues were aware of a scrub plant. It was always in their way. It was a weed. That is what it was. It was a weed, in his technical jargon. He said it had a weed-like appearance. They decided to test it and see what substances this plant had. They learned very quickly that it worked extremely well as an insect repellent, and they also have learned that it works great as an antifungal product. Is that very important? Yes, it is very important. Dermatologists are always looking for antifungal medicines. Athlete's foot is one of the better known kinds of fungus. It gets a lot worse in people's feet. But they have medicines for it, one of which was recently discovered in a weed patch.

This weed that is now called the Lake Placid mint and is found only within 300 acres of a protected biological station in central Florida, were it not for its privileged position, being in a weed patch next to a place where Dr. Eisner worked, it would be gone and we would never know the properties that it has.

I spoke to this body a minute or 2 ago, Mr. President, about the yew tree. Let's bring it down into real personal terms. A woman by the name of Elaine Forma, chairwoman of the World Hunger Committee, in 1991 was diagnosed as having terminal ovarian cancer. They told her she had 6 months to live. She tried all conventional therapy, including chemotherapy.

They decided, because taxol was just getting started in 1991, that they would try that on her. She has now been symptom free since taking this medicine. Were it not for taxol, she would not be alive. There are numerous instances just like this.

In Nevada there has been an ongoing debate for as long as I can remember about the desert pup fish. There is a place in Nye County where there is a little pond where the desert pup fish lives, little tiny, tiny fish. And if I have heard one, I have heard 50, 60, 100 people say, "What good are they? Why spend all the money on the desert pup fish? Protecting this?" They did not allow the water to be pumped down.

People farmed in that area. At one time they grew cotton. They said, "You are not going to be able to do that anymore because you will kill the desert pup fish." Well, we learned that the desert pup fish, one of the tiniest invertebrates on the Earth, is helping researchers to learn more about kidney disease by studying how these little animals handle the heavy quantities of salt that their little bodies must handle. Tremendous advances are being made in kidney disease research. And if you have had a friend or a relative who has kidney disease, you know this is important.

What about bears? I have always been just amazed at how bears and other animals, but especially bears, can just go to sleep, stay asleep for months, not days, but months. We have found, Mr. President, that studying bears, what happens to them when they are asleep, or in hibernation, gives us great ability to understand other things, for example, kidney failure. How do these animals stay asleep for as long as they do? They never get up to go to the bathroom. How do they handle their bodily functions?

We have learned that hibernating black bears are immobile for up to 5 months. That is, they are down, taking a nap, sound asleep for 5 months, during which time they neither lose bone nor do they urinate. Bears continue to lay down new bone, making use of calcium circulating in their blood, and somehow recycle their urinary waste to make new proteins—a totally new discovery. Researching the mechanisms of how bears survive hibernation may result in treatment for osteoporosis in the elderly and, again, for kidney failure.

Now, we know that some of these bears are in danger. The Houston toad, which is on the brink of extension due to absent habitat laws, may produce alkaloids that reduce heart attacks. They found that a substance these little toads produce has more analgesic properties than morphine.

I am not going to go into a lot more detail on endangered species and being species specific, but, Mr. President, there are species all over the United States that we need to save that allow us to get well, to treat diseases that have never been treated before. We need it, Mr. President, and that is the reason the endangered species law is important, is that it has allowed us to prospect for chemicals, to search for new medicines, for new agrichemicals and other useful substances from nature. We must do this.

As I have indicated, the sources of 50 percent of today's medicines, as well as foundation for medical research and future cures, comes from a full range of species from bears and plants in our forests, sharks, corrals, and even sponges in our seas. Well, this chemical treasury of nature is disappearing before we even have the opportunity to assess it—cancer, AIDS, heart and circulatory problems, infectious disease, Parkinson's disease, tranquilizers, anti-inflammatory disease.

A member of my family, Mr. President, had we only known, would have been a well person today instead of somebody not in good health had the fact of having a fungus on wheat been available to treat their condition, an anti-inflammatory disease. It works. It cures people.

This chemical treasury of nature is literally disappearing before we have a chance to assess it. We cannot afford in years ahead to be deprived of the inventions of nature, chemicals such as taxol. And others could not have been designed by human ingenuity. Both compounds—were totally unforeseen in chemical structures and therapeutic action.

This is a statement by Dr. Thomas Eisner, the man about whom I spoke a minute ago.

Mr. Stephen Brewer, manager of Bioproducts Chemistry, reported that his analysis of the 20 best-selling drugs in the United States show that most benefited from natural products research. This accounted for at least $6 billion in sales in 1988.

What we are trying to do here, Mr. President, is to provide a few extra dollars not for doing away with the lifting moratorium which is in effect, but for providing some money while we either reauthorize or wait for this next fiscal year to pass by, that the proper authorities can still do work on endangered species. They will not be listing any, but there will be some prelistings and they will do some consultations and do things to make sure we do not lose species.

Extinction, you know, Mr. President, is final. It is terminal. Once something becomes extinct, it is gone forever. That permanence should weigh heavily when we consider our priorities. Our priorities are reflected in this budget. And we must have a priority that says we need to be concerned about endangered species.

I see the diversity of life on this Earth is beneficial to all of us. The benefits of species diversity are immeasurable. Even setting aside all the medical utilitary purposes of biodiversity, it is in all of our interests to assure the continuation of all species. This funding is an expression of that value.

Mr. President, the money that is being taken here, we are in a process here in the U.S. Congress where we are cannibalizing programs to save other programs, to help other programs. And that is in effect what we have done here. We are taking money from a program that could be important to the State of Nevada. It is important to this country. But, Mr. President, we have to list priorities. And what we have done here is taken money from the Bureau of Mines.

We are taking money, Mr. President, from the Bureau of Mines, $4.5 million, and we are going to spend that in the prelisting, consultation, and recovery. And as a result of doing that, we certainly are not going to be replacing much money. We will still be under last year's levels in those areas, in addition to the fact that under listing we will have lost, Mr. President, about $6 million in that program. And we will make up part of what we lost in the prelisting, the consultation and recovery but certainly far below last year's levels anyway.

I would ask the Members of the Senate to understand that this is not a violation of what action has been taken

previously in this body; that is, to place a moratorium on listings. It is, though, a step in the right direction. And I repeat, even though I disagree with the moratorium that is now in effect, I think this is a step in the right direction.

Of the 220,000 worldwide types of plants, only 5,000 have been examined for medical compounds. So I understand that some may not appreciate our studying the black bear, may not understand why we are studying some exotic plants, but we need to do that because our health depends on it.

I very much appreciate the leadership shown in this matter by the chairman of the Environment and Public Works Committee, the junior Senator from Rhode Island. He has been a great chairman of the subcommittee. I have appreciated serving with him during my entire stay in the Senate and certainly appreciate his advice and counsel on this amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first, I want to thank the distinguished Senator from Nevada, Senator REID, for the excellent work he has done on this amendment. He has really been a powerhouse in protecting the Endangered Species Act and working on it to make it more effective. I want to express to him the appreciation, not only of myself but I think of all Americans who believe in preserving the diversity that now exists in our nature.

But for the Endangered Species Act, we would not be where we are. Yes, it is all right to talk about the visible things that have been saved, like the grizzly, the American eagle, or the California condor, but it is the thousands of other less prestigious, if you will, plants and animals that also have been protected during these 20 years, 25 years since the Endangered Species Act was first enacted, and it is due to Senators that have gone before us, such as Ed Muskie and others. But in that role of champions, there is none better than HARRY REID in working for an effective Endangered Species Act.

Mr. President, the Endangered Species Act is funded at a very modest level. In the current year, $69 million. We had one witness come before us and say, "Just remember, what you are spending on endangered species is about what it costs to build 2 miles of urban interstate highway"—2 miles of urban interstate highway. Overall in the interstate system, we have 45,000 miles, and 2 miles of that would provide for the funding of the Endangered Species Act for an entire year.

The bill, as originally proposed, provided for a 20-percent cut in the funding for the Endangered Species Act; namely, going from $69 to $55 million. I want to express my appreciation to the senior Senator from Washington, the floor manager of the bill, Senator GORTON, for his working with us, and Senator BYRD, likewise, the distinguished former chairman of the Appropriations Committee, for working with us in the restoration of $4.5 million of that $14 million cut.

I might say that what the Reid amendment would do with that $4.5 million, it will go for prelisting, for consultation, and for recovery activities by the Fish and Wildlife Service. All of those services are required by the law. The law says you have to have recovery, you have to have prelisting, you have to have consultation. Thus, a reduction in the funding will only make it more difficult for the Fish and Wildlife Service to do its job and will compound the problems that exist out there with local governments and with landowners.

This amendment, I might say, Mr. President, does not affect listing. Under this bill we have before us, listing will be forbidden. There is a moratorium on any new listings or any new critical habitat designation until September 30, 1996, over a year from now, or until the Endangered Species Act is reauthorized. I am not enthusiastic about that, but as Senator REID said, that is the way things go, and that is the will of the majority here. So there it is.

It is my hope that in the Environment and Public Works Committee, we can come forward with a reauthorization of the Endangered Species Act, under the able leadership of the subcommittee dealing with this matter, the leader of that committee being Senator KEMPTHORNE, doing a splendid job, five hearings have been held on the reauthorization of the Endangered Species Act, extremely constructive hearings with many good proposals for reform of the act.

We have another hearing coming up in Wyoming a week from today, that is, if we are not here, and I greatly hope that we will not be. As chairman of the Environment and Public Works Committee, I want to make it clear that I am in favor of passing legislation to reauthorize, to improve the Endangered Species Act and hope to have that done this calendar year.

Several of the witnesses who testified in favor of changes to the ESA, the Endangered Species Act, made a point of stating support for adequate funding. What did they say? Are they tree huggers who only believe in the Endangered Species Act? This is what John Harja, testifying in behalf of the Western Governors Association, said on July 13. He stated:

> A lot of the Governors are very concerned that funds to actually implement the act—I'm not talking about acquisition funds—worry that funds will be cut, resulting in an even worse problem than we have now.

On behalf of the Western Governors, Mr. Harja stated in testimony:

> Reform of the act could prove meaningless if technical and financial assistance cannot be provided for the renewed public-private partnership that is essential to achieving the goals of the Endangered Species Act.

The building industry of southern California wrote about "the critical need for Federal funding." This letter closed by saying:

> Congressional action to reliably fund multispecies planning programs such as California's Natural Communities Conservation Plan, is essential to a workable Endangered Species Act.

The theme through all this is, "We've got the act, it has to be funded properly."

The Western Urban Water Coalition, an association that represents water utilities for the largest cities in the Western United States, has written a letter dated July 24, just last month, urging that funding of the Endangered Species Act not be reduced. Their letter states:

> Federal agencies must be given the current resources needed to do their jobs. If they cannot perform, the lack of staff and funding for technical work and cooperation with our utilities will cause ESA implementation problems to grow, and our water consumers, rather than the Federal bureaucracy, will be penalized.

The Western Lands Commission has passed a resolution urging Congress to provide adequate funding of the ESA. This is what that resolution said in part:

> The members urge Congress to fund implementation of ESA at a level that will permit, among other things, the required consultation under sections 7 and 10, to be conducted in a timely and expeditious manner . . .

Restoring funds to the Fish and Wildlife Service will help the ESA work better on private lands. By providing funds for prelisting activities, Fish and Wildlife Service can avoid additional listings.

Mr. President, why should those who oppose the existing Endangered Species Act support this amendment? The answer is clear. It is because problems under ESA will get worse, not better, if we fail to provide adequate funds.

On the prelisting, some of the money goes for that. Funds for prelisting activities are used by the Fish and Wildlife Service for cooperative efforts with States and private landowners and Federal agencies to conserve a candidate species before it becomes threatened or endangered.

The Reid amendment provides $3.8 million for prelisting. What about consultation? That is part of section 7 of the Endangered Species Act,

Funds for consultation activities are used by the Fish and Wildlife Service to meet obligations under section 7 of the ESA. Section 7 requires agencies to consult with Fish and Wildlife to ensure that Federal actions do not jeopardize the continued existence of listed species.

The Service also uses funds under the consultation account to pay for work

of landowners on habitat conservation plans. In a recent hearing, a representative from Riverside County, CA, urged that financial assistance be provided to local communities to aid in the development of the habitat conservation plans.

What about recovery, the last section? Funds for the recovery program are used to develop and implement recovery plans so that species no longer need to be listed. The whole thrust of this is to keep the species from becoming endangered. Do not get it on the list, if possible.

The recovery of wildlife and plants that are on the threatened and endangered species lists is the ultimate goal of the ESA. Once they are on the endangered and threatened list, we want to get them off. That is why the recovery is so important throughout the whole Endangered Species Act.

The Senate bill would reduce funds for recovery efforts by $10 billion. The Reid amendment restores $1.7 million of that funding.

Again, Mr. President, neither the current Endangered Species Act, nor any of the proposed reform bills—I know the Senator from Washington has one and, clearly, out of the Environment Committee we will have a reform bill—will be successful without adequate funding. Eliminating the funds necessary for the Fish and Wildlife Service to do its job is counterproductive. The funding levels provided under the Senate bills will exacerbate current problems with the ESA. That is why it is so important this $4.8 million be added.

I want to thank the distinguished senior Senator from West Virginia for his cooperation in this. The money does come from an area where he is deeply concerned. It is a cut to a modest degree—4 percent in the Bureau of Mines. Without the support of the distinguished Senator from West Virginia, who I can say is a real friend of mine since I have been here—for 19 years, it has been my privilege to have worked all that time with the Senator from West Virginia, and I am very proud that we have developed a friendship over that time, which I greatly value.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I was under the impression it was $4.5 million. The Senator said $4.8 million.

Mr. CHAFEE. I am sorry. I nearly got away with $300,000 more, Mr. President. It is $4.5 million, and that is what my notes say.

Mr. BYRD. I thank the Senator. I shall remain his friend.

Mr. CHAFEE. We would not like a friendship broken up over a mere $300,000.

I thank, again, my cosponsor, whom I have worked with, Senator REID, and the distinguished Senator from New Jersey, Senator LAUTENBERG, who has been very helpful and persistent in this. I must say we need lots of friends in the Endangered Species Act, and we have two good ones in those two distinguished Senators.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise because I am actively supporting the amendment of the Senator from Nevada. I would like to take a few minutes to outline my reasons for doing so and to thank, in particular, Senator REID from Nevada, for his leadership on this amendment. I want to note that his battle has been a relatively long one, and fairly detailed, to protect the species that mean so much to all of us. It is not simply one bird, one fish, one insect of sorts, one shrub, or one plant; this problem of endangered species, long ignored, will endanger the well-being of the human race.

So I commend him and, of course, the distinguished chairman of the environmental committee, Senator CHAFEE. I also thank our perennial leader, with or without titles, for his distinguished service in the U.S. Senate for so many years, someone who always reminds us about our responsibilities, sometimes not often enough, to get the people's work done. And, of course, that is Senator BYRD from West Virginia, whom I have had the pleasure and opportunity to work with on so many things during his chairmanship of the Appropriations Committee, during his ranking standing on the Appropriations Committee, always with a guiding hand, and someone whose counsel and advice I treasure. I thank them all because this means a great deal to me.

I am delighted that there is a compromise of sorts that does lend more funding to the Endangered Species Act. I cosponsored this amendment. The bill, as it is written, includes drastic cuts in the endangered species program. And if those cuts are left to stand as they are, it would provoke rather than solve problems in the administration of the program. The cuts that are still there, despite the fact that we have been able to add $4.5 million to the program, will reduce the flexibility of the Department of the Interior to work cooperatively with landowners in complying with the Endangered Species Act and slow rather than speed the recovery of the species.

It is obvious that I support the Endangered Species Act, and I do so because it has worked successfully in many instances. Enacted over two decades ago, the Endangered Species Act was a bold attempt to halt the dangerous disappearance of an increasing number of species. The act does more than preserve species; it protects the human race, and it protects people by conserving the biological resources upon which we so much depend.

The act, as it stands, is not perfect, and the Environment and Public Works Committee, of which I am a member, is actively working to reauthorize the Endangered Species Act. Thusly, I think some of the actions being taken which preempt that legislation are precipitous in nature. And while we hope to address many of the faults that exist, we are still working to preserve the positive aspects of the act during the reauthorization process.

Mr. President, this bill would reduce funding for those activities that are considered to be the most positive aspects of the act. Over the last 2 months, the Environment and Public Works Committee has held five hearings on reauthorization. In those hearings, we have heard many different points of view—from those who want the program to be totally voluntary, to those who feel the program does not go far enough. However, most people support the conservation of threatened or endangered species, and most testify that the key to protecting threatened or endangered species is to provide incentives for private property owners to help them do the right thing.

Mr. President, last week, the Keystone Center, a conference group, issued its final report on "Incentives for Private Landowners to Protect Endangered Species," so titled. This report documents the consensus proposal of a diverse group of people involved in the review of the act.

They agreed that "it would be highly desirable to further the goal of conserving endangered species through greater voluntary participation and the involvement of the private sector and by providing positive incentives that reward landowners for taking action to protect or conserve endangered or threatened species and their habitat."

Now, we ought to take these recommendations to heart and ensure that private landowners and local governments do not alone bear the brunt of the cost of recovery.

Mr. President, I would be remiss if I did not state my firm opposition to bill language that implements a moratorium on listing and designation of critical habitat.

This moratorium, in my view, is damaging and harmful. Our endangered species will continue to be threatened and maybe even totally terminated. The costs of recovery will continue to mount. And the Fish and Wildlife Service will find itself paralyzed to effect any improvements in the administration of this act.

Last April, the Senate imposed a similar moratorium on listings while we considered the defense supplemental bill. While I opposed this provision, I understood that it would be in effect until the end of this fiscal year, September 30, 1995. Now, Mr. President, we see the moratorium extended for yet another year or until reauthorization. Now, I am pleased that the committee agreed to limit it for 1 additional year, but I must say that I

strongly disagree with the moratorium notion altogether.

However, this amendment does not touch the moratorium on listing and designation of critical habitat. Let me make it clear: It does not remove the moratorium.

The amendment simply increases the funding for prelisting activities—a little preventive medicine; consultation, which allows cooperation with landowners; and recovery programs to remove species from the list. Nothing more and nothing less.

Over the past few days, I received letters from organizations that are concerned with the slash in funding of the Endangered Species Act programs. Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Western Urban Water Coalition, the Pacific Coast Federation of Fishermen's Associations, a joint letter from six religious organizations, a resolution from the Western States Land Commissioners Association all in support of increases in ESA funding. It is quite a diverse group.

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

WESTERN URBAN WATER COALITION,
Orem, UT, July 24, 1995.

Re Fiscal year 1996 Interior Appropriations for Administration of the Endangered Species Act.

Sen. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Western Urban Water Coalition, I am writing to urge that funding for administration of the Endangered Species Act ("ESA") program by the Department of the Interior, and other agencies, not be unnecessarily reduced or restricted by the Senate Appropriations Committee. The Western Urban Water Coalition is a national association of water utilities for the largest cities in the Western United States. Together, these utilities supply water to over 30 million people in the West.

The Coalition agrees that the ESA should be amended to work in a more balanced and efficient manner, and has been actively involved in ESA reauthorization. A copy of our position paper on the ESA is enclosed. Until such amendments are in the law, however, FWS, NMFS, and other agencies must be given the current resources needed to do their jobs. If they cannot perform, the lack of staff and funding for technical work and cooperation with our utilities will cause ESA implementation problems to grow, and our water consumers, rather than the federal bureaucracy, will be penalized.

The Coalition members are involved in a wide variety of projects to provide water for Western cities. Many require ESA compliance. To fulfill their mission of providing a reliable water supply to their customers, the federal agencies charged with ESA responsibility on these projects must have adequate resources to carry out their required role in a timely and consistent manner. In the Coalition's view, the level of funding approved by the House for the FWS, the NMFS, and other agencies, for ESA implementation is inadequate. It runs unnecessarily high risks to our members ability to provide reliable future water supplies. We strongly urge the Senate to restore ESA implementation funds to a more reasonable level.

A few examples illustrate the nature of this problem. Several Coalition members are engaged in preparing Habitat Conservation Plans ("HCPs") to enable them to go forward with important water supply activities. These plans require extensive consultation with federal officials at FWS and/or NMFS. Only recently have sufficient staff become available to make these procedures workable and timely. If funding for ESA programs is cut, we fear that the HCP process will suffer, with negative impact on our long-term planning and on the ongoing projects that are necessary to supply water to our customers.

Consultation under section 7 also requires adequate support from federal officials. Although Coalition members have some concerns with the way the section 7 process is sometimes applied, the solution is not to rescind or dramatically reduce funding in advance of substantive amendments to the Act. Such an approach will only slow down the section 7 process to our detriment.

Similarly, recovery plans are essential to solving ESA problems in a way that does not adversely affect the public interest. As discussed in our position paper, the recovery planning process must be improved. Nonetheless, without adequate funds, recovery plans are likely to receive low priority and the necessary actions to carry these plans forward will be difficult or impossible to achieve.

Thank you for considering these concerns. We would be happy to meet with you or provide additional information on our concerns at the ESA appropriations level. Please call either me or Don Baur if we can be of further assistance.

Very truly yours,

GUY R. MARTIN,
National Counsel,
Western Urban Water Coalition.

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
Sausalito, CA, August 4, 1995.

DEAR SENATOR: PCFFA is the largest organization of commercial fishermen on the west coast, representing the men and women of the Pacific fishing fleet who generate tens of thousands of fishing jobs for coastal and inland communities. Many of these fishermen are salmon fishermen.

Salmon are in collapse throughout the Northwest and Northern California to the point of requiring listing under the ESA in order to prevent many key runs from extinction. The salmon fishery is in a state of fishing emergency as declared by the Department of Commerce, and unless pre-listing recovery efforts are well funded coho salmon may be listed coastwide within the year. ESA recovery funds and pre-listing biological reviews are thus vitally important to restoring tens of thousands of salmon-dependent jobs on the west coast. In fact, the only open salmon fishery in the lower 48 is now open as a direct result of ESA-driven water reforms and habitat restoration in the California Central Valley.

We urge you to support the Reid Amendment to restore ESA recovery funds. Without these funds the salmon fishing industry cannot act to save the basic biological foundation upon which its job base depends. The salmon fishing industry in California, Oregon and Washington has already lost an estimated 72,000 family wage jobs in the last 20 years, almost 50,000 of them just since 1988. These jobs can be restored with appropriate ESA-driven recovery efforts—but not without appropriate funding.

Defunding ESA recovery efforts defunds all the solutions and leaves only the problems. Defunding recovery only makes those problems—as our job losses—worse. We urge you to support the Reid Amendment in order to restore those funds.

Sincerely,

GLEN H. SPAIN,
Northwest Regional Director, Pacific Coast Federation of Fishermen's Associations.

CHURCH OF THE BRETHREN,
Washington, DC, August 8, 1995.

DEAR SENATOR: Along with many others, we, the following faith communities, have a long history of support for the protection of species. We see this as a stewardship responsibility for all creation.

We also believe that safeguarding the wide variety of the world's species is good for people. As we protect wild species' ecosystems, we are preserving our own air and water. In addition, people rely on a wide variety of species for medicinal and agricultural breakthroughs. Finally, as many communities have experienced, the presence of species results in economic boons, due to sustained natural resources such as fish populations, tourism and recreation dollars, and because businesses prefer locations where the quality of life is high.

Since we strongly support the protection of species, we are very concerned about portions of the Interior appropriations bill (H.R. 1977) that significantly cut or place moratoriums on the operation of the Endangered Species Act. Such provisions will lead to further decline within species that are waiting to be listed or that need proactive protection from recovery plans, land acquisition, prelisting preventive activities, and so on. In addition, if the safeguarding of species is delayed, later actions to protect these species may be more expensive and burdensome.

We urge you to support amendments that will restore Endangered Species Act funding and life the ESA moratoriums. In addition, we urge you to oppose possible amendments that will seek to slash funding further.

We look forward to continued dialogue with you as you deal the Endangered Species Act issues. Thank you for considering our concerns.

Sincerely,

TIMOTHY A. MCELWEE,
The Church of the Brethren, Washington Office.

FATHER ROBERT J. BROOKS,
The Episcopal Church,

DARYL BYLER,
Mennonite Central Committee, Washington Office.

PAULA JOHNSON,
Lutheran Office of Governmental Affairs.
Presbyterian Church (USA) Washington Office.

RABBI DAVID SAPERSTEIN,
Religious Action Center of Reform Judaism, Union of American Hebrew Congregations.

Mr. LAUTENBERG. Mr. President, the offset that permits us to add $4.5 million comes from a decrease in funding for the Bureau of Mines

Now, I want to say this: The Bureau is one of the few agencies in the bill

that received the President's full request.

The House bill, on the other hand, eliminates the Bureau. I want to say this, particularly in the presence of my distinguished colleague and friend from West Virginia: This amendment does not eliminate the Bureau. I would not support that. I believe that the Bureau conducts important research on mine and worker safety. There has been no stronger advocate on concerns for miner health and well-being than the Senator from West Virginia.

Mr. President, we have struck a balance with some small adjustments here and there. It is a positive mood on behalf of our ecology, and frankly on the human race.

Mr. President, I urge adoption of this amendment. As I look at past history and think of what it costs us overall when mistakes are made in protecting the environment, mistakes like the *Exxon Valdez* spill, that cost over $1 billion, and numerous other oil spills that have almost decimated the ecology in a particular area, when we look here and we see that we are funding protection of endangered species with a $59 million appropriation, and that only because we are able to add $4.5 million—compared, by the way, to $69 million last year; a very significant decrease, about 15 percent if my arithmetic serves me—a budget request for the Endangered Species Act was $77.5 million. We are off almost 20 percent from there. These are huge cuts.

Mr. President, when I think of something like the Endangered Species Act, I cannot help but think of my grandchildren's faces and how delighted my children were when we would go on a trip into the mountains. We did a lot of travel and we would see a deer, or even small animals like a raccoon, or to see the larger animals like the trip we were able to take in which we saw lions, baboons, and elephants. It almost would bring tears to their eyes when we discussed what might happen to these species if they were left unprotected.

We see it happening all over the world. In America, where we value our ecology, where we value the inhabitants of our Earth, we ought not to be talking about how we stop the process, but rather how we encourage the process of protection.

When we look at the return of the bald eagle, it excites all of us. I have been to Alaska—one of the most beautiful places certainly in our country—to see the bald eagle recover from the days of earlier times when the species kept reducing. There are bald eagle pairs now seen in New Jersey, the most crowded State in the country. It is a thrill to see them.

In New Jersey now, sometimes some of it gets some of the neighborhood people disturbed, but we have sightings that confirm that there are at least 200 black bear and possibly up to as many as 600 in the State of New Jersey. This is a group of animals that was almost totally gone.

It is not good if they chew in your garbage and things of that nature, but when you ask the little kids whether they like the pictures of the black bear and so forth, they thrill to the opportunity.

Mrs. BOXER. Would the Senator yield for 30 seconds?

Mr. LAUTENBERG. It is always a pleasure to yield.

Mrs. BOXER. I want to thank my friend from New Jersey and my friend from Nevada for their leadership on this. It is my privilege to serve with both Senators on the Environment Committee. I feel so good about this amendment. I understand it will be accepted, which is wonderful.

We may have some differences among us on administering this program, but what we are doing here today is strengthening it, and I do agree that there is such support as the Senator has noted in the State of New Jersey for the underlying purpose of the Endangered Species Act.

I just want to thank the Senator. I guess in the end I did not have a question but a compliment for my friend from New Jersey and my friend from Nevada for their leadership on this issue.

Mr. LAUTENBERG. Thank you. No campaign is successful without a good army. The Senator from California is not only one of the best scouts but one of the strongest fighters, as well, in military terminology.

Mr. President, I close my remarks with just one little tale about what happens in the migratory seasons with birds as they pass through New Jersey, and the people that flock out there, along with the birds, at 4 and 5 o'clock in the morning to be ready to see the species traveling north to south and vice versa, depending on the season.

What a thrill. They hear a bunch of adults yelling, "Here it is," and they identify this remote species of a bird we have not seen in 20 years, and everybody is thrilled about it, and it reaches all the local newspapers. Maybe it is because we are such a crowded State that we in many ways are more protective of the species than, sometimes, perhaps, people who have such an abundance of them within their State.

Mr. President, I hope that we will adopt this amendment without any fuss or bother. I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by Senators REID, CHAFEE, LAUTENBERG, myself, and others to partially restore Endangered Species Act funding.

It is understandable in this era of budget balancing that endangered species programs take their fair share of cuts. However, the committee report provides far deeper than average cuts to endangered species programs. Whereas most programs have endured 15- to 20-percent cuts, endangered species program cuts are far greater—as much as 50 percent in some cases or zeroed out completely. I don't think this is necessary or advisable at the present time.

A number of endangered species recovery programs are in progress and at a critical stage. They depend on actions by Federal, State, local, and private interests that will create and implement the most cost-effective and flexible solutions to species recovery. Our amendment provides a partial restoration of cuts to U.S. Fish and Wildlife programs that help State agencies through grants and assistance; technical assistance to private landowners; prelisting agreements that nip species declines in the bud and avoid the need for regulatory action; consultations between agencies; and habitat conservation plans that are now the preferred State-local-private approach for species recovery in complex cases.

Funds in these areas are designed to reduce headaches for landowners and affected agencies of Federal, State, and local government. This amendment does not change the committee moratorium on listings of new species or new critical habitat designation—even though I strongly disagree with this moratorium. If we pull the rug out from the recovery programs in progress—those that have already been the subject of extensive public hearings and economic analysis required under the law—we will only make it more difficult and expensive to enact them in the future. The irony of this is that we hurt the very people and organizations that these funding cuts may have inadvertently been designed to protect—private landowners, State, and local agencies.

We have had three very extensive reauthorization hearings in the last month on the Endangered Species Act. It is noteworthy that we have discovered very substantial common ground among many diverse interests on many issues. These include the need for positive incentives for those responsible for implementing on-the-ground programs, and the need for more State and local delegation. The amendment we offer today provides a partial restoration of funding for exactly these purposes. These funds will be highly leveraged by State, local, and private funds, and these depend on a certain amount of Federal coordination and seed money.

The old adage that an ounce of prevention is worth a pound of cure is certainly operative in the case of this amendment: A relatively modest amount of funding in these few areas for the Fish and Wildlife Service and their State and local partners will ensure that we avoid headaches and irreversible losses in the future. If we do

not move forward and honor our practical and ethical commitments to recovery programs already in progress, particularly those at critical stages, we will be abandoning a pledge that I firmly believe the American people have asked us repeatedly to honor.

By cutting funds that are designed to resolve conflicts and provide State and local delegation and solutions, we are shooting ourselves in the foot. By restoring funds, at least partially, we stay ahead of the curve and give ourselves, our landowners, and our declining species of plants and animals a fighting chance. I think that we deserve it. I ask colleagues on both sides of the aisle to support this as a sensible, prudent, and necessary step.

Mr. GRAHAM. Mr. President, I rise today to express my strong support for the Reid/Chafee Amendment to restore funding for species conservation programs under the Endangered Species Act.

Twenty-two years ago, Congress passed the Endangered Species Act with large bipartisan majorities. Even at that time, hundreds of species had become extinct since the creation of the United States. Today, scientists estimate that we are losing up to 100 species a day around the world.

While I acknowledge that the act has significant problems, the ESA also has achieved remarkable success in recovering species. One of these is Florida's American alligator.

Today, of the 900 species that are listed in the United States as threatened or endangered, 238 of those are stable or improving, and 7 species have been delisted. Americans understand that by protecting species, the Endangered Species Act protects us—our economy, our health, and our longterm existence. While we are pulling away from the brink of crisis, we cannot afford to reduce our vigilance on this issue. We should correct the shortcomings of the act, and benefit from all our efforts thus far.

However, just as Congress is prepared to implement reforms to make the ESA work better, this appropriations bill undermines our efforts by cutting ESA science funding, outreach to landowners, and State assistance—the specific programs that will reduce conflicts. This budget would exacerbate rather than reduce problems we have identified with the ESA.

The Reid-Chafee amendment will restore part of the disproportionate cut made in committee to endangered species programs, bringing it more in line with funding reductions in Interior across the board.

More importantly, the Reid amendment invests money in the future of imperiled species, spending wisely now to save money in the long run. Two and one-half million dollars of the restored funds will go to prelisting programs that seek to conserve species before they reach the brink of extinction, forestalling the need for costly and sometimes controversial recovery efforts. In my own State, this funding will help prelisting activities to conserve the Florida black bear, to prevent it from going the way of the critically endangered Florida panther.

Another $2 million will go to consultation activities under section 7 of the ESA to help Federal agencies better fulfill their responsibilities under the ESA. Section 7 is a powerful tool for solving, and in many cases avoiding, conflicts between Federal agency activities and species conservation. In Florida, for example, Federal projects that may have gravely impacted the conservation of Florida panthers and West Indian manatees were modified through the section 7 process in ways that did not significantly interfere with the projects and actually benefitted the species. It is hard to find a program where the money is better spent.

Finally, $4 million would go to species recovery efforts. As Senator KEMPTHORNE has emphasized in his very productive subcommittee hearings on the reauthorization of the ESA, recovery is, or should be, the heart of the ESA. Species such as the grizzly bear, the peregrine falcon—and our national symbol, the bald eagle—are recovered or recovering steadily due to ESA recovery efforts. But the U.S. Fish and Wildlife Service need the resources to keep these successes coming. Again, expeditious recovery measures now will decrease the expense of recovery in the long run.

Throughout its history, the ESA has enjoyed bipartisan support. The act was signed into law by President Nixon. The harm regulation was promulgated during the Ford administration, which was revamped to its current form during the Reagan administration. Now the program is being defended by the Clinton administration. There are many good reasons for this historical support. Let us bear them in mind, and address the act's obvious problems with consideration for the benefits that it has produced thus far.

The Reid-Chafee amendment makes good fiscal sense, and will help conserve the endangered wildlife that all Americans value as part of this country's priceless natural heritage. I strongly urge my colleagues to join me in supporting it.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to address for just a moment the consultation and the recovery functions for endangered species. The consultations which must be conducted so the projects can go forward, the consultation and the recovery functions of the Fish and Wildlife Service, were designed to make certain that species that are already on the list of threatened or endangered species are not in jeopardy, and to assure that they would come off of the list as rapidly as possible. The committee has funded these activities at about 60 percent of the budget estimate.

We have before us an amendment that restores approximately $4.5 million to these activities. This is an amendment that I can support so far as it speeds the process of removing species off of the list.

In hearings that I have held this year, it has been confirmed repeatedly that the failure to consult, the failure of agencies to meet deadlines, the failure of agencies to commit resources to consultation, have severely delayed projects and have resulted in unnecessary project costs and, in one instance, nearly resulted in economic disaster and threatened thousands of jobs in the State of Idaho.

The February 1995 issue of Conservation Biology said that there were huge delays in the writing of 314 recovery plans completed through August 1991. The average time that it took to write a recovery plan involving an animal was 11.3 years; for plants it took 4.1 years. The Director of the Fish and Wildlife Service stated at a recent hearing on the Endangered Species Act that their targeted goal was to reduce the time it takes to produce a recovery plan to 2½ years after a species is listed. It would be counterproductive for us to reduce the money available for them to accomplish this job.

Another reason I want this money available is to make certain that consultations such as those that will be required, now that the Bruneau Hot Springs snail is considered by the courts to be a listed species, can indeed go forward. For those who may not be familiar with this issue, the Bruneau snail was listed as endangered, removed from listing for procedural reasons, and recently reinstated to listed status by the courts.

During the months, and in fact even the years, it took, an entire regional economy in Idaho has been put on hold; consultations on farm loans and business loans and other projects that may affect the snail have been totally held up.

We must at this juncture make certain there is enough money to conduct the consultations on species like the Bruneau snail.

There is another example of why I support the increased funding for recovery and consultation. The recovery and ultimate delisting of the gray wolf, the controversial project of the administration, depends for its success on many things. One of the unknowns—a research problem with gray wolf—is the possible conflict between the wolf and another major predator, the mountain lion. The Honecker Institute is conducting important research into this issue. This research, that is funded

out of this appropriation, must be done to resolve a major gray wolf issue.

Mr. President, I do join, then, with Senator REID, who is the ranking member of the subcommittee. I enjoyed working with him. I also want to state that there is a moratorium in place. The moratorium is in place so we can reauthorize, and in fact reform, the Endangered Species Act.

These funds must not be used contrary to the intent of that current moratorium. In fact, I support the extension of that moratorium.

Mr. President, I support the continuation of the moratorium on further listings and designations of critical habitat under the Endangered Species Act until the act is reauthorized.

Earlier this year, a 6-month moratorium on further listings was signed into law. I supported that amendment.

Unfortunately, since the moratorium took effect, courts have twice required the Department of the Interior to take actions counter to the moratorium's intent. The courts ordered the designation of critical habitat for the Mexican spotted owl throughout the Southwest and the reinstatement of the Bruneau Hot Springs snail on the endangered species list.

In those cases, and in similar cases over the years, the courts have stated they might have ruled differently had it not been for the wording of the Endangered Species Act, which leaves them no other choice but to supersede other laws—including the moratorium. We must reform the Endangered Species Act in such a way to make sure it does not become the super law that overrules all other laws of our Nation.

In my Drinking Water, Fisheries, and Wildlife Subcommittee, we have held eight hearings in Washington and field hearings in Oregon and Idaho on reauthorization and reform of the act. We have heard some honest and blunt testimony on the impacts of the act. We've heard from both advocates of the act and those who favor its reform. We have heard from the administration. While all witnesses may not agree on the future of the act, they do agree that the ESA is in need of reform. We've heard it from unemployed loggers in Idaho, environmentalists, and the Secretary of the Interior. The Endangered Species Act has failed and must be reformed.

For years, Secretary Babbitt insisted the ESA only needed some fine tuning. At one of our hearings he clearly and forcefully stated it is time to reform the act.

Continuing this moratorium gives us the time to do the job and do it right.

This is not a regional issue. It is not just a Western concern. Senators from North Carolina to Washington; Arizona to Virginia will tell you of the overreaching effect of the Endangered Species Act on their States. Whether you are talking about Texas, where more than 800,000 acres of land in more than 30 counties were proposed for critical habitat for the golden-cheeked warbler or Alabama where a relatively common sturgeon has been repeatedly proposed for listing—we are all affected.

Everyone agrees the Endangered Species Act must be reformed, and soon. I am committed to getting a reform bill passed by the Senate this year. Keeping this time out on further listings and designations of critical habitat in place will only help us get the job done soon, and get it done well. We need to lower the rhetoric and allow for rational discussion of the legitimate issues facing ESA reform. I believe by removing the potential for new listings of species and habitat for a while, we can proceed with meaningful ESA reform that will serve the best interests of private landowners, resource users, nature lovers, and the very species we are trying to save.

Mr. President, I commend Senator GORTON, who has been a leader on this whole issue of the Endangered Species Act, and thank Senator BYRD for his continual assistance on these matters as we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Idaho leaves the floor, I want to extend my public appreciation again for the fair manner in which he has conducted the hearings and the studies that the committee has been engaged in, in arriving at the point where we can attempt to have legislation that will reauthorize the Endangered Species Act.

The Senator from Idaho and I on some occasions—not a lot of occasions—have disagreements about philosophy relating to the Endangered Species Act. He has conducted himself with the highest standards of government in the hearings he has held. I want him to know publicly how much I appreciate the work he has done in that subcommittee. He is an asset to the U.S. Senate.

I just want to say briefly, the money that is taken from the Bureau of Mines—it is the only program I think in this bill that was funded at the level the President asked, even though it is below last year's level. It is a real hit to the Bureau of Mines. We did, under the direction and guidance of the ranking member of the Appropriations Committee, Senator BYRD, limit any cuts to programs that would not include health and safety. So I appreciate, as others have stated here, the leadership of the Senator from West Virginia and the help and guidance of the Senator from Washington, who is managing the bill today.

I have no more speakers on this. If it is in keeping with the wishes of the manager of the bill, we could move forward with adoption of the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, indeed, the Senator from Nevada is correct. This amendment was modified, changed, and worked out to the satisfaction of all concerned and to my satisfaction and that of the Senator from West Virginia.

I believe at this point, unless there is further debate, we are prepared to accept it.

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

The amendment (No. 2308) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON THE COMMITTEE AMENDMENT ON PAGE 9, LINE 23, AS AMENDED

The PRESIDING OFFICER. Is there further debate on the underlying committee amendment? If not, the question occurs on the amendment.

The amendment on page 9, line 23, as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, next in line will be the Senator from North Carolina. I believe, however, that his amendment is appropriately an amendment to one or both of the committee amendments on page 9 and page 10.

So, if he will permit me, I will ask that those amendments be called up and his amendment would be to those.

Mr. HELMS. I thank the Senator.

COMMITTEE AMENDMENT ON PAGE 10, LINE 12

The PRESIDING OFFICER. The Senator will be informed the Senate has agreed to the amendment on page 9. We are now on the amendment on page 10.

Mr. GORTON. Then I call up the amendment on page 10.

The PRESIDING OFFICER. That is the pending business.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be accepted but it be considered as original text for the purpose of further amendment.

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

The committee amendment on page 10, line 12, was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2309

(Purpose: To Save the American Taxpayers $968,000)

Mr. HELMS. Mr. President, I believe I have an amendment at the desk. I ask it be stated.

The PRESIDING OFFICER. Without objection the remaining committee

amendments will be set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2309.

Mr. HELMS. 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 10, line 19, strike the word "Act." and insert: "Act: *Provided*, That no monies appropriated under this act shall be used to implement and carry out the Red Wolf reintroduction program and that the amount appropriated under this paragraph shall be reduced by $968,000."

Mr. HELMS. Mr. President, the pending amendment proposes to save the American taxpayers almost $1 million by eliminating funding for the so-called Red Wolf Program, which has created an enormous problem for the people of North Carolina. This Red Wolf Program is administered by the U.S. Fish and Wildlife Service.

Mr. President, 63 red wolves were released by the Fish and Wildlife Service onto Federal lands, but they just did not stay there. They have increasingly encroached on private property to the point that they have become hazardous and a menace to private property owners, their families, their animals, their livestock, and so on.

Mr. President, the Red Wolf Program was created in 1987. It has already cost the American taxpayers $5,224,500. According to a March 1995 report from the U.S. Fish and Wildlife Service, the 63 wolves originally released in eastern North Carolina in 1987 have multiplied. Today there are at least 170 or more wolves in eastern North Carolina. At least 70 wolves have been born in the wild during the past 8 years. That amounts to an increase of more than 100 percent in the population of red wolves in less than 8 years.

Since 1987 the Fish and Wildlife Service has conducted 934 monitoring flights over that entire area to monitor the location of these red wolves, at a cost of untold thousands of dollars—934 airplane flights to monitor these transplanted red wolves. And the administration has requested another $968,000 for this very same program for the coming year.

I am told that the States of Tennessee and South Carolina have the same difficulty with the red wolves because the Fish and Wildlife Service has transplanted and relocated red wolves in those two States as well.

Mr. President, these wolves are predatory animals, and they have become an exceedingly dangerous presence in eastern North Carolina. They slink onto private property, they attack and feed upon farm animals and livestock, and we have reports that at least one child has been bitten by a red wolf and had to undergo tetanus treatment.

We have received all sorts of mail from eastern North Carolina. We have mail from organizations such as the North Carolina Farm Bureau and the Hyde County, NC, officials, and from concerned citizens all over. They oppose vigorously this Red Wolf Program because it has become increasingly dangerous to the people, to their private property, and to their farm animals.

The chairman of the Board of Commissioners of Hyde County, NC, put it this way. And I quote him:

Red wolves have caused a lot of hardship in Hyde, . . . endangered species have more land rights than the landowner paying the property taxes.

But the bottom line is that these red wolves have become such a dangerous problem that the Fish and Wildlife Service issued regulations on April 13 finally allowing property owners to shoot these predatory animals on their land. And the farmers and other landowners feel that they ought not to have to go to that extreme. They want an end to the program, and I think that it has served its purpose, if it ever had one.

In any case, for a long time authorities have been contending that reintroduction programs, which is what the Fish and Wildlife Service calls them, do not work very well.

I have in hand a report published by the New York Times on October 5, 1993, which emphasizes that these reintroduction programs are useless. Michael Phillips, the field coordinator for the Fish and Wildlife Service, was quoted by the New York Times as saying, and I am quoting him:

Most things we have tried to orchestrate in the wild have not worked. The pairs we put out did not stay together and the families did not stay in the places we chose.

So, Mr. President, so the many good citizens in eastern North Carolina resent this waste of taxpayers' money. They do not want these predators roaming their property, attacking their farm animals and livestock, and being a peril to their children.

According to the committee report, private property owners in Idaho and Montana are experiencing the same sort of problems as a result of the gray wolf reintroduction program.

All of it indicates to me—and I address this specifically for myself and my State, the Red Wolf Program—that this red wolf program is a bad idea whose time never came. I hope that we will not waste any more of the taxpayers' dollars on it.

The pending amendment proposes to abolish the program by eliminating the proposed $968,000 for its continuance for 1 more year.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GORTON. Mr. President, this is more or less in the form of a notice that I have listened to the Senator from North Carolina. He is dealing with an issue which is almost exclusively contained within his own State. Personally, I defer to his judgment on the matter and tend to support him in his amendment. At the same time, I recognize—and I believe he recognizes—that this could well be considered to be a relatively controversial amendment that would require a rollcall.

So what I should like to do at this time is simply put Members on both sides of the aisle on notice that the Senator from North Carolina has spoken to the amendment, and we will deal with it much as we dealt with the amendment of the Senator from Idaho [Mr. CRAIG] this morning, and state that if there are those who are going to oppose the amendment, would they please notify us? Better than that, will they please come to the floor so they can debate the amendment?

If I may request of the Senator from North Carolina to withhold his request for the yeas and nays, and if no one comes to oppose the amendment in an hour or so, we will simply accept it by a voice vote. But if it is going to be opposed, we will certainly have a rollcall vote on it.

Mr. HELMS. Mr. President, the distinguished Senator made a proposition that I cannot refuse. As the Prince of Denmark was once reported to have said, it is a consummation devoutly to be wished.

I thank the Chair. I thank the manager of the bill.

Mr. GORTON. Mr. President, once again, this amendment by the Senator from North Carolina on the reintroduction of the red wolves is a significant amendment. If there are those who are going to debate the Senator from North Carolina on it or object to it, we would appreciate notice from them reasonably promptly.

Mr. President, we know that we have one other amendment that will be contested. It will be proposed by the Senator from Vermont [Mr. LEAHY] regarding the stewardship of an incentive program. We hope that we can get him to come to the floor as promptly as possible.

We have cleared a few other amendments for a wrap-up session. But it is now 3 o'clock in the afternoon. Most of these contentious amendments on this bill have been debated and voted on.

We urge Members to tell us now whether or not they want to have their amendments considered. And there is no better time to come and have an amendment considered than right now. If Members want that kind of consideration, would they come as promptly as possible?

With that, and waiting with bated breath the next Senator who wishes to

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

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

MODIFICATION OF AMENDMENT NO. 2295

Mr. GORTON. Mr. President, I ask unanimous consent that amendment No. 2295, which was adopted last night, be modified by striking any reference to "December" and inserting in each such place "November".

This agreement is cleared on both sides and is necessary for the amendment to be internally consistent and also consistent with the assertions by its sponsors that it was a 90-day moratorium on the Secretary of Interior implementing any grazing regulations.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMMITTEE AMENDMENT ON PAGE 16, LINE 4

COMMITTEE AMENDMENT ON PAGE 21, LINE 24

COMMITTEE AMENDMENT ON PAGE 22, LINE 5

Mr. GORTON. Mr. President, I believe that there are three remaining committee amendments that have not been adopted. May I inquire whether that is correct?

The PRESIDING OFFICER. That is correct.

Mr. GORTON. Mr. President, I ask unanimous consent that those three committee amendments be considered en bloc and adopted en bloc and they be considered as original text for purpose of amendment.

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

So the committee amendments were agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that the pending amendment be set aside, and that I be allowed to offer an amendment at this time.

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

AMENDMENT NO. 2310

(Purpose: To restore funding for Indian education)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], proposes amendment numbered 2310.

Mr. BINGAMAN. Mr. President, I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 89, line 8, strike "$54,660,000" and insert "$81,341,000".

On page 136, between lines 12 and 13, insert the following:

SEC. 3. PRO RATA REDUCTION.

The amounts provided in this Act, not required for payments by law, are reduced by 2 percent on a pro rata basis. The reduction required by this section shall be made in a uniform manner for each program, project, or activity provided in this Act.

Mr. BINGAMAN. Mr. President, this amendment will restore $26.6 million for Indian education programs that are funded on a competitive basis through the Department of Education's Office of Indian Education.

Under the amendment, the office's programs would be maintained in 1996 at the 1995 level of $81 million. The committee has appropriated and has contained in this bill $54 million for this purpose already. And I appreciate that very much, but I do want my colleagues to know that this level of funding would represent more than a 30-percent cut from the current-year level. It would represent the complete elimination of the office's competitive grant program which specifically awards funding to Indian tribes and tribal organizations that work with the public schools and the community on a variety of education issues.

This funding is vitally needed because it supplements but it does not directly fund our Nation's public schools; and those are the schools, Mr. President, which educate 90 percent of our American Indian children.

Without the amendment and the restoration of the competitive grant program, we will be eliminating special services for Indian students in public schools. We will be eliminating training for their teachers and critically needed adult education and GED programs that are operated by Indian tribes and Indian people.

Mr. President, this is not fluff money. This is funding that is awarded on a highly competitive basis. It does not even come close to meeting the actual need which has been demonstrated.

In 1990 to 1994 this Office of Indian Education received a total of $75 million in competitive funding requests from Indian tribes and Indian organizations. It was able to fund less than 50 percent of the requests it received during that 4-year period. Only the programs of the highest quality were funded due to the very competitive nature of these grants.

I want to make sure that my colleagues understand this, that I am not offering an amendment that would allocate money out to school districts on a formula basis. The funding that is involved with this amendment is specifically designed to keep the Indian tribes and Indian people involved in the education of their own children, in the education of their own young people and the adults in those tribes and Indian organizations.

Mr. President, I have heard many speeches on this Senate floor about empowering people to do things for themselves. These funds that we are trying to restore in this amendment empower Indian tribes and Indian people to take a hand in educating their own children. That is the specific purpose of these funds. And it is for that reason that I believe it is important that we maintain the current level of funding. As I mentioned earlier, the funds enable tribes to operate GED classes and other adult education classes. It helps to train the teachers who will teach these Indian students. It provides fellowships and grants to Indian students who wish to pursue higher education and through a specific set-aside it funds several Indian control schools including schools in Wisconsin and in Minnesota and in the Dakotas.

Last year Indian-controlled schools in Minnesota received $1 and $2 million in competitive grant funding. That is two different schools in Minnesota. Unless the amendment that I am offering here is approved, these schools will not even have the opportunity to apply for funding in the upcoming year. They will get nothing because there will be no program through which we can fund them.

Mr. President, there are many types of programs funded under this program. Let me give a few examples. The Yaqui tribe in Arizona has a program for curriculum development for dropout prevention, for support systems, for students in those schools. In Washington State, the South Puget Intertribal Planning and Seattle Indian Center has a dropout intervention and GED program. That is funded through these funds.

In Alaska the Bristol Bay Native American Corps has a dropout and

counseling and testing center that they fund. In Oklahoma there is a Cross Cultural Education Center that provides basic skills, classes and dropout prevention programs for Indian students.

In my own State, the Pueblo Zuni have programs in basic academic skills, enhancement and dropout prevention. New Mexico State University in the past has had a summer program for Indian youth in science and math which is funded through the funds that I am proposing to maintain with this amendment.

In Wyoming, there is the Northern Plains Education Foundation, also a dropout prevention program that they have there.

In Nevada, we have the Fallen Pauite Shoshoni Tribe and the Pyramid Lake Pauite Tribe. They have the basic skills and dropout prevention program as well.

Mr. President, my Indian constituents recently reminded me that the very first contract with America was between the Federal Government and the Indian people of this country.

In school districts such as the Gallop-McKinley school district in my State of New Mexico, Indian students need the services that this appropriation provides, and the school district serving them relies upon these Federal funds. These funds provide the services that enhance the cultural relevance and success of mainstream public education for students. They empower the Indian tribes and Indian people to remain involved in the education of their own children, even when these children are in public schools.

We ought not to be cutting programs that are essential for the very neediest in our society, and unless we adopt this amendment, that is exactly what we would be doing in this bill.

Mr. President, I think there are going to be many examples this year—we have already seen a few and we will see more when we come back from our August recess—where we are proposing to cut funding for education. As I go around my State of New Mexico and talk to people, that is not the priority that the people of my State have. They want us to maintain funding for education. In fact, if there is any additional funding to be used, they want it added to education.

Ninety percent of the Indian students in my State and in the country, in fact, get their education through the public schools, and the funds that are involved in this program are the funds that are helping those public schools to provide better education and are helping the Indian organizations and the tribal governments to participate in that.

Last Sunday, on July 30, Louis Gerstner, the CEO of IBM, told the Governors in their meeting in Vermont that America's top priorities should be setting "absolutely the highest academic standards and holding all of us accountable for results. Now. Immediately. This school year."

He went on to say, "Now if we don't do that, we won't need anymore goals, because we are going nowhere. Without standards and accountability, we have nothing."

Mr. President, I compliment Mr. Gerstner for his strong commitment to improving education. We need to demonstrate that same commitment in the U.S. Senate. This amendment will help us to do that.

The offset that I have identified in this amendment and which I am sure is not ideal, since no offset is ideal, but it is the least painful of those that I come up with, essentially involves a 2 percent prorated reduction in funding for all other accounts covered by this bill. With that kind of a 2-percent reduction on a prorated basis, we can have the necessary $26 million which is necessary to keep funding in 1996 at the same level that we have it in 1995 for these very important programs that help to educate Indian children in this country.

I urge my colleagues to support the amendment. I yield the floor, Mr. President.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, with regret, I am going to have to oppose this amendment first, by saying that, again, if you focus on only one line item in this appropriations bill or in all appropriations bill, you reach one conclusion. If you take the budget of the United States as a whole, you come up with an entirely different conclusion. It is correct that this particular Indian education program is subjected to a $27 million reduction under the amount for the current year. In that, the Senator from New Mexico is entirely correct. But that is only one small part of the moneys which are devoted to Indian education.

For the Bureau of Indian Affairs and the schools that it conducts, a subject of the debate last night and early this morning, there is actually a small increase in the appropriation in this bill, one of a tiny handful of functions in the entire bill which is actually increased over 1995 in attempting to reach our goal of an 11-percent overall reduction.

But that figure pales to insignificance in comparison with the $470 million which goes into Indian education programs administered by the Department of Education outside of this appropriations bill.

Mr. President, I do not think Members know that Indian children are the subject of impact aid payments to the school districts that provide education for them. Impact aid is something with which every Member of this body is familiar. It is the added payments made by the Federal Government for people who live on or work on Federal reservations, for children in school, by reason of the tax exemption of the lands on those Federal reservations.

So, for example, a child who is in a military family, with a family living on a military reservation, entitles the school district educating that child to impact aid. Indian children get that impact aid exactly as everybody else that is its subject.

This bill includes $318 million, way more than the entire budget that we are talking about, in impact aid for Indian children. In fact, Indian children are doubly privileged, because they get all the impact aid and they get this program to which this amendment is an amendment, in addition. So we are not speaking about the only or even the principal program which provides educational assistance for Indian children. I simply want to repeat, other parts of the budget and the appropriations bill which we will adopt include $470 million for that purpose. It is infinitely more than what we are speaking about here.

But, Mr. President, at the same time, this amendment proposes to take money out of every other program covered by this bill, ironically including every other Indian program. So a significant portion of it will be transferred from other Indian programs.

I have already made the commitment to the distinguished Senator from Arizona, who chairs the Indian Affairs Committee, that when we arrive at a final amount of money for Indian programs, we will work with him for those internal priorities. This proposal sets those priorities by taking additional money from every other Indian program for this together with money from the National Park Service, which we have attempted to protect because of its obvious importance, for the National Endowment for the Arts, on which we have just had a long debate and a restoration of certain amounts of money, for energy programs, for our national forests, literally for everything else in this bill.

So everything in this bill, every program, every project, every agency, every responsibility is reduced by this amendment in order to deal with a single line item, which is far from the most important line item for the education of our children.

Mr. President, for that reason, I believe it should be rejected. I believe, also, that we would have a rollcall on it.

Does the Senator from New Mexico desire a rollcall vote?

Mr. BINGAMAN. Mr. President, I would desire a rollcall. I would like a few minutes to respond.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Before the Senator from New Mexico speaks again, I will just say that we are going to attempt to stack the vote on this amendment with the vote on the amendment by the Senator from North Carolina on wolves and any other we may have. I hope perhaps we will settle with the Senator from Vermont.

Mr. LEAHY. If the Senator will indulge me for a moment, I understand that we may well have an agreement on mine. If we did, if it reaches that point, maybe we can take 15 seconds, and I would ask at that point that whatever is pending be set aside, and we can put all the statements in the RECORD and agree to it.

Mr. GORTON. I would be delighted.

Mr. BINGAMAN. Mr. President, let me take a few minutes to respond to the comments of the Senator. Let me give my perspective on where we find ourselves, because I think it is important to always identify the context.

In my view, the budget resolution that was approved by the Senate and the House of Representatives has in it a very misguided set of priorities, and that is part of what is driving us to debate cuts within this Interior appropriations bill at this point. We are seeing that we have a bill coming up again tomorrow on defense matters, where we are proposing, under that budget resolution, to add $7 billion to what the President has asked for and to what the Pentagon has asked for, primarily to fund Member-interest items, which is usually referred to in the public arena as "pork," at the same time that we are cutting funds for Indian education throughout this country.

So we have a very misguided set of priorities that have driven us to the situation that we find ourselves in today. For that reason, of course, I oppose that budget resolution.

Let me say that even within this bill I have great difficulty relating to the characterization that my colleague and friend from Washington made that the Indian students in this country are doubly privileged by getting impact aid funds plus other types of funds. The impact aid funds are clearly intended to make up for the loss of the local tax base. That is what that is. That is not free money. That is a result of the fact that local communities have no ability to tax locally, and, therefore, the Federal Government has said we will provide some level of assistance to offset the loss of revenue from the loss of that tax base.

The truth is that the Indian students in my State—at least, when I go around and visit schools, those schools are not luxurious; those are large classes, and those students do not have any kind of special privileges by virtue of being Indian students.

A principal of one of the schools in Gallup County came to see me—Karen Woods from Jefferson Elementary in Gallup-McKinley County. She said to me—and I think this is her perspective in trying to prepare for the new school year which will begin later this month—what she is facing is cuts in support for kindergarten. She is having to go from a full day down to a half day. There are cuts in counselors from the elementary school, cuts in bilingual education and funds for tutors, and cuts in chapter 1. She will have lost the first grade side-by-side program, as she explained it to me. Summer school for elementary students has been lost. Home school liaison program, which she had before, has been lost. Now we are proposing in this bill that the funds which she might have applied for to supplement public school funds to assist the Indian students, in particular, which the various tribes could have applied for, will also be cut.

So I think it represents a very misguided set of priorities. I hope very much that we can do this. I wish we did not have to take a 2 percent reduction in the other accounts in this bill in order to at least maintain level funding for this year in this vitally important program. But that is the only way that I can figure out how to do it.

I think, on balance, that is the right set of priorities. On balance, we should be putting our children first and putting the education of our children first. I think our obligation in the Federal Government is nowhere greater than in the education of the Indian children in this country.

For that reason, I urge my colleagues to support the amendment and vote for it when we come to a final vote.

Mr. GORTON. Mr. President, I thank the Senator from New Mexico for the promptness in dealing with this amendment. I ask unanimous consent that we return to consideration of the Helms amendment and that we hear from the distinguished Senator from Rhode Island on that amendment.

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

The Senator from Rhode Island is recognized.

AMENDMENT NO. 2309

Mr. CHAFEE. Mr. President, I would like to discuss the Helms amendment that we have just returned to. What this amendment does is provide that no moneys appropriated under this act shall be used to implement or carry out the red wolf introduction program.

Mr. President, the amendment goes on to say, "and that the amount appropriated under this paragraph shall be reduced by $968,000."

It is agreeable with the Senator from North Carolina that that last phrase I just stated—"and that the amount appropriated under this paragraph shall be reduced by $968,000"—can be stricken.

Now, Mr. President, I presume that to have that amendment modified to that extent would have to come from the individual presenter of the amendment; am I correct?

The PRESIDING OFFICER. It can be done by unanimous consent.

Mr. CHAFEE. Well, the Senator from North Carolina might come back. If he does, I would prefer to have him do it. If he does not, at the conclusion of my remarks, I will ask unanimous consent to have that stricken.

I will proceed pending the return of the Senator from North Carolina, if he chooses to come back. He and I discussed this, and there is no doubt of his position on this particular clause.

Mr. President, a little review of the record. In 1967, which was 28 years ago, the red wolf was listed as endangered. By 1980, which was some 15 years ago, the red wolf was officially declared as extinct in the wild. It was gone, except in a few zoos.

In 1987, the Fish and Wildlife Service reintroduced red wolves into the Alligator River National Wildlife Refuge, which is in Dare County, NC. The red wolf population was determined to be what they call a "nonessential experimental population." In other words, they released these pairs of wolves with the hope that they would come back and repropagate. Nonetheless, they are not a strictly experimental population. By calling them "nonessential," it meant that if they trespass out of their areas and so forth, they could be shot by the local individuals in the area if they destroyed wildlife and so forth or farm animals.

Now, a minimum of 40 to 50 red wolves are known to exist in the area now. In 1991, the Fish and Wildlife Service initiated a second reintroduction effort in the Great Smoky Mountains National Park. Part of it is in North Carolina and part of it is in Tennessee.

In addition, there are some 200,000 acres of privately owned land that is part of the recovery program. I presume that the great bulk of that privately owned land is owned by timber companies, not by somebody with a plot of 2 to 5 acres, but instead hundreds, indeed, thousands of acres owned by the timber companies.

A bill to allow private landowners to trap and kill red wolves on private lands in certain parts of North Carolina was passed by the State legislature and went into effect in January of this year. Recently, the Fish and Wildlife Service promulgated a special rule providing more flexible management to private landowners. In other words, this is treated somewhat differently than strictly an endangered species. There is no taking. You cannot shoot, you cannot trap them.

Mr. President, I was interested to discover that there are two red wolves in a captive breeding program in Roger Williams Park Zoo in our capital city of Providence, RI. An effort is being

made throughout the country to bring back this species that, indeed, was declared extinct in the wild, and considerable success has attended it.

With this amendment by the distinguished senior Senator, my longtime seatmate—we sit side by side and have for some 12 or 14 years—would provide that no moneys appropriated under this act—that is the Endangered Species Act—or the Interior appropriations, could be used in connection to implement or carry out the red wolf reintroduction program.

I think that is unfortunate, Mr. President. I know that the senior Senator from North Carolina has ticked off some occasions when red wolves have attacked livestock, but I think those are relatively rare situations.

What I worry about, Mr. President, is that each of us can come in and tick off individually these species that have been reintroduced in our States, and we do not want that.

We all know in the Senate there is what they call senatorial prerogatives—a privilege, a deference. Both Senators from North Carolina are Republicans. I presume that the traditional deference will be granted to them. It would not make any difference if they were both Democrats, or one Democrat and one Republican. Judicial deference will be granted by many, saying if that is what you want in your State, that is your business.

I think there is another view to this, Mr. President. I think it is to the advantage of all of us as a nation, as members of this society, as Americans, to have these populations come back. If they get out of hand, if we have wolves roaming all over the place and killing livestock—sheep and cattle, ducks, chickens, whatever it might be—there are ways of handling that. No question about it.

I do not think they represent a threat. I think the country is better off if we have some red wolves in these great national forests or great national parks or wildlife refuges, whatever they might be.

I might point out, Mr. President, that where these are taking place is in lands that belong to all of us. It is not just lands that belong to the folks in North Carolina or the folks in Tennessee. They belong to all of us.

Mr. President, I am sorry that this amendment has been presented. I suspect there will be considerable support for it. I indicated to the Senator from North Carolina that I would not be voting for it. I wanted to point out to others my feelings on it, and those that chose not to vote for it, obviously, I would be grateful for that likewise.

I think more than this particular case, Mr. President, yes, if we agree with red wolves, that is all right, the world will not come to a stop, but where do we go from here? What is next? What is after this?

Then, I believe, going after a grizzly or another type of wolf, no matter what it is. These have been declared endangered species, and in some cases extinct species, as in the case of the red wolf. Again, I want to express my appreciation to the distinguished Senator from North Carolina for taking out the last part dealing with the specific sums.

Now, why did he do that? He was gracious enough to do that because I pointed out to him that when he takes money from the recovery funds, it means that whole series of other animals and species and flora, there is less money for that recovery program.

There is a long list of things seeking to be protected under the recovery moneys which are very, very limited. I think total it is $36 million in all. This would cut that by nearly $1 million. An hour or so ago on this floor we managed, with the help of the distinguished managers of the bill, to increase that part in the recovery program by about $1.5 million. We are cutting it by $1 million. I am thankful, and I want to express my appreciation to Senator HELMS in that particular provision.

Mr. President, I do not see the Senator here. I know it is with his approval that I ask unanimous consent that the final clause in the amendment of the Senator which follows the word "program" be eliminated. That is, the clause that says "and that the amount appropriated under this paragraph shall be reduced by $960,000."

Mr. GORTON. Reserving the right to object, the Senator assures us this has been agreed to by the sponsor?

Mr. CHAFEE. No question about that, otherwise I would not be doing it.

Mr. GORTON. No objection.

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

The amendment (No. 2309), as modified, is as follows:

On page 10, line 19, strike the word "Act." and insert: "Act: *Provided*, That no monies appropriated under this act shall be used to implement and carry out the Red Wolf reintroduction program."

Mr. REID. Mr. President, I have been occupied across the hall, but I did have the opportunity to speak to the senior Senator from Rhode Island. I have to say that I do not agree with this amendment. I think that it sets a very bad precedent for us to start micromanaging what is going on in the Interior Department.

We already have established a moratorium with further listing of endangered species. Now we are coming in here with line-specific legislation dealing with a red wolf. I do not know about the red wolf. I do not think most people in this body know a great deal about the red wolf. I think that most of this body should agree we are not capable of legislating.

Because of the simple fact that one of the Senators, for whatever reason, decides he does not want something done with a specific animal or specie of plant in his State, he should not come in here and legislate something to be done or not done.

I think that we are legislating, of course, on an appropriations bill. This is a piecemeal approach, especially in light of the work that Senator KEMPTHORNE and I are engaged in to reauthorize the Endangered Species Act. On that matter, we have held five subcommittee hearings. There are more hearings scheduled for the recess a week from today. There is one in Casper, WY.

We intend to address the concerns of private landowners. The President, within the past 30 days, issued an Executive order that the Endangered Species Act basically does not apply to a private landowner owning less than 5 acres.

I just think this is wrong. I think it is a wrong way to legislate. This Interior appropriations bill is an important bill. I think this is wrong. I am not going to go into a lot more detail other than to say, Mr. President, that I move to table the Helms amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Could I inquire of the Senator from New Mexico whether he will be prepared to go to a vote on his amendment after the disposition of this vote?

Mr. BINGAMAN. Mr. President, I am.

I ask unanimous consent that the Senator from Hawaii, Senator INOUYE, be listed as a cosponsor of my amendment. I understand the yeas and nays have been ordered.

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

Mr. BINGAMAN. Let me ask the Senator from Washington if it is appropriate to ask unanimous consent for 4 minutes in between to explain my amendment; he could have 2.

Mr. GORTON. It is certainly OK.

Mr. BINGAMAN. I prefer that.

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

The PRESIDING OFFICER. The question is on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—50

Akaka	Biden	Boxer
Baucus	Bingaman	Breaux

Bryan	Heflin	Moynihan
Bumpers	Hollings	Murray
Chafee	Inouye	Nunn
Cohen	Jeffords	Pell
Daschle	Johnston	Pryor
Dodd	Kennedy	Reid
Dorgan	Kerrey	Robb
Exon	Kerry	Rockefeller
Feingold	Kohl	Roth
Feinstein	Lautenberg	Sarbanes
Ford	Leahy	Simon
Glenn	Levin	Snowe
Graham	Lieberman	Specter
Gregg	Mikulski	Wellstone
Harkin	Moseley-Braun	

NAYS—48

Abraham	Domenici	Lugar
Ashcroft	Faircloth	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Packwood
Byrd	Grassley	Pressler
Campbell	Hatch	Santorum
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Dole	Lott	Warner

NOT VOTING—2

Bradley	Mack

So the motion to lay on the table the amendment (No. 2309), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2310

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Bingaman amendment.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to take a minute and then defer to the Senator from Washington, and then take the last minute to make a final plea for this amendment.

Mr. President, this amendment would restore $126.6 million for Indian education programs that are funded on a competitive basis. The funds go to Indian tribes and Indian tribal organizations.

The bill, as it presently stands, contemplates a 34-percent cut in these funds for Indian education. I think that is not a responsible course for us to follow.

The amendment has an offset, which essentially is a 2-percent reduction across the board in all other accounts covered by the bill. I know that is not a good result in the eyes of many people, but I do think that the priority of this Senate should be to put in funds for the education of our children and particularly the Indian children of this country who depend upon the Federal Government for support.

I will yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this account represents no more than 10 percent of all of the money which goes into the education of Indian children. The great bulk of this account goes to school districts that educate Indian children. But those Indian children already get a credit through impact aid just as do other children on Federal reservations and the like.

I wish to repeat, impact aid applies to Indian children. This is over and above impact aid. The impact aid budget for this year is some five or six times greater than the amount that is included in this fund.

There is more than $470 million in the Department of Education for Indian education. The BIA line in this bill has more money for Indian education than it does for the current year, one of the tiny handful of programs that actually gets an increase.

And yet the Senator from New Mexico will take money, significant amounts of money from our National Park System, from our cultural institutions, from our scientific institutions, and ironically this cut will apply to all of the other Indian programs which were spoken of earlier today. They will also lose. The amendment I believe should be rejected.

Mr. BINGAMAN. Mr. President, let me just conclude by saying that this amendment goes to the funding which is intended for tribes and tribal organizations to assist in the education of their own children. These are the only funds anywhere in this bill or, as far as I know, anywhere in any of the appropriations bills that are intended to empower tribes to assist in the education of their own children.

We give a lot of speeches about empowering people to do things. I think this is a priority. I think we ought to fund this. I regret that we are having to reduce other accounts by 2 percent, but this is a higher priority. I would rather reduce those accounts 2 percent than this funding level here, 34 percent, which is what the present bill calls for.

Mr. President, I think the yeas and nays have been requested already.

Mr. GORTON. Mr. President, I move to table the Bingaman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bingaman amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—68

Abraham	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Bennett	Gramm	Moynihan
Bond	Grams	Murkowski
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bumpers	Hatfield	Pressler
Byrd	Helms	Pryor
Chafee	Hollings	Reid
Coats	Hutchison	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Santorum
Coverdell	Kassebaum	Sarbanes
Craig	Kempthorne	Shelby
D'Amato	Kennedy	Simpson
DeWine	Kohl	Smith
Dodd	Lautenberg	Snowe
Dole	Leahy	Specter
Exon	Levin	Stevens
Faircloth	Lieberman	Thompson
Ford	Lott	Thurmond
Frist	Lugar	Warner
Glenn	McConnell	

NAYS—30

Akaka	Domenici	Kerry
Baucus	Dorgan	Kyl
Biden	Feingold	McCain
Bingaman	Feinstein	Murray
Boxer	Harkin	Nickles
Bryan	Hatch	Pell
Burns	Heflin	Robb
Campbell	Inhofe	Simon
Conrad	Inouye	Thomas
Daschle	Kerrey	Wellstone

NOT VOTING—2

Bradley	Mack

So the motion to table the amendment (No. 2310) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask unanimous consent that a letter from the Secretary of the Interior to Senator HATFIELD on the subject of the Western Water Policy Review Commission be printed in the RECORD. This letter relates to language included in the Interior appropriations bill.

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

SECRETARY OF THE INTERIOR,
Washington, DC, August 9, 1995.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to convey to you the Administration's commitment to establish the Western Water Policy Review Commission as called for in Public Law 102-575 by the end of September 1995. The Department will publish the Commission's Charter in the Federal Register by that date and constitute the Commission.

I look forward to working with you and other members of Congress on the important work of this Commission.

Sincerely,

BRUCE BABBITT.

AMENDMENTS NOS. 2311 THROUGH 2324, EN BLOC

Mr. GORTON. Mr. President, I believe at this point that we have no more contested amendments. We do have a few left that have not been completely cleared at this point. But in

order to facilitate progress, I will now offer a series of amendments, en bloc, that have been cleared and ask for their immediate consideration:

An amendment, No. 2311, by Senator BYRD on the use of AML funds;

An amendment, No. 2312, by Senator CRAIG on Clearwater National Forest;

An amendment, No. 2313, by Senator JEFFORDS on indemnity provisions within the National Endowment for the Arts;

An amendment, No. 2314, by Senator KYL on the Indian arts and crafts board;

An amendment, No. 2315, by Senator MCCAIN on fossil energy research and development;

An amendment, No. 2316, by Senator SNOWE transferring National Park Service funds from land acquisition to the national recreation and preservation fund;

An amendment, No. 2317, by Senator HUTCHISON on the NBS aerial surveys;

An amendment, No. 2318, by Senator SPECTER on Kane Experimental Forest;

An amendment, No. 2319, by Senator BAUCUS on Lolo National Forest;

An amendment, No. 2320, by Senator DOMENICI on petroglyphs;

An amendment, No. 2321, by Senator MURKOWSKI on Denali North access;

An amendment, No. 2322, by Senator MURKOWSKI on stampede mine;

An amendment, No. 2323, by Senators MCCONNELL and FORD on the Department of Energy appliance standards;

An amendment, No. 2324, by Senator LEAHY on stewardship incentives program.

Mr. BYRD. Mr. President, all of these amendments have been cleared on this side of the aisle. I support the manager's request.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 2311 through 2324, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2311

(Purpose: To clarify the availability of funds for abandoned mine environmental restoration)

On page 30, line 17, before the period, insert the following: ": *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act".

AMENDMENT NO. 2312

(Purpose: To provide that the adoption of an amendment to the resource management plan for the Clearwater National Forest under section 314(c)(2) of the bill will satisfy the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, relating to that national forest)

On page 118, between lines 2 and 3, insert the following:

"(7) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation Dismissal shall be of no further effect with respect to the Clearwater National Forest.".

AMENDMENT NO. 2313

At the appropriate place (end of page 136) add the following new section:

Public Law 94–158 is modified to extend the scope of the Arts and Artifacts Indemnity Act to include exhibitions originating in the United States and touring the United States for indemnification subject to the availability of funds.

AMENDMENT NO. 2314

(Purpose: To provide for the continued operation of the Indian Arts and Crafts Board)

On page 31, line 15, strike "$997,221,000" and insert "$997,534,000".

On page 31, line 16, after "which" insert the following: "$962,000 shall be used for the continued operation of the Indian Arts and Crafts Board and an amount".

On page 43, line 1, strike "$58,109,000" and insert "$57,796,000".

Mr. KYL. Mr. President, this amendment would add $313,000 to the budget of the Indian Arts and Crafts Board at the Department of the Interior, bringing the total for the Board to $962,000 for the upcoming fiscal year. The funding would be offset by an equal reduction in the departmental management account.

My amendment will ensure that a small, but important arts agency, the Indian Arts and Crafts Board, can continue its operations. I want to make it clear to my colleagues, however, that even if the amendment is adopted, the Arts and Crafts Board will take a 10-percent cut from the current year level—a 20-percent cut from the President's budget request.

The work of the Indian Arts and Crafts Board is about creating opportunities for native American artisans, particularly young people who must decide whether to continue the historical and cultural traditions that are entailed in Indian art and craftmaking.

The Board helps to foster such opportunities for native American artisans, providing business advice and technical assistance to Indian individuals and organizations; helping to identify new markets for Indian craft businesses; and promoting Indian art in Board museums as well as outside exhibitions.

The most important function of the Board relates to implementation of the Indian Arts and Crafts Act of 1990, which directs the Board to assist native American artisans, tribes, or marketing organizations in obtaining trademarks for their products. Such marks of genuineness—trademarks—help develop markets for Indian products, as well as assure consumers that the products they buy are indeed genuine Indian. The act also establishes stiff penalties for misrepresentation of works as Indian produced when they are not. The 1990 act represents a free market approach to promoting economic development in Indian country.

In a nutshell, the 1990 act gives the Board authority to obtain trademarks for Indian artisans and thus help them distinguish their works in the marketplace. This also helps consumers determine genuineness. It strengthens criminal penalties for violations—counterfeiting of trademarks—and establishes new civil remedies against those who misrepresent works as Indian produced when they are not. In short, it cracks down on the fraud which is siphoning off a significant share of the market for native American artisans.

Prior to passage of the 1990 act, the Commerce Department had estimated that imported imitation Indian handcrafts were siphoning off 10 to 20 percent from genuine Indian artisans' markets. Commerce also found that much of the counterfeit market was made up of jewelry that undersold the genuine articles made by craftsmen such as the Navajo, Hopi, and Zuni, by as much as 50 percent.

That is significant because, if Indian artisans cannot make enough money due to competition from cheap fakes, they will abandon the arts, and rich native American traditions will die out as a result. Or, if they have to increase productivity at the expense of time-honored manufacturing techniques in order to compete with imitation products, an important part of their heritage will be compromised and lost.

Mr. President, for many Native Americans, their art is their sole source of income. These are not wealthy people. I met with one Navajo couple, for example, whose ability to produce more Navajo rugs was limited by their inability to raise more sheep. These people are struggling from day to day to make ends meet.

I am not asking in our amendment that Indian artisans get special treatment. We're proposing a funding level that represents a 10-percent cut from the fiscal year 1995 level. What I am asking is that the Indian Arts and Crafts Board be allowed to continue its work promulgating the regulations to implement and enforce the 1990 act; to continue its work on behalf of native American artisans.

Mr. President, I urge my colleagues to support this amendment.

AMENDMENT NO. 2315

(Purpose: To provide that any new fossil energy research and development project start shall be cost-shared with a private entity)

On page 77, line 12, before the period, insert the following: ": *Provided further*, That any new project start funded under this heading shall be substantially cost-shared with a private entity to the extent determined appropriate by the Secretary of Energy".

Mr. McCAIN. Mr. President, this amendment would require that any new starts in the area of coal, gas, or oil research and development be cost shared with private industry.

Mr. President, at a time that we are cutting spending in programs across the board in order to gain control over the Federal budget, we must look very critically at those activities undertaken by the Federal Government which could and should be funded by private industry.

In fact, I believe we should not engage in any new starts and that we should consider very seriously turning over research and development activities intended to benefit particular industries, to those industries. Until that decision has been made, however, we should at the very least require private industry to put up a substantial cost share for any new research activities undertaken by the Department of Energy.

I trust that my colleagues will agree and that this amendment can be accepted.

AMENDMENT NO. 2316

(Purpose: To transfer certain funds from land acquisition to national recreation and preservation)

On page 18, line 17, strike "$38,051,000" and insert "38,094,000."

On page 19, line 26, strike "$43,230,000" and insert "$43,187,000."

AMENDMENT NO. 2317

(Purpose: To protect citizens' private property rights)

On page 16, line 17, strike the word "surveys" and insert the following: "surveys, including new aerial surveys.".

AMENDMENT NO. 2318

(Purpose: To provide funds for the acquisition of subsurface rights in the Kane Experimental Forest)

On page 69, line 11, after "expended" insert the following: ": *Provided*, That of the amounts made available for acquisition management, $1,000,000 may be made available for the purchase of subsurface rights in the Kane Experimental Forest".

Mr. SPECTER. Mr. President, my amendment would provide $1 million to the Forest Service for the acquisition of subsurface oil and gas rights beneath the Kane Experimental Forest to protect the vital research and experimentation programs in the forest. I am advised that if these subsurface rights are not purchased this year, the landowner is likely to allow the commencement of exploration for oil and gas under the forest.

Located on the eastern boundary of the Allegheny National Forest, the 1,737-acre Kane Experimental Forest is the field headquarters of the Allegheny Plateau Research Center of the U.S. Forest Service's Northeastern Forest Experimental Station. This research station has been a leader in the development of Allegheny hardwood management techniques since the 1930's. Over the years, the Forest Service has pursued an acquisition program of subsurface rights where important research would be adversely impacted by further oil and gas exploration. This program of acquisition has now moved to the Kane Experimental Forest, where new extraction activities are planned, some of which would likely eviscerate the vital research and experimental programs of the forest.

The Forest Service has requested a $1 million appropriation for fiscal year 1996 to allow the agency to purchase the subsurface oil and gas rights beneath the Kane Experimental Forest. These funds would allow the consolidation of surface and subsurface rights throughout the forest to continue while protecting invaluable forest research and data. This would also reduce the management costs that the Forest Service currently incurs by having to monitor the extraction activities in the Kane Forest.

Mr. President, I would note that my amendment makes these funds available for the purchase of these subsurface rights, but leaves the decision to the discretion of the Forest Service.

I urge the adoption of my amendment and yield the floor.

AMENDMENT NO. 2319

(Purpose: To provide that $275,000 shall be made available from the cash equalization account in the Land and Water Conservation Fund for the acquisition of Mt. Jumbo in the Lolo National Forest, Montana)

On page 69, line 11, insert ", of which $275,000 may be made available from the cash equalization account for the acquisition of Mt. Jumbo in the Lolo Natonal Forest, Montana" before the period.

AMENDMENT NO. 2320

(Purpose: To provide additional funding for the National Park Service land acquisition program)

On page 19, line 26, strike "$43,230,000" and insert "$45,230,000.

On page 2, line 11, strike "$565,936,000" and insert "$563,936,000.

On page 3, line 5, strike "$565,936,000" and insert "$563,936,000.

Mr. DOMENICI. Mr. President, I offer an amendment to provide $2 million to continue the acquisition of land at the Petroglyphs National Monument in Albuquerque, NM.

I offer this amendment today because these ancient Indian rock carvings continue to be directly threatened by development and urban encroachment.

The distinguished chairman and ranking member have done their best to address land acquisition requirements. The subcommittee has focused its efforts on acquisitions wherein funding will complete the Federal Government's obligation for land purchase.

While the $2 million in this amendment will not complete acquisition at the Petroglyphs National Monument, it will ensure that we continue our commitment to the landowners within the boundaries of the monument.

Many of these landowners have announced their intention to develop their property if no funding is made available to purchase their property next year. Several landowners have begun breaking ground on their property.

These landowners have worked in good faith with the city of Albuquerque, the National Park Service, and the Congress during the establishment of this monument, expecting to be compensated within a reasonable time.

Mr. President, the Petroglyphs National Monument stretches for more than 17 miles across Albuquerque's west side. Only 800 acres remain to be purchased within the boundaries of the monument. This $2 million will purchase property in the southern portion of the monument, most of which belongs to Westland Development.

Mr. Chairman, to ensure that the overall bill remains within the subcommittee's 602(b) allocation, I am fully offsetting this amendment by reducing by $2 million the Bureau of Land Management automated land and minerals records system. This fully offsets the outlays needed for the amendment.

AMENDMENT NO. 2321

(Purpose: To direct the National Park Service to conduct, within existing funds, a Feasibility Study to evaluate proposals for a northern access route into Denali National Park and Preserve)

At the appropriate place in the bill insert the following section:

SEC. . The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

The Feasibility Study shall be conducted solely by National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

Mr. MURKOWSKI. Mr. President, Denali National Park and Preserve is

one of the Nation's most magnificent of natural resources. The park exemplifies Alaska's character as one of the world's last great frontiers for adventure. Every year, the park instills awe into the thousands of visitors who are lucky enough to see it.

Unfortunately, few ever have the opportunity to enter the park. The 1994 visitor season brought 490,149 visitors to the entrance of the park, only 241,995 of which were allowed to proceed past the entrance check point. The other 249,154 visitors were turned away. In other words Mr. President, 51 percent of the visitors intending to visit Denali National Park were not allowed to set foot in the grandeur of this 6 million acre park.

To some, 6 million acres may not sound like a significant piece of real estate, but once you realize that the park is equivalent in size of the State of Maryland, and that within this vast area there is only one 90-mile gravel road to accommodate a very limited number of park visitors, you can begin to realize some of my frustration with the management practices of the National Park Service.

The National Park Service sees nothing wrong with operating a park the size of the State of Maryland in a way that keeps the majority of visitors out of "their" park. Those fortunate enough to get past the entrance check point, complete with an armed guard, who I affectionately refer to as "check point Charley," the average park visitor is then confined to the narrow corridor of one gravel roadway, the length of which is less than a round trip from Washington to Baltimore.

I find this whole concept to be a fraud on the park visitor. The visitor in this case is bused 90 miles down a dusty road and then afforded the opportunity to return to "check point Charley" by exactly the same route. Thankfully, the NPS does not charge extra for this double look at the resource.

From a park management standpoint it makes little sense to crowd every visitor onto one length of existing roadway in a 6-million-acre park. The Park Service is now complaining that visitors are causing some compaction of soils along the side of the existing corridor. Now that is what I call a scientific discovery. It proves that there is some intelligent life within the Service. Someone has actually noticed that if you confine most of your visitors to a single pathway, eventually some soil compaction will take place. Mr. President, great strides are being taken here. Unfortunately, we are going the wrong way.

There is little movement to accommodate the increasing number of park visitors, only warnings that increased visitation will damage every singe acre of the 6-million-acre park.

Mr. President, from the very beginning, the national park equation included the accommodation of visitors. It is apparent that visitors are becoming less important in the park management scheme. It is high time that we balance the national park equation again by reestablishing visitors as important and desirable components of the system.

Mr. President, my amendment will assist the National Park Service in fulfilling their mandate: it will encourage the accommodation of park visitors. When enacted, my amendment would direct the Service to accomplish a feasibility study on a second access road into Denali National Park using a northern route which would carefully avoid any designated wilderness and would have little impact on the environment.

Mr. President, in all fairness, the National Park Service is looking at a southern location from which visitors will at least be able to see the mountain. The proposal calls for a visitors' site to be located on adjacent State land. But you may be certain that the road will stop at the park boundary. God forbid that anyone would let additional park visitors actually visit a park.

The visitor needs access, moreover, the visitors want access. Mr. President, imagine how disappointed you and your family would be, if after you had traveled thousands of miles to see the great vistas of Denali and Mount McKinley, "check point Charley" told you there was no room in the 6-million-acre park. I doubt that you would be overjoyed. Last year it happened to 51 percent of the visitors.

Mr. President, it is far more intelligent to provide additional access by a well planned alternative route than to continue turning away thousands of visitors and managing the rest in a way that results in damage to Denali's resources.

This amendment does not construct a highway, it only studies an alternative solution to accommodate park visitors. My amendment would require the National Park Service to complete a feasibility study, within available park funds.

The study would evaluate current proposals for a northern access route. It would ensure that the resource impacts from any plan to create a new access route are evaluated with accurate information and in a process that considers park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourist industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act.

The study would also address the time required for development and all associated costs.

I urge my colleagues to support the amendment.

AMENDMENT NO. 2322

(Purpose: Within existing park funds to provide design and construction drawings for the replacement of buildings accidentally destroyed by the National Park Service, and for other purposes)

At the appropriate place in the bill insert the following section:

SEC. . Consistent with existing law and policy, the National Park Service shall, within the funds provided by this Act, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, That within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1996, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve: *Provided further*, That the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident.

Mr. MURKOWSKI. Mr. President, in 1987 an explosion rocked a mine in a remote region of Denali National Park and Preserve.

Newspaper reports were sketchy; few individuals could have read between the lines to realize that a man's life work was involved, that the U.S. Army, the University of Alaska, and the National Park Service were interested parties, and that no one was willing to accept blame.

Mr. President, the very short version of this story is that the National Park Service illegally took private property, and blew it up and in the process violated a number of environmental laws as well as the provisions of the Historic Preservation Act.

The Stampede Creek mine is 115 air miles southwest of Fairbanks, located in the Kantishna Hills region of Denali National Park and Preserve.

As early as 1915, the site was mined for antimony, a high-priced metal used for alloys and medicine. In 1942, Earl R. Pilgrim purchased the claims and under his hands-on direction the mine continued to operate and ship antimony until 1972. At one time, the mine was the second largest producer of antimony in the United States.

Located in an isolated section of the park preserve, The Stampede mine was found to be eligible for listing on the National Register of Historic Places on June 20, 1989. Today the mine site contains, or excuse me, did contain several historic structures. The site is rich in equipment, machinery, tools, and the myriad objects that make up the stuff of a mining camp. Many of these items

are unique to Pilgrim's operation and reflect his own inventiveness and mechanical skills.

In 1979, Stampede Mines LTD. entered into negotiations with the National Park Service and the University of Alaska. As a result of those negotiations the mining company made a donation to the National Park Service of the surface rights including road access from the airstrip, the historic buildings, water rights, and stream banks.

It was thought at the time that the National Park Service possessed the wherewithal to better maintain and protect the valuable historic structures. Unfortunately, history would record that there was little merit to this line of thinking.

At the same time, the University of Alaska Fairbanks, School of Mineral Engineering was donated all the mineral rights, mining equipment and fixtures with mineral development restrictions for the education of students.

Mr. President, the mineral development restrictions included provisions which allowed for only educational use of the mineral estate. No commercial mining would be allowed, only small-scale educational mining, and even though the buildings, roads, trails, and air strip were owned by the Park Service, the university would be responsible for maintaining them.

The school of Mineral Engineering was most pleased with the arrangement and looked forward to providing their mining students a unique opportunity to learn first hand about past and present day mining operations and equipment. Given the chance, they would like the opportunity to conduct such an educational program in the future.

The educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides instruction-investigation about environmentally sound mineral exploration and mining techniques in a sensitive natural environment—as well as studying the geology, biology, and ecology of the area, and studying the historical aspects of Mr. Pilgrim's mine.

The program has already helped the mineral industry develop methods to explore for and develop minerals on lands located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service and a win in the field of education for the university. No one in their worst nightmares, would have believed that the National Park Service could blow this opportunity.

During 1986 to 1987 National Park Service personnel conducted field inspections of old mining sites located on their lands for the purposes of identifying potentially contaminated sites and hazardous conditions.

Toward the end of July 1986, the Stampede Creek site was examined. The inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking any action, the inspectors recommended that the ownership issue be resolved. In other words, someone actually considered private property. The matter was treated as serious, but not as an emergency or life-threatening situation. Nothing further occurred for 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army's Explosive Ordinance Detonation Team arrived, unannounced, at the Stampede Mine site and on April 30, 1987 changed the configuration of the mine site and its historic structures.

Mr. President, they moved 4,000 pounds of ammonium nitrate—private property of the University—and placed it on top of the still frozen Stampede Creek. Ammonium nitrate may sound dangerous but in its packaged state it is nothing more than common fertilizer.

They piled 4,000 pounds of fertilizer on top of the creek and added several half gallon bottles of acid—more private property which they retrieved from the assay lab. Finally they added 45 points of high explosives—set the charge and left the area.

When the smoke cleared and all of the debris fell back to Earth, they found the explosion left a crater 28 feet wide and 8 feet deep in the creek. There was also a noticeable change in the mining site.

Mr. President, this is a picture of the Stampede Mine site prior to the arrival of the National Park Service. This is a picture of the mill upon their return to see if they had gotten rid of the fertilizer and chemicals.

In addition to the mine entrance and mill, damage occurred to other buildings, trees, landscape, and stream bed. The bombing also blew up a 5,000 ton tailings pile which, by using USGS records for the current price of metals, would be worth approximately $600,000 in place. Unfortunately the heavy metals of the tailings pile were last seen moving from the site and being scattered throughout the environment by the force of the blast.

One of the most telling reports concerning this debacle is from the U.S. Army incident report No. 176-23-87 which stated that the NPS personnel were aware that detonation would result in damage to the surrounding buildings and according to Sergeant Seutter "at no time was it relayed to me that damage—was unacceptable."

Mr. President, violations of the law are clear. There are violations of the Clean Water Act, the Historic Preservation Act, Section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

Further, since the explosion, approximately $2 million worth of mining equipment—some historic—has been damaged or destroyed due to exposure to inclement weather and the normal Alaska freeze and thaw cycles.

What I find equally outrageous is the fact that no one from the National Park Service has said "I am sorry."

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. My amendment would direct the Park Service to issue a 10 year special use permit to the University of Alaska so that they may continue their worthwhile education program with some assurance of program continuity and to ensure that the $20,000 they have invested and other monies they continue to invest will not be lost or be spent in vain.

My amendment also directs the Park Service, within appropriated park funds, to provide appropriate committees with cost estimates for the repair and or restoration of buildings and equipment damaged or destroyed by the National Park Service in this unfortunate incident, and to provide temporary shelter on site for any equipment and materials now exposed to the weather on the site.

I urge my colleagues to support this amendment.

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

AMENDMENT NO. 2323

(Purpose: An amendment in regard to the Department of Energy Code and Standards Program)

On page 128, strike section 320, and insert the following: "None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: *Provided*, That this section shall expire on September 30, 1996: *Provided*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally owned commercial and residential buildings.".

Mr. McCONNELL. Mr. President, just a couple weeks ago on this floor, we had an extensive debate on the issue of regulatory reform. A lot of amendments were offered, a lot of work was done, and a great many speeches were delivered—but in the end, nothing was delivered to the American people.

It became clear that the only regulatory reform that would be allowed to pass would be something so watered down that it was hardly worth passing at all. And the leadership wisely decided to pull the bill down.

Because of that, however, Americans today remain vulnerable to overzealous, overreaching Federal regulators. Consumers, businesses, and volunteer organizations are the easy prey of aggressive bureaucrats—who take the

laws that we pass and twist them into absurd, extreme restrictions that impact the lives of everyday Americans.

The amendment I am offering today addresses one such instance of overreaching regulation. It is, if you will, a minor skirmish in the regulatory reform war. But in the balance are consumers' pocketbooks, as well as a huge number of jobs—in my State, and in many others as well.

Specifically, my amendment would put a 1-year moratorium on so-called energy efficiency regulations that the Department of Energy is preparing to issue under its Codes and Standards Program.

Now, let me make it very clear that my amendment is not hostile to the laudable goal of energy efficiency. Nor is it intended to shut down the regulatory process under DOE's Codes and Standards Program. No one disputes the fact the energy efficiency is important; or that DOE has played a key role in encouraging companies and products to be more energy efficient.

Nevertheless, as has happened all too often in the regulatory arena, DOE is on the brink of adopting new rules that would have tremendously adverse consequences on consumers and workers alike.

My amendment does not repeal the proposed regulations. Nor does it affect the enforcement of any existing energy efficiency regulations. What it does is impose a 1-year moratorium on the DOE ability to propose, issue, or prescribe any new regulations under the Codes and Standards Program, so that both their impact and their relative benefit can be better assessed.

I want to be quite clear on this point.

My amendment would not affect energy efficiency labeling of products. Consumers could continue to make well-informed choices about the relative energy consumption of various household appliances.

Further, DOE could continue to test products and measure their energy efficiency. All my amendment does is call a timeout in the middle of a regulatory process that is about to become horrendously burdensome for thousands of workers and millions of consumers.

If we do not pass this amendment, and the proposed DOE regulations are adopted, consumers will see their range of choices sharply limited—almost to the point of a legalized monopoly—and workers could see their plants shut down, almost overnight.

I should point out that the bill before us recognizes the seriousness of this problem by including a moratorium on enforcement of these regulations—but just for one product alone: fluorescent lamp ballasts. I agree that these regulations pose a serious threat to fluorescent lamp ballasts, but the problem is clearly much broader than that.

The new standards proposed by DOE would affect refrigerators, air-conditioning units, water heaters, pool heaters, and mobile home furnaces. Other products, like freezers, washing machines, clothes dryers, dishwashers, and electric motors, could also be hit hard by DOE regulations that are now under consideration.

Companies that make these basic household appliances are facing enormous costs because of the new standards. Manufacturing processes and product designs will have to be drastically altered. In some cases, entire product lines will simply be abandoned, and the employees who make them will be dumped out on the streets.

Moreover, consumers who rely on these kinds of basic household appliances will face a drastic reduction in choice, along with steep increases in price, as manufacturers scramble to meet the new standards coming out of Washington.

This is an all-too-common tale of regulation gone wild: overzealous bureaucrats, proposing pie-in-the-sky restrictions, which inflict heavy costs on American families who struggle to make ends meet.

Once again, the Federal regulatory apparatus is poised to disrupt a broad range of industries, and pass the costs on to middle-class consumers.

My amendment would give Congress the breathing room it needs to study the regulations, analyze their impact, and suggest alternatives that meet the goal of energy efficiency without threatening jobs or ratcheting up the price tag for basic household appliances.

I am pleased that the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, has endorsed in a letter the approach taken by my amendment. In my view, the Energy Committee is best equipped to review the matter and recommend changes that are needed. I ask unanimous consent that Senator MURKOWSKI's letter on this subject be made part of the record.

I would also like to point out that the House, by a vote of 261 to 165, approved language that is virtually identical to what I am proposing now.

But ultimately, what matters to me is not what the House did or anything else: it is what the DOE regulations will do to thousands of employees in my home State, many of whom will lose their jobs at some point because of some bureaucratic decision made in Washington.

For example, the General Electric plant in Louisville is the largest single-site employer in my State.

I'm proud to say that the hard-working employees at the G.E. plant turn out some of the highest quality home appliances in the world. In fact, it's likely that just about everyone in this body—and most everyone watching C-SPAN today—has at one point or another owned a high quality home appliance that was made at G.E. in Louisville.

What do these pending Federal regulations mean to the workers at the G.E. plant?

The new energy efficiency standards—just for refrigerators—will cost the company $187 million, and that's only in the short term.

Possible new standards for clothes washers could force G.E. to shut down a brandnew $100 million facility, and hand out pink slips to up to 2,000 employees who work there.

Here we're trying to encourage investment and job creation—and these regulations could force a Kentucky plant to close down a state-of-the-art manufacturing operation and let go of thousands of employees.

All because some bureaucrats in Washington are designing their perfect world for the rest of the country to follow.

Similar effects will be felt by other players in the home appliance industry, across the country. Ask the workers in your State who manufacture home appliances. They will tell you that these regulations are economic poison in their industry.

In fact, there's only one manufacturer who supports these regulations; and not surprisingly, that one manufacturer is uniquely positioned to benefit from the regulations that this amendment seeks to delay.

It so happens that this one manufacturer already holds a 50-percent share in the clothes washer market.

But apparently, that is not enough. So what this one company hopes to do is use the Federal regulatory system to drive its competitors out of business.

It conveniently turns out that this company is the only one that makes a certain kind of clothes washer which some Federal bureaucrat likes. All other companies will have to radically change the way they make clothes washers, just to stay in the game.

Mr. President, Federal regulators should not be in the business of picking winners and losers in the clothes washer industry.

Buyers of clothes washers should not have their purchasing decisions made for them by Washington bureaucrats.

And Congress should not be sanctioning a proposed regulatory structure that in effect creates a legalized monopoly. Don't take my word for it; listen to the Assistant Attorney General for Antitrust Enforcement, Anne Bingaman. She wrote a letter to DOE concerning the anticompetitive effect these regulations would be likely to have on the marketplace.

In her letter, dated September 16, 1994, Ms. Bingaman said:

> For television sets, fluorescent lamp ballasts, and professional style or high end kitchen ranges, it is the Department's judgment based on the available evidence that significant anticompetitive effects are likely to occur.

In other words, these regulations are bad news for consumers—for American families.

The letter from Assistant Attorney General Anne Bingaman goes on to warn DOE of the negative impact this rulemaking would have on market competition, as well as on individual product lines.

Remarkably, DOE did nothing in response to this devastating assessment of its proposal. In fact, it was not until the House flatly suspended DOE's regulatory authority in this area that the agency finally acted.

Nevertheless, DOE's response was simply to terminate its rulemaking on television sets—an obviously weak half measure. None of the other pending regulations criticized by the Assistant Attorney General were suspended.

Mr. President, many appliance manufacturers are facing the second or third round of reregulation by DOE.

Each of these new sets of regulations imposes additional costs, which are directly paid by hard-working American families.

Sometimes, when the regulatory burden is too great, the company just abandons the product line altogether, and employees are sent home to look for other jobs.

This is no way to regulate. We need a timeout with regard to these pending regulations, to give Congress the time to take a good, hard look at how DOE has been regulating this segment of our economy.

As I said earlier, I have a letter from Senator MURKOWSKI, chairman of the Energy Committee, requesting that his committee be given the opportunity to evaluate the proposed standards.

Let's give the committee that opportunity, and try to restore some sanity to the regulatory process—at least in this one instance.

In closing, I want to remind everyone that no ground whatsoever would be lost by adopting my amendment. It does not invalidate any current energy efficiency regulations; it does not turn the clock back; it only looks toward the future.

The energy efficiency regulatory process has gotten off track, and it is time to get it back on the rails—before jobs are lost, competition is restricted, and basic consumer products are banned.

I want to thank all of my colleagues who have cosponsored this amendment: Senators FORD, HARKIN, GRASSLEY, MURKOWSKI, LOTT, HUTCHISON, and GRAMM.

And I hope we can come together and at least put a 1-year moratorium on regulations that have gone in a terribly wrong direction.

Mr. HARKIN. Mr. President, I have cosponsored the McConnell amendment. The amendment allows the DOE to do the planning work necessary to develop energy efficiency standards. But, it does not allow the Department to issue a rule or a notice of proposed rulemaking. I am a strong supporter of solid energy standards. But, I have become aware of some real concerns about how the Department of Energy is implementing the law in this area.

The Department is supposed to consider the initial and lifetime cost of appliances under these standards. And, the Department is supposed to consider the impact of new standards on the manufacturers. But, apparently, while they may be looking at those questions, DOE is not giving them the weight that I believe they should be given.

When we look at a family with $25,000 or $35,000 a year, the cost of an extra $200 for an appliance is significant. For someone who needs a new furnace in an old home, if only very high-efficiency furnaces are available, we need to not only look at the cost of the furnace, one also needs to consider the retrofitting costs for the flue that can be very considerable.

I am also concerned about a reduction in the number of companies making various types of appliances. As the cost of adjusting manufacturing plants costs to meet higher energy standards rises, the number of models of appliances may be reduced. That reduces competition and costs existing jobs. But, those costs can be mitigated. There are numerous ways that stronger energy standards can be promulgated in ways that will limit the cost of facility modifications and the effective obsolescence of existing facilities. Unfortunately, the models that the Department uses to attempt to figure out the impact of the effects of their rules on manufacturers, looks at an average manufacturer. Their analysis of the average company may be correct. But, smaller companies can and are very adversely impacted.

My State of Iowa has a number of quality appliance manufacturers who are relatively small compared to those that have the largest market share for specific appliances. They provide quality products and alternatives to consumers. They are the major employers in their communities where they are very good corporate citizens providing quality jobs.

And, many of them are noted for being leaders in energy-efficiency-offering appliances that are well ahead of what the energy-efficiency rules require. In spite of their leadership, they could be very adversely impacted if their concerns are not considered by new energy rules under consideration.

Originally, there was a legislative proposal to completely stop work toward improved standards. And, the House did agree with an amendment of that type. I had real concerns about that. The revised version of the amendment does allow DOE to do considerable work toward the development of new energy standards. That change allows them to proceed after the coming fiscal year with less than a year's lost time. And, I am hopeful that adjustments will be made that will allow us to proceed without further delay.

I hope that my concerns can be addressed during the coming fiscal year through improvements in the authorizing law or through improved procedures at the Department.

Mr. GRASSLEY. Mr. President, I rise today to cosponsor and support the McConnell amendment. This amendment establishes a 1-year moratorium on new standard-setting rulemakings by the Department of Energy.

This amendment is necessary to maintain the competitive nature of the U.S. appliance industry, which includes home appliances as well as heating and air-conditioning equipment.

New energy standards would threaten the viability of several U.S. manufacturers of appliances, including at least four in my State.

A 1-year moratorium will allow the Energy and Natural Resources Committee to review DOE's energy-efficiency standards program to determine what impacts these standards are having on competition, and on the consumers of these products.

Senator MURKOWSKI, the distinguished chairman of the Energy Committee, has already indicated his support for the moratorium and his willingness to conduct such a review.

Mr. President, I will just take a moment to highlight a few of the effects that new standard requirements will have on both the industry and the American consumer.

Energy standards currently exist for all major appliances. For example, manufacturers must meet these standards on such products as dishwashers, refrigerators, laundry machines, and heating and air-conditioning units.

The Department of Energy reviews the standards periodically and most products are already being considered for their second set of standards since 1990; some face their third set of standards during this period.

So these products already operate at a very high level of efficiency. If the DOE continues to increase these standards, many companies will be crippled by the burden of the capital investment necessary to meet additional standards.

Furthermore, these companies will be unable to invest in other product innovations which are absolutely vital for maintaining their competitiveness, both in the United States and in the global marketplace.

If further capital investment is required, it is likely that most of the cost will be passed on to the consumer in the form of higher prices for appliances.

Furthermore, companies will be forced to discontinue certain models

and brands because they are no longer cost-effective to produce. So consumers will have fewer products to choose from and the products that are available will cost more.

We need to call a time out, take a step back, and consider whether all of this is necessary. This amendment allows Congress the opportunity to do just that.

Mr. President, it is also important to note exactly what this amendment will not do. This amendment will not affect existing energy standards in any way. This amendment will not alter the existing energy labeling program, which enables consumers to compare competing brands of appliances. And this amendment will not undermine the energy savings already achieved in these products.

Finally, Mr. President, this amendment protects the consumer's ability to purchase energy-efficient appliances at a competitive price.

For all these reasons, Mr. President, I urge my colleagues to support this amendment.

AMENDMENT NO. 2324

(Purpose: To provide funding for cooperative lands fire management and to increase funding for the stewardship incentive program, with an offset)

On page 66, lines 3 and 4, strike "$128,294,000, to remain available until expended, as authorized by law" and insert "$136,794,000, to remain available until expended, as authorized by law, of which not less than $16,100,000 shall be made available for cooperative lands fire management and not less than $7,500,000 shall be made available for the stewardship incentive program".

On page 66, line 15, strike "$1,256,043,000" and insert "$1,247,543,000".

Mr. LEAHY. Mr. President, I have an amendment that I would like to introduce for myself and Senators BURNS, CRAIG, JEFFORDS, MURRAY, LAUTENBERG, BOND, MCCONNELL, LIEBERMAN, SNOWE, and COHEN. It has the support of many Senators from both sides of the aisle.

Mr. President, I am disappointed by the move to eliminate one of the few financial incentives we have to help private landowners do the right thing for conservation—the Stewardship Incentives Program.

The Stewardship Incentives Program was created in the 1990 farm bill with broad bipartisan support to help forest owners improve wildlife habitat, protect water quality, improve forest management, and develop recreation opportunities.

Every Endangered Species Reform Act being considered by this Congress includes language to establish a program like the Stewardship Incentives Program. We need to put our money where our mouth is. If we are serious about moving from a regulatory conservation approach to a voluntary approach, we have to fund the voluntary programs we have on the books.

We know that landowners cannot always pay their property taxes by managing their land specially for wildlife and water quality. The Stewardship Incentives Program helps private landowners do the right thing with a nonregulatory, cost-incentive, State-grant program.

The amendment also includes funding for volunteer fire departments which are essential organizations to rural communities throughout the country. These organizations are often the first to respond to common kitchen fires and dangerous forest fires.

This amendment is supported by the National Association of State Foresters, the Izaak Walton League, the National Association of Conservation Districts, The Nature Conservancy, the Northern Forest Alliance, the American Forest & Paper Association, the International Association of Fish and Wildlife Agencies, the National Volunteer Fire Council, and many others.

Mr. President, this amendment has broad support on both sides of the aisle and broad support across the entire natural resource community. My staff has worked with the committee staff and the Forest Service to identify offsets. I hope the Senate can accept this amendment expeditiously given its broad base of support.

Mr. MCCONNELL. Mr. President, I rise in strong support of the amendment offered by my colleague from Vermont. The amendment restores funding for the Forestry Stewardship Incentives Program [SIP]. Landowners who sign up for the Forest Stewardship Program are often new to the practice of forest management, the cost-share components assists them in making land more productive more rapidly.

The SIP was designed to assist nonindustrial private landowners in implementing good management practices. Recent surveys indicate over 9 million private nonindustrial landowners; by contrast, the Nation has only over 2 million farmers. In Kentucky, we have over 300,000 private landowners who have over 10.9 million acres of forest land to manage.

This amendment preserves one of the only nonregulatory Federal programs in existence for nonindustrial private forest landowners.

The Kentucky Stewardship Incentive Program is a very successful program. It is a cooperative effort of Kentucky's environmental community. The cost share assistance helps private landowners in implementing a forest stewardship plan on rural land with existing tree cover and other lands including cropland, pasture land, surface mined land.

The Kentucky Stewardship Incentive Program:

Encourages private forest landowners to manage their forest lands for economic, environmental, and social benefits;

Complements and expands other forestry assistance programs;

Gives priority to tree planting, tree maintenance, and tree improvement practices;

Increases the quality and quantity of Kentucky's timber resources, and

Maintains and improves the habitat for a diverse mixture of native wildlife.

This is an extremely beneficial program that helps private forest landowners provide better land management and improve our natural resources.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (No. 2311 through 2324) were agreed to.

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

Mr. President, a few more are in the process of being cleared.

I suggest the absence of a quorum until they are ready.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VITIATION OF ACTION ON AMENDMENTS NOS. 2318, 2319, AND 2320

Mr. GORTON. Mr. President, I made a mistake on three of the amendments I just had agreed to that do not at this point have unanimous consent to adopt.

I ask unanimous consent that action on the amendments proposed by Senators BAUCUS, DOMENICI, and SPECTER be vitiated.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2325

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

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

The PRESIDING OFFICER. Does the Senator wish to ask unanimous consent to set aside pending amendments?

Mr. GORTON. Yes, I ask unanimous consent to set aside the pending amendments.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. BINGAMAN, proposes an amendment numbered 2325.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. GORTON. Mr. President, this is the last agreed-upon amendment. It is on behalf of Senator BINGAMAN and deals with energy conservation in Federal facilities. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2325) was agreed to.

Mr. GORTON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2318, 2319, AND 2320 EN BLOC

Mr. GORTON. Mr. President, I believe we are now ready to deal with the three amendments that were withdrawn a few moments ago. In doing so, I ask unanimous consent that Senator BURNS be considered a prime cosponsor of the Baucus amendment.

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

Mr. GORTON. Mr. President, I ask that the three amendments, Specter, Baucus, Burns, and Domenici, be considered en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2318, 2319, and 2320) were agreed to en bloc.

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

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, we have a number of other colloquies but they are not ready yet. When they are, they will, I believe, be the last matters of business before final passage.

Awaiting their OK, 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. GORTON. 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. DOMENICI. Mr. President, I rise in support of the Department of Interior and related agencies appropriations bill for fiscal year 1996.

I am concerned about the funding provided for Indian programs and have offered an amendment to restore $200 million for important Indian programs.

The Senate-reported bill provides $12 billion in new budget authority [BA] and $8.2 billion in new outlays to fund the programs of the Department of Interior, the U.S. Forest Service, Department of Energy fossil energy and energy conservation programs, and programs related to the arts and museum services.

All the funding in this bill is nondefense spending. This subcommittee received no allocation under the crime reduction trust fund.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $12.2 billion in BA and $13.2 billion in outlays for fiscal year 1996.

The subcommittee is essentially at its 602(b) allocation in BA and $6.5 million below in outlays.

The Senate-reported bill is $1.8 billion in BA and $1 billion in outlays below the President's budget request for these programs.

It is $68.5 million in BA above the House-passed bill, and $2.2 million in outlays below the House-passed bill. The Senate bill is $1.9 billion in BA and $0.8 billion in outlays below the 1995 level.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep the bill within its allocation.

I urge the adoption of the bill.

I ask unanimous consent the 1996 spending totals be printed in the RECORD.

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

INTERIOR SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	146	5,001
H.R. 1977, as reported to the Senate	11,977	8,166
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,123	13,168
Mandatory:		
Outlays from prior-year BA and other actions completed		24
H.R. 1977, as reported to the Senate	59	25
Adjustment to conform mandatory programs with Budget Resolution assumptions	6	6
Subtotal mandatory	65	55
Adjusted bill total	12,188	13,223
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,123	13,174
Violent crime reduction trust fund		
Mandatory	65	55
Total allocation	12,188	13,229
Adjusted bill total completed to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	−0	−6
Violent crime reduction trust fund		
Mandatory		
Total allocation	−0	−6

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

FOSSIL ENERGY RESEARCH

Mr. BYRD. As the Senator from Washington is aware, the committee has recommended $21,953,000 for advanced research and technology development from the Department of Energy fossil energy research and development account.

Mr. GORTON. That is correct.

Mr. BYRD. As the Senator may know, there is an existing university-industry consortium, known as the Carbon Products Consortium, conducting ongoing efforts in these areas. Through these efforts, this consortium has developed an extensive foundation of background knowledge in these technologies. This consortium concentrates on the non-fuel uses of coal to produce coal-derived carbon materials. The early success of this consortium is encouraging, and the dollar-for-dollar cost sharing by the industrial partners shows their commitment to this work, and it is important that we continue developing these new, environmentally benign technologies from non-petroleum feedstocks.

Does the Senator agree that funding for the ongoing efforts of this consortium, due to its knowledge and experience in these matters, should be given

priority consideration for a portion of this funding?

Mr. GORTON. Yes, I agree that the Carbon Products Consortium should be given priority consideration for funding from this account.

FOSSIL ENERGY RESEARCH

Mr. SIMPSON. I note that Senator GORTON and Senator BYRD are on the floor. I would like to ask them a question about fossil energy research and development. It is my understanding that, within this account, the Senators have agreed to shift $1,405,000 from fossil energy environmental restoration into cooperative research and development. Is is correct to say that the chairman has agreed to his shift in funding?

Mr. GORTON. The Senator's understanding is correct. The majority has agreed to this adjustment. Let me clarify that this does not increase the bill's overall appropriation, nor does it increase the appropriation for fossil energy research and development. It is merely a shift of funds from one account to another.

Mr. CONRAD. I would also like to indicate to the chairman and ranking member of the subcommittee my interest in this issue. I am pleased to hear of the chairman's intention. Would the ranking member of the subcommittee, Senator BYRD, tell us whether he agrees with Senator GORTON on this issue?

Mr. BYRD. I do agree with the chairman of the subcommittee. This will allow the cooperative research and development program to continue at its present level of funding. This increase is to be divided equally between WRI and UNDEERC.

Mr. DORGAN. As a member of the Senate Energy and Natural Resources Committee, I believe the work carried out under the cooperative research and development program is extremely important and is essential to meeting our country's energy needs. I am pleased with this shift in funding.

OIL TECHNOLOGY RESEARCH

Mr. NICKLES. I note that the full committee took action on the Department of the Interior and related agencies appropriations bill, fiscal year 1996 which reallocated funding under oil technology research. This reallocation significantly reduced funding for processing research and downstream operations, particularly impacting pollution prevention and environmental compliance programs. While the House bill cuts pollution prevention by $900,000 the Senate subcommittee reduction of $1.8 million was amended to a cut of $5.3 million. Environmental compliance was also reduced from the subcommittee reduction of $2.18 million to the amended reduction of $2.67 million. The House bill cut environmental compliance by $1.3 million.

The Senate bill results in a negative impact on the processing research and downstream operations fossil energy programs, and represents a vast disparity between the House and Senate allocations. I therefore appeal to the Senator from Washington to address this imbalance in conference and to seek funding more closely in line with the House funding.

Mr. GORTON. I recognize and appreciate the concern of the Senator from Oklahoma. While budget constraints necessarily entail reduced funding of nearly all programs, I recognize the importance of pollution prevention and environmental compliance, and will endeavor to address the Senator from Oklahoma's concerns for funding of these programs in the conference committee.

Mr. NICKLES. I thank the distinguished Senator from Washington.

MIDEWIN NATIONAL TALLGRASS PRAIRIE

Ms. MOSELEY-BRAUN. Mr. President, as we consider the fiscal year 1996 Interior and related agencies appropriations bill, I would like to call attention to a very important project for my State of Illinois, the Midewin National Tallgrass Prairie. The House provided $400,000 for the Forest Service to continue the development of a plan for preserving and managing the former Joliet Arsenal property in Illinois as a potential national tallgrass prairie. These funds were not included by the Senate Appropriations Committee, and I would like to take a moment to share with my colleagues the reasons why this project should receive funding.

Earlier this year, my distinguished senior colleague from Illinois, Senator SIMON, and I introduced S. 449, the Illinois Land Conservation Act. This bill transfers roughly 19,000 acres of land from the former Joliet Army ammunition plant to the Forest Service in order to establish a national grasslands. Our bill also turns over 900 acres to the Veterans Administration for a new national veterans cemetery, and converts over 3,400 acres of former munitions production areas at the arsenal to a variety of local purposes.

Illinois is known as the Prairie State. This name commemorates an earlier Illinois, a land of rolling prairies, butterflies, wildlife, and pioneers seeking out new lands to settle. At one time, more than 43,000 square miles of prairie existed in Illinois.

Over the course of 175 years, however, development has crept over these open lands. Today, only 0.01 percent of original prairie is left. Little evidence remains of, in the words of Charles Chamberlain, the author of the Illinois State song, this "Wilderness of Prairies."

The Illinois Land Conservation Act, once enacted, will give Illinois a rare opportunity to preserve one of its last remaining areas of natural prairie. It's a once-in-a-lifetime chance to set aside such a large, undeveloped tract of property for environmental and recreational purposes. In a sense, S. 449 helps to protect a slice of ecological history, and in doing so, creates a legacy for future generations of Illinoisans to study and enjoy.

S. 449 was recently incorporated into S. 1026, the fiscal year 1996 Defense Authorization bill, and we are hopeful that these provisions will be passed by Congress soon. In the meantime, we are working with the Forest Service to ensure that adequate funding is available to carry out this project.

It is for that reason that I ask that the committee consider language in the conference committee report which recognizes that the authorization of the Midewin National Tallgrass Prairie is nearing final passage by Congress, and that upon enactment, the Forest Service consider the need for a reprogramming request in order to proceed with the plan for preserving and managing the former arsenal property.

The Illinois Land Conservation Act is based upon a plan that has been carefully crafted by key representatives of the local community who have worked closely with Federal agencies and the State of Illinois. It deserves to move forward quickly, and I urge favorable consideration of this request.

Mr. GORTON. I thank the Senator from Illinois for her comments regarding the Midewin National Tallgrass Prairie planned for Illinois. I can assure the distinguished Senator that we will do all that we can to assist her in including her recommendation when this bill goes to conference.

NATIONAL TRAILS SYSTEM

Mr. KOHL. Mr. President, in previous years, the report accompanying the Interior appropriations bill has stressed the importance of funding for the National Trails System within the National Park Service budget. Although no such language is included in the fiscal year 1996 report, would the chairman and the ranking minority member of the Interior Appropriations Subcommittee agree that the National Park Service should continue to place a high level of importance on funding for the National Trails System?

Mr. BYRD. Yes, I agree. Further, I would state that it is my intention, as a manager of this fiscal year 1996 Interior appropriations bill, that the National Park Service should seek to fund the National Trails System as close as possible to the fiscal year 1995 levels, given the budget constraints facing the committee in fiscal year 1996. I would also ask my colleague from Washington, Senator GORTON, the chairman of the Interior Appropriations Committee, if he agrees with this statement.

Mr. GORTON. Yes, I concur, and thank the Senators for pointing out the importance of providing adequate funding for the National Trails System.

INPATIENT HEALTH FACILITY

Mr. KERREY. Mr. President, I would like to ask the distinguished chairman for assistance in dealing with an issue that is very important to me and to the Indian people in my State of Nebraska. The Indian Health Service has determined that there is a need for an inpatient health facility to serve the Indian people in eastern Nebraska. The existing facility at the Winnebago Reservation is old, dilapidated, and needs to be replaced. The tribes in the area have worked with the IHS for 8 years to reach the point where we are now. The 103d Congress appropriated funds for planning and design of the new hospital and that process is fully underway. A site has been selected for the new facility with the agreement of the tribes and the IHS has begun the design phase. Unfortunately, the Omaha Tribe broke off negotiations with the Winnebago Tribe on matters related to the future construction and management of the hospital; the reasons for this action are not entirely clear. While this division occurred early in July, efforts are underway to bring closure to whatever differences remain. In the meantime, unfortunately, language was included in the report on H.R. 1977 that would direct the reprogramming by IHS of the current year funds for the hospital, about $1.6 million. I believe this action is premature and respectfully ask the chairman to consider eliminating the reprogramming in conference with the House.

Mr. GORTON. I understand the Senator's concern and agree to consider deletion of the language in conference. In the meantime, I hope the Senator will continue to work with the IHS and the tribes to move forward on this project. Facility construction dollars are extremely scarce in the current fiscal climate and there are many worthy projects awaiting funding that have the unqualified support of local tribes. With this in mind, I will be happy to revisit this issue in conference.

Mr. KERREY. The procedure that my colleague has outlined is acceptable and I thank him for his courtesy in this matter.

DOE'S RETROFIT PROGRAM

Mr. JEFFORDS. Mr. President, at this time I would like to enter into a colloquy with the managers of this appropriations measure regarding funding for the Department of Energy's retrofit program and interagency agreement with the Department of Housing and Urban Development.

The buildings retrofit program within the Department of Energy's Office of Buildings Technology is currently undertaking an important initiative to save American taxpayers millions of dollars. The initiative, created 4 years ago under an agreement between the Department of Energy and the Department of Housing and Urban Development, works to reduce energy use at many of our Nation's public assisted housing developments. To cut off funding for this important program at this point would put to an end significant progress that has been made to date in reducing energy use in publicly funded low-income housing.

Would the managers of this legislation support the following request?

That within available funds in the Department of Energy's buildings programs, the Department of Energy be allowed to reprogram up to $3 million to continue implementation of the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income housing initiatives.

Mr. GORTON. I would not object to this proposal.

Mr. BYRD. I would not object to this proposal.

Mr. JEFFORDS. I thank the managers of this legislation for their assistance with this important matter.

NOXIOUS WEEDS

Mr. HATCH. Mr. President, I would like to discuss an issue with my good friend from Washington, the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON, that is of the utmost importance to many western public lands States.

Last year, I raised the issue of the widespread infestation of noxious weeds on public lands managed by the Bureau of Land Management [BLM] located throughout the West and in Utah specifically. Many of Utah's lands were suffering from the presence of various kinds of noxious weeds, which is why I requested funding last year for the Richfield BLM District office in west central Utah to be utilized throughout the district to address the infestation. The total amount appropriated to the Richfield District was $100,000. I appreciated the subcommittee's recognition of this problem and its efforts to assist this outbreak on acreage highly visited by the public.

This year, the story is basically the same. These lands, as well as other lands, are again infested with noxious weeds. They are ravaging lands that are critical to the agricultural industry of Utah and playing havoc with those who utilize BLM lands for recreational purposes. As anyone who represents a public land State knows, once these weeds take hold of an acre of land, it is easy for them to spread to every acre that surrounds them, even if that surrounding land is private or State. Noxious weeds know no boundaries; and, therefore we must address them in every locale to protect the overall ecology and health of all lands. In my State, the Utah Department of Natural Resources is attempting to fight the noxious weed problem on State lands. So, I believe it behooves this body to provide funding to our various public land agencies, especially the BLM, to address this problem on our public lands.

It is my understanding that this year's Interior appropriations bill provides funding to the BLM for this year's noxious weed problem. Is that correct?

Mr. GORTON. If my colleague will yield, the fiscal year 1996 Department of the Interior appropriations bill provides $1.2 million to the BLM for noxious weed management. This funding is a part of the agency's range management account. My colleague will be pleased to know that the subcommittee recognizes the existing noxious weed problem plaguing Utah and directs $261,000 of the total account to the Utah State BLM Office to combat this problem. Like my colleague from Utah, I hope these funds will assist to properly address the noxious weed problem in our public lands States like Utah.

Mr. HATCH. I thank my colleague for that clarification. I share his hope that we can finally gain control of our noxious weed situation, and I appreciate his attention to this situation in my State of Utah.

OFFICE OF SURFACE MINING AND PUBLIC ROADS

Mr. HATCH. Mr. President, I would like to raise an issue with the chairman of the Interior Subcommittee, Senator GORTON, regarding the Office of Surface Mining [OSM] and its regulation of public roads. I am especially interested in the application of these regulations in States like Utah that have received a delegation of primacy for implementing the coal regulatory program pursuant to a State program. These regulations have, for several years, plagued public land States like Utah that have hundreds of miles of public roads located near surface mining operations. I wish to engage the chairman in a brief discussion on this critical matter.

Mr. GORTON. I understand this situation impacts several other Western States with an equivalent amount of public roads and significant surface mining activities.

Mr. HATCH. I thank my colleague. There has been a difference of opinion between OSM and the Utah State Division of Oil, Gas and Mining [UDOGM] as to permitting of public roads as a part of mining operations. OSM's regulation of the Surface Mining Control and Reclamation Act of 1977 [SMCRA] has led to differences of opinion on what constitutes a road and affected area, among other things, and has led to a number of Federal lawsuits and a series of unsuccessful rulemaking attempts since 1983. Clearly, there is little guidance in SMCRA on this issue. A literal interpretation of the act's wording would bring Interstate 70 and most of the State, county, and Forest Service roads located in central Utah under the Utah's regulatory program. Hopefully, no one is seriously suggesting that UDOGM, a division of the Utah

State Department of Natural Resources, require the permitting of the interstate. The problem is that neither the Federal nor Utah regulatory programs provide any clear guidance as to where the jurisdictional line must be drawn.

Although Utah's situation with regard to roads is no different from that of other States, this issue has been a recurring problem between Utah and OSM. Several meetings have been held in recent months, even with the Director of OSM, to address this situation. And, most recently, OSM agreed to a clarification of Utah's policy on road permitting that maintains the State's program intact, which I want to bring to my colleagues' attention. In regard to the Utah coal regulatory program, OSM has agreed that, under several basic criteria, the permitting of a public road would not be required. These criteria indicate that a public road involved in coal mining activities may not be required to be permitted if: First, it was properly acquired by a governmental entity, second, it was maintained with public funds or in exchange for publicly levied taxes or fees, third, it was constructed in a manner similar to other public roads of the same classification, and fourth, the impacts of mining are not significant in relation to other impacts on the road.

I, for one, do not believe it was Congress' intent that OSM or States receiving primacy on surface mining activities would attempt to regulate public roads in the jurisdictional control of some appropriately constituted public entity. Rather, it is my belief that the intent of Congress was that only roads outside the jurisdiction of any responsible entity would be subject to jurisdiction under the Federal or State coal regulatory program. OSM's recent action regarding Utah's program is reflective of this belief, and I feel of sufficient importance to inform my colleagues today. I intend to support modifications to SMCRA that clearly spell out Congress' original intent with SMCRA, but I am pleased with OSM's response to UDOGM's clarification of Utah State law. Based on the history of OSM's position on road permitting vis a vis the act, it is my opinion that this response is significant.

I thank my colleague for his indulgence and for his advice on this matter.

Mr. GORTON. I thank my colleague from Utah for his statement and for the information he has provided regarding OSM and its activities on road permitting. This is very useful for States with primacy in this area, and I am also pleased with OSM's action that suggests decisions on road permitting should rest in the hands of the States. I appreciate the Senator's efforts in this area.

CONSTRUCTION FUNDING FOR THE U.S. FISH AND WILDLIFE SERVICE

Mr. GORTON. Mr. President, I understand that the Senator from New Mexico would like to clarify an issue related to construction funding for the U.S. Fish and Wildlife Service, and I ask unanimous consent that Senator DOMENICI, Senator BYRD, and I be allowed to enter into a colloquy in that regard.

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

Mr. DOMENICI. Mr. President, I realize that the Appropriations Committee has tried to include funding to complete construction and rehabilitate several Fish and Wildlife Service facilities. I thank the distinguished chairman and ranking member for recognizing the significant needs at the Bosque del Apache Wildlife Refuge in New Mexico. I appreciate the constraints that we have on funding of this nature, but I am also aware that there are ongoing construction projects that did not receive funding in this bill, including the Southwest Fisheries Technology Center, in New Mexico. The committee has not recommended that the Fish and Wildlife Service discontinue construction on these projects. It is my understanding that the committee intends to revisit these projects in the future, and will consider funding for fiscal year 1997. I ask the distinguished chairman of the subcommittee if this is correct?

Mr. GORTON. The Senator from New Mexico is correct. The committee understands the importance of these projects and intends to consider them again next year.

Mr. BYRD. I join my colleague from Washington in stating that the committee should review these ongoing projects next year.

Mr. DOMENICI. I thank the chairman and ranking member for clarifying the intent of the committee.

ENERGY INFORMATION ADMINISTRATION

Mr. JEFFORDS. Mr. President, I am concerned about the cuts this bill makes to the Energy Information Administration. The EIA maintains valuable and objective information on energy supply, consumption, production, and price. We must not lose this resource at a time when energy prices and supplies are so volatile and the country is becoming increasingly dependent on foreign oil.

Vermont's average petroleum price is the highest in the Nation and EIA information helps our State plan for and respond to energy emergencies.

This bill includes $63 million for EIA, a $21 million cut from last year. The House included $80 million for EIA. As we proceed, I hope we keep in mind the important role EIA serves.

NAVAL PETROLEUM AND OIL RESERVES

Mr. McCAIN. Mr. President, the administration's budget request included $101 million for the naval petroleum and oil reserves for fiscal year 1996. The House has proposed appropriations of $151 million. This bill proposes appropriations of $136 million for the Senate.

The administration's budget is based on a caretaker status and does not request funding for new initiatives. The administration's budget is based on the sale of the NPR No. 1, commonly referred to as the ELK Hills site. The budget resolution also assumes the sale of the reserve.

I understand and agree that the oil field must be maintained and operated at an adequate level regardless of whether or not the reserves are sold. However, the Department of Energy has indicated that the requested fiscal year 1996 funding level combined with uncosted balances from prior years and expected improvements in operational efficiencies by DOE are sufficient to operate the site in a responsible manner such that the value of the field is maintained. The General Accounting Office has provided data showing substantial uncosted balances exist for this purpose.

I am very concerned with this additional appropriation amount. I urge the conferees on this matter to look very closely at this and determine what is really needed to operate the reserve in an appropriate manner while preserving the value of the reserve for future sale to ensure that no taxpayer's dollars are wasted.

MONTEZUMA CREEK IHS FACILITY

Mr. BENNETT. I wish to bring to the attention of the chairman a matter that, while it may appear small, is of great importance to the Utah Navajo population. The Navajo area includes 6 hospitals and 18 outpatient facilities. Unfortunately, none of these facilities are currently located in Utah. In fact, the only IHS facility in the entire State of Utah is an outpatient facility at Fort Duchensne which is located over 350 miles away.

The need for an IHS clinic located in Montezuma Creek is clearly justifiable. It is the population center for the eastern portion of the Utah Navajo. Approximately 6,000 Navajo live in southeastern Utah and unfortunately, their health care needs are greatly underserved. In an effort to begin the process of replacing the dilapidated facility, I request that $30,000 be made available to IHS for the preliminary study and design of a satellite clinic located in Montezuma Creek.

Mr. GORTON. I am aware of the Senator's interest in the design of a facility to replace the Montezuma Creek, UT facility and I hope to work with the Senator to make certain the health care needs of the Utah Navajo's are met. To this end, I would agree that of the $1.9 million included in the bill to complete partially funded health care facility designs, $30,000 is available to the IHS for the study and preliminary design of a Red Mesa facility satellite clinic to be located at Montezuma Creek. This study should include an assessment of whether such arrangement is consistent with the existing IHS health care facility priority list system.

Mr. BENNETT. I thank the chairman and I would urge IHS to work closely with the State of Utah and the Navajo Nation to utilize these funds in the appropriate manner this fiscal year. This is a small amount, but it is certainly the right first step in resolving the longstanding problems of adequate health care delivery in southeastern Utah. Again, I thank the chairman for his leadership on this bill and his efforts to help resolve this issue.

THE UNITED STATES HOLOCAUST MEMORIAL COUNCIL

Mr. SPECTER. Mr. President, I seek recognition today in support of full funding for the United States Holocaust Memorial Council which funds among other things, the staffing of the Holocaust Museum. The funding request for fiscal year 1996 by the administration was $28.9 million. This request was approved by the House of Representatives. The request is being made after a momentous year during which attendance at the Holocaust Museum reached a cumulative total of 3,880,517. The attendance totals have been an overwhelming surprise to all those planning for the reception of the public. In fact, Mr. President, it exceeds by a factor of four the anticipated attendance at the museum. This circumstance has stretched the capacity of the museum and its professional and volunteer staff to welcome the American public. This response to the program of the museum came with another unanticipated burden, that of providing a higher level of security for the public seeking to learn the lessons of the Holocaust.

Mr. President, the appropriations request for fiscal year 1996 is an increase of $2.1 million from 1995 funding. I recognize the difficult choices my fellow Members are making during this process and join with them in making the hard choices. In this case, they have chosen to recommend an appropriation of $26.6 million. I urge, however, a higher level of funding.

In light of the hatred and ethnic cleansing now underway in Bosnia and Croatia, I would anticipate an even more exponential growth of interest by Americans. In the overwhelming demand and proven need to educate our youth of the folly of mindless hatred, I see the intense need to reflect a higher sense of urgency by accommodating the request for the full funding of the council, the museum, and their activities.

I would like to inform my fellow Senators of my intention to ask my colleagues to give every consideration to accepting the House mark when they go to conference.

I yield the floor.

NRSA

Mr. BINGAMAN. Mr. President, let me ask Senator GORTON a question concerning scientists currently employed by the National Resources Science Agency [NRSA] who had been transferred from the National Park Service in 1993.

Mr. GORTON. I would be delighted to engage in a colloquy with my friend from New Mexico. I know he has a concern with the budget impact of the Interior appropriations bill on those scientists within the NRSA who advise the Park Service on science-based natural resources management.

Mr. BINGAMAN. From my understanding, the National Park Service transferred about 100 knowledgeable scientists to the NRSA in 1993. These scientists provide long-term information that helps direct management decisions. I am concerned for those scientist positions that will have to be eliminated due to budget constraints. Is it the Senator's position that the National Park Service, in coordination with the NRSA, should be included in the National Resources Science Agency's priority setting efforts for National Park Service research.

Mr. GORTON. Yes, the Senator is correct. In fact, I believe it is in the long-term interest for the national parks to be able to rely on an established pool of scientific knowledge and less on managerial guesswork and to have input into the priority setting of the NRSA.

Mr. BINGAMAN. I thank the Senator for discussing this subject with me.

ELLIS ISLAND

Mr. D'AMATO. Mr. President, I rise to discuss with the chairman of the subcommittee an issue of importance to millions of Americans. I hope to clarify the intent of the subcommittee and keep intact the integrity of what, to many, is a solemn place.

Mr. President, over a period of 62 years, more than 12 million immigrants sailed into the gateway to the United States, Ellis Island, NY. They arrived from the four corners of the Earth with only a handful of possessions, uncertain of what they would find. From Ellis Island, these individuals spread into every part of our land, eager to explore the opportunities that our dynamic Nation presented.

Many Americans, including a number of our colleagues, can trace their heritage to Ellis Island. To those who passed through the great hall and to their descendants, Ellis Island is considered a hallowed place. It is not a place to be treated insignificantly, it is a place to be respected.

That is why, Mr. President, I am weary of anything relating to Ellis Island that could somehow cheapen its meaning. That is why I have repeatedly opposed constructing a permanent bridge linking the mainland to Ellis Island. Our ancestors did not arrive at Ellis Island by foot, by horse, by cart, or by automobile. Every one of them arrived by boat. A permanent bridge would violate the cultural and historical context of Ellis Island, and would only serve to trivialize and detract from the experience of how our ancestors came to pass through Ellis Island.

Therefore, I am sure that my colleague from Washington can understand my concern with language included in the bill before us that prevents the demolition of the current, temporary bridge that runs to Ellis Island. In addition, as I understand, the language makes this temporary structure available to pedestrians provided that proper safety measures are enacted and enforced.

Mr. GORTON. Mr. President, the Senator from New York is correct. This is language that was included in the House-passed version of this legislation. The other body voted 230 to 196 to include this language. Also, it is the intent of the subcommittee that this language will prevent a situation from arising that the Senator describes, mainly, the construction of a permanent bridge.

I understand and respect the concerns of the Senator from New York that vehicle traffic not disrupt the cultural and historical context of Ellis Island. Further, the committee is devoted to ensuring the safety of visitors to Ellis Island and will expect strict adherence to all relevant safety guidelines before any pedestrian traffic is allowed. It is my intention to follow the progress of the execution of this provision and will consult with the Senator from New York as to its effectiveness.

Mr. D'AMATO. I thank my friend and colleague for that clarification. As I stated, I become concerned when I feel the integrity of Ellis Island is put into question. Fortunately, the chairman's leadership has given me confidence that this provision will be given the utmost scrutiny. I look forward to working closely with him on this issue.

Mr. President, I would like to receive further clarification from the chairman of the subcommittee on another matter in relation to Ellis Island.

As I understand, the present bill language places a 30-day hold on implementing any plan to develop the southern end of Ellis Island until the Speaker of the House and the President of the Senate have been notified and given a full and comprehensive report on such development.

Mr. GORTON. The Senator is correct.

Mr. D'AMATO. I thank my friend. Ellis Island is a place that is of special interest to all Americans. Therefore, I believe that it is very important that any interested Member of Congress be notified before the National Park Service undergoes any attempt to redevelop the southern end of Ellis Island.

Mr. GORTON. Mr. President, I would say to my friend that I understand his concern that he or any Senator who is interested in the redevelopment of Ellis Island be made aware of any plans to do so. I would expect that the Park Service would honor any request to be so notified.

To be clear, it is not the intent of the subcommittee to allow such action without scrutiny. Further, the subcommittee would expect the National Park Service on its own, to be cognizant of the concerns of those Members of Congress who express an interest in the redevelopment of Ellis Island and take those concerns into consideration prior to entering into any such agreement.

Mr. D'AMATO. I thank the chairman for that clarification.

FEDERAL APPLIANCE ENERGY STANDARDS

Mr. BINGAMAN. I would like to engage in a colloquy on this amendment with the bill manager, Senator GORTON, and Senator FORD. Federal appliance efficiency standards were established because manufacturers wanted one Federal standard as opposed to 50 different, and perhaps inconsistent, standards. If the Department of Energy cannot implement Federal standards, the States might attempt to revive their individual programs. The appliance standards adopted to date will save consumers a net of $132 billion over the lifetime of the affected products. The Department has committed to work cooperatively with manufacturers to address concerns raised in current reviews of the appliance standards. Where industry has raised significant criticisms of DOE's analysis or approach, as with recent proposals concerning fluorescent lamp ballasts and electric water heaters, DOE has organized workshops and public meetings with manufacturers to solicit further input and work together to correct the problems. The consensus approach to revising standards should be continued.

Mr. FORD. We all recognize the value of appliance efficiency standards, the cost and energy savings that have been achieved with the existing standards. However, the manufacturers have raised concerns about the methodology and assumptions in the Department's current cost-benefit analysis. For example, the burden on firms with small market shares need to be addressed. We expect the Department to analyze the impact of any modifications to standards for both small and large manufacturers. The cumulative impact of regulations across product lines should also be incorporated into the analysis.

Mr. GORTON. This amendment will only affect the proposal, issuance, or prescription of new or amended standards. There will be no limits on analysis or information exchange. Nor will there be any prohibition or limits on planning by the Department of Energy. The Senate expects that the Department and the manufactures will spend the next year working together to analyze existing standards in order to conduct accurate economic analyses and impact assessments. The second part of the amendment also clarifies that the Department may proceed to establish efficiency standards for the construction of new federally owned commercial and residential buildings. The Department can and should establish minimum efficiency requirements for construction of new Federal facilities, such as military housing and office buildings.

Mr. BINGAMAN. I fully agree that, at a minimum, we have to be able to proceed with the rules affecting Federal facilities. Once built, the taxpayers will have to cover the energy bills for the life of a facility. These standards are required by the Energy Policy Act, which was overwhelmingly supported by the Senate. Furthermore, under the Federal budget situation, we have to do everything we can to minimize ongoing operating costs. To summarize the amendment, it is my understanding that this amendment will only preclude the proposal, issuance, or prescription of rules on new or amended appliance and equipment standards. Testing and labeling will continue. There will not be any limit on grants for State programs or the Home Energy Ratings Systems [HERS] pilot projects.

ORISKANY BATTLEFIELD

Mr. D'AMATO. Mr. President, I rise to seek the guidance of my friend, the Senator from Washington, with respect to undertaking a management plan for Oriskany Battlefield.

Oriskany Battlefield is a national historic landmark that designates the site of a major American Revolutionary War battle. On that site, American patriots fought British regulars, loyalists, and certain nations of the Iroquois Confederation. Of particular interest is the involvement of four of the six nations of the Confederation on the side of the British. The Oneida and Tuscarora Nations within the Iroquois Confederation chose to support the Americans over the British, leading, as is believed, to the dissolution of the 200 year-old Confederation.

The significance of the battlefield, its proximity to another historic and integrally linked national site, Fort Stanwix National Monument, and the circumstances surrounding the involvement of the combatants make Oriskany Battlefield an ideal candidate for possible inclusion in the National Park System. There is demonstrated interest on the part of citizens of the local community, New York State, and the Oneida Nation of New York to explore the option of a larger Federal role in the site. However, in order to do this, a general planning study must be undertaken.

Mr. GORTON. Mr. President, I am familiar with the request of the Senator from New York to have this study conducted by the Park Service. The subcommittee is confident that the Park Service will give due consideration to the Senator's request to include Oriskany Battlefield in the National Park System.

Mr. D'AMATO. I thank my friend.

INTERTRIBAL BISON COOPERATIVE

Mr. DASCHLE. Mr. President, I would like to take this opportunity to clarify the intent of the Senate Appropriations Committee regarding the funding for Bureau of Indian Affairs bison restoration projects.

As you may know, the Intertribal Bison Cooperative was formed 3 years ago with only nine tribes as members. ITBC's mission is to reestablish healthy bison populations on tribal lands in a manner that promotes economic development, cultural enhancement, ecological restoration, and spiritual revitalization.

The role of ITBC, as established by its membership, is to act as a facilitator in coordinating education and training programs, develop marketing strategies, coordinate the transfer of surplus buffalo from national parks to tribal lands, and provide technical assistance to its membership in developing management plans that will help each tribal herd become a successful and self-sufficient operation.

Today, the cooperative works with 36 member tribes spread across 15 States. The united efforts of cooperative member tribes to restore the Nation's bison population have created much-needed economic development for the member tribes through the sale of buffalo meat and other byproducts.

Last year, the Bureau of Indian Affairs put the cooperative's bison herd management program in jeopardy by distributing its limited fiscal year 1995 funds among any or all of the federally recognized Indian tribes. The effect of this action has the potential to undermine the cooperative spirit that ITBC has worked many years to achieve and that has fostered its success. I believe that the BIA's interpretation of congressional intent was clearly in error.

It has been consistently my belief that the ITBC, which has proven its success in achieving self-sufficiency, warrants investment by Congress. Of course, tribes wishing to qualify for Federal bison restoration funding are free to become members of the cooperative.

I would like to take this opportunity to inquire of my colleagues whether it is the intent of the Appropriations Committee to distribute fiscal year 1996 bison project funds specifically to the Intertribal Bison Cooperative and its member tribes.

Mr. BYRD. Mr. President, the Senator from South Dakota, Senator DASCHLE is correct.

Mr. DASCHLE. Mr. President, I would ask the chairman of the Interior Appropriations Subcommittee, Senator GORTON, if he concurs that my understanding that the fiscal year 1996 bison restoration project funds are to be solely designated for the Intertribal Bison Cooperative and its member tribes is correct?

Mr. GORTON. Mr. President, that is correct. It is the intent of the Appropriations Committee that fiscal year 1996 funding for bison restoration projects be distributed by the Bureau of Indian Affairs to the Intertribal Bison Cooperative and not to all federally recognized tribes.

Mr. DASCHLE. I want to thank my colleagues from the committee for this clarification.

Mr. STEVENS. Mr. President, I want to commend the chairman of the Appropriations Subcommittee on Interior and related agencies, Senator GORTON, and the ranking member, Senator BYRD, for the work that they and their staffs have done in shepherding the Interior appropriations bill through subcommittee and full committee. I would like to engage the senior Senators from West Virginia and Washington in a colloquy regarding the U.S. Holocaust Memorial Museum.

The subcommittee has funded the museum at the 1995 level of $26,609,000. As my colleagues know, the House-passed Interior bill appropriates $28,707,000. This is a $2,098,000 increase over fiscal year 1995. The added funds are needed for the institution to meet the extraordinary and unanticipated demand from visitors and the attendant heightened security and wear-and-tear on the building.

Let me just illustrate this point. Before opening to the public 2½ years ago, the museum estimated the likely visitation at 500,000 annually. Instead, the museum has had over 2,000,000 visitors each year instead of the 500,000 anticipated. I am especially heartened by who is coming to the Holocaust Museum. Four out of five visitors travel more than 100 miles to see the permanent exhibit. In 1955, more than 285,000 students will tour the museum as part of organized groups. The Holocaust Museum is a destination point in Washington, and is now one of the most visited museums in Washington.

And the museum's reach does not stop at the Potomac. The institution is assisting teachers, scholars, survivors, and our veterans in making sense of this dark hour in world history. It has responded to 70,000 requests from educators; its Internet mailbox, open less than 6 months, receives 15,000 inquiries a week; and its research institute has assisted 11,000 scholars and researchers and 14,500 survivors.

In short, the Holocaust Museum has done all that the Congress envisioned for it and more. This remarkable success, when coupled with its newness, makes its case especially persuasive. I ask my colleagues to give every consideration to accepting the House's mark when they go to conference.

Mr. GORTON. I recently met with the new Director of the Holocaust Museum, Dr. Walter Reich. I told him then that I am now a great supporter of his institution. I think it has made a powerful and necessary contribution to the Nation's education and remembrance.

As the Senator from Alaska knows, the committee had to make some painful choices during the markups. I have listened to his persuasive statement, and I want to assure him that I will review the facts and give every consideration to the House's funding level for the museum.

Mr. BYRD. This Nation has created a museum of memory, a memorial to the victims of the Holocaust. It teaches us the lessons of what happens when democracy is not preserved, when democratic practices are subverted, when the public will is subjugated. I, too, want to commend the museum on its efforts and successes, and I want to say to Senator STEVENS and other Members of this body that I will listen carefully and give the Senator from Alaska's proposal to fund the Holocaust Museum every consideration.

Mr. STEVENS. Mr. President, I would like to engage the senior Senators from West Virginia and Washington in a colloquy concerning a particular need in Alaska that just recently came to my attention and is not currently addressed in the bill.

Alaska Senator Robin Taylor has advised me of the need to provide funds in the U.S. Forest Service budget for some critical environmental studies related to construction of the American portion of a proposed public toll road from the Iskut River region of British Columbia, Canada to the Bradfield Canal near Wrangell, AK. This is called the Bradfield Road.

An environmental impact statement is required because the road must cross through the Tongass National Forest, which encompasses most of southeastern Alaska. The Tongass is the country's largest national forest at 16.7 million acres, an area larger than the States of West Virginia and Rhode Island combined. Because of its immense size, almost no road can be constructed to serve southeastern communities that does not traverse the Tongass National Forest.

Mr. GORTON. Why is the road needed?

Mr. STEVENS. With no existing road, Wrangell is currently economically isolated. It is served only by air and ferry. Until recently Wrangell's economy was largely dependent on the timber industry. However, last year the U.S. Forest Service unilaterally canceled Alaska Pulp Company's 50-year timber contract, resulting in the closure of the Wrangell sawmill. As a result, the unemployment rate has skyrocketed up to 40 percent and climbing. Unless a new economy develops, the city and its residents face a harsh winter ahead.

The proposed Bradfield Road would provide the shortest route to tidewater for several Canadian gold and copper mining operations. The nearest Canadian port to the mining district is roughly four times farther than Alaska's Bradfield Canal. The Bradfield Road would not only reduce transportation costs and the overall environmental impact of the project, but it would create American jobs in Wrangell. The people of Wrangell would be involved in constructing the road in the short-term, and in the long-term would have access to mining jobs in Canada and increased tourism opportunities in the area.

The Alaska State Legislature has already committed to pay the construction costs of the road through revenue bonds. Commercial and public traffic will pay a toll to use the road, which will finance its operation and maintenance. The only contribution required from the Federal Government is funds to conduct the EIS required by the National Environmental Policy Act.

I propose that $2.5 million of the funds provided in this bill to be allocated to region 10—the Alaska region—be allocated to conduct the EIS required by NEPA. The funds should be taken out of non-timber-producing accounts such as recreation and administration.

Mr. GORTON. Given the severe economic dislocation occurring in Wrangell as a result of the U.S. Forest Service's decision to terminate the contract which provided timber to the Wrangell mill, I agree that the Bradfield Road should be given priority. I concur with my good friend from Alaska that the Service should allocate the funds necessary to complete the environmental studies. The Service should be directed to fund this project out of accounts not designated to produce timber in region 10.

Mr. STEVENS. Does the distinguished Senator from West Virginia concur?

Mr. BYRD. Since the Alaska State Legislature has agreed to fund construction of the road and provide for its operation and maintenance, I support the concept of directing the Service to conduct the necessary environmental studies. The funds should be reallocated out of nontimber funds already budgeted for region 10.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank Senator GORTON and commend him for the great job he has done putting together a very difficult bill. There are important parts of this bill that will have a lasting impact. One of those is the extension of the Endangered Species Act moratorium which I sponsored, and was enacted, several months ago to try to wait until we have reauthorization of the Endangered Species Act so that future listings will have the stamp of congressional intent in a revised Endangered Species Act.

This moratorium is a very important part of the legislation before us. We have seen so many jobs lost, so many people devastated in their ability to use their land and farm and ranch and make their livelihoods, because of the Endangered Species Act being overzealously enforced.

I believe that the Endangered Species Act was passed with all the right intentions, and I think many of the things that are done by Fish and Wildlife are very good. But we have seen such excesses that the water supply of two cities in my State, Amarillo and San Antonio, have been endangered by bait fish, the Arkansas River shiner and the fountain darter in the Edwards aquifer.

We now see the same thing coming forward with the same Edwards aquifer, only this time it is three beetles that have now been proposed as endangered, despite the effect on the water supply of the 10th largest city in America.

So I do appreciate the fact that we are extending the moratorium until the earlier of reauthorization of the Endangered Species Act, or until the end of 1996, which will give Congress the time to set parameters for the Endangered Species Act that will assure that we have balanced the needs of people with species.

We added money to the Fish and Wildlife Service's budget during floor debate on this bill. I expect that the listing money will be used only to delist some of the endangered species that really should not be on the list, and the prelisting money for species conservation so that we will not have to list new endangered species. That would be a very good use of our taxpayer dollars.

The second thing that I think is very important that we put in this bill, and I want to thank Senator GORTON and Senator BYRD for agreeing to do it, is in the National Biological Survey language. We make sure that a private property owner must give permission for any new surveys under this act, and including aerial surveys.

We have had instances in my State and others where airplanes paid for by the National Biological Survey have flown over private property without permission taking pictures for habitat studies. That is now prohibited in this act. That is why I think it is very important that we pass the act and say, once again, that private property is protected by the Constitution of the United States.

I think the Congress is speaking today to make sure that everyone understands—that the people in Washington, in Government understand—that we are going to protect private property rights, and I think we have taken a step in the right direction today.

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

Mrs. BOXER. Mr. President, I am disappointed that the fiscal year 1996 Interior Department appropriations bill as reported by the Senate Appropriations Committee does not earmark funds for land purchases within the Santa Monica Mountains National Recreation Area [SMMNRA]. I am greatly concerned that this remarkable national treasure—an island of green in an urban sea—now faces the prospect of increased development within its boundaries. We must not let this happen. Our continued support of this majestic recreation area is crucial.

The open spaces of the SMMNRA stretch over 50 miles from Elysian Park in downtown Los Angeles to Point Mugu State Park in Ventura County. The mountains climb from the Pacific Ocean to provide breathtaking vistas of the Los Angeles Basin, the blue Pacific, and the San Fernando Valley.

The Santa Monica Mountains are the only undeveloped pristine mountain range in the world that bisects a major city—in this case the Nation's second largest. In addition, the Los Angeles area has one of the lowest amounts of open parkland per capita in the United States.

This national recreation area provides recreational opportunities for more than 12 million people living in surrounding communities—including hikers, campers, picnickers, and nature lovers, young and old. The beauty of the recreation area leads many visitors to express amazement that they are just minutes from an urban area the size of Los Angeles. In the mountains, a variety of wildlife live and thrive, including mountain lions, deer, and a dozen endangered plants and animals. 369 bird species, 50 species of mammals, and 36 kinds of reptiles and amphibians call this area home.

The land that was to be purchased through funding in the fiscal year 1996 Interior appropriations bill includes undeveloped canyons, key wildlife corridors, and trailways that provide coastal access and link several major activity centers throughout the SMMNRA.

Significant progress on land acquisitions was made with the purchase of the Jordan Ranch, the largest acquisition in the park's history, but delays have escalated purchase costs and threaten opportunities to acquire key parcels that otherwise may be developed. Biologically significant areas could be lost if we do not act now.

Although I would have preferred a specific allocation for this request, there is still an opportunity to get funds from this bill. Of the $43.2 million appropriated by the bill for land acquisition by the National Park Service, approximately $6 million is designated for emergencies and hardships and inholdings. I intend to call on the Clinton administration to designate the Santa Monica Mountains project as a top priority for funding under these provisions.

We must continue our commitment to the Santa Monica Mountains National Recreation Area. We must do this for ourselves and our environment, and the name of future generations—so that they may enjoy the rich natural splendor of the southern California landscape.

Mr. JOHNSTON. Mr. President, earlier today, the Senate agreed to accept an amendment to this bill that imposes a 1-year moratorium on issuance of new or amended appliance efficiency standards. The amendment will not prevent engineering or economic analyses on efficiency standards, but it will stall issuance of new or amended rules for a year. This is a limited delay in the implementation process, only until September 30, 1996, so that appliance manufacturers can work out their concerns with the process with the Department of Energy [DOE]. The manufacturers and the Department are expected to resolve differences with the methodology and assumptions in the current analytical process. A process to mitigate the affect of any retooling modifications on small manufacturers should be worked out so that any potential for anticompetitive impacts will be resolved early in future rulemakings. Consensus and voluntary efforts are not affected and should proceed. Appliance testing and labeling will continue and no limits will be imposed on the State grant program or the home energy ratings system. The Department is also expected to proceed with issuance of rules on minimum efficiency standards for Federal-owned buildings as required in the Energy Policy Act.

The efficiency program authorized under the Energy Policy and Conservation Act [EPCA], as amended, has been one of our Nation's most effective programs at ensuring wiser energy use. The appliance efficiency standards currently in place will save consumers over $132 billion over the life of the products. In the 100th Congress, the National Appliance Energy Conservation Act of 1987 was enacted establishing minimum Federal appliance standards. Additional amendments were enacted in 1988. Both bills were reported unanimously by the Senate Energy and Natural Resources Committee. These two actions amended EPCA to require and set Federal standards and preempt a patchwork of State standards. Congress established minimum Federal standards by statute to take effect between 1988 and 1993, depending on the product. DOE was required to conduct follow up rulemakings to determine whether the standards established in the statute were adequate.

Under EPCA, the DOE standards rulemakings require very specific cost-benefit analyses. The criteria for prescribing new or amended standards specifically require the Secretary to determine that benefits exceed the burdens to the greatest extent practicable,

considering the following: the economic impact on manufacturers and consumers; a determination of a positive net present value to the consumer of any increased price; any lessening of consumer utility or product performance; impact on competition as determined by the Attorney General; and any other factors considered relevant.

Any final rule will have to address all of the above issues. In addition, none of the new standards would go into effect for 3 to 5 years after the final rule is in effect.

The process followed under EPCA entails issuance of an advanced notice of proposed rulemaking [ANOPR] to solicit the necessary information to carry out cost-benefit and detailed engineering analyses of the feasibility of any proposed standard. A notice of proposed rulemaking [NOPR] is subsequently published with draft proposed standards, including the cost-benefit criteria and engineering analyses used in developing the proposal. The Department of Justice and all interested persons are asked to comment on the NOPR. EPCA requires the Secretary to hold a conference or informal procedure to allow interested parties an opportunity to question written or oral presentations of U.S. employees where facts are in dispute. DOE then drafts a proposed final rule based on the input received from the previous two rounds of public comment.

DOE is attempting to work collaboratively with the industry to develop the engineering and economic models. The Congress and the public have strongly supported this program in the past and after the opportunity for the Department and industry to come to closure on certain technical issues, the program will continue without interference as Congress intended.

IHS STUDY ON STAFFING DISTRIBUTION

Mr. BINGAMAN. Mr. President, I thank the floor managers, the distinguished Senator from Washington [Mr. GORTON], and the distinguished Senator for West Virginia [Mr. BYRD], and the members of their staffs, for working with me on this amendment. I am very pleased that they have agreed to accept it.

I offered this amendment to help ensure that the IHS meets the health care needs of the American Indians in an equitable, cost-efficient manner. The amendment requires the Secretary to submit a report to the Congress that contains a comparison and analysis of IHS staffing by health facility and service unit.

For several years, I have been very concerned about the inability of the Indian Health Service to fully meet the health care needs of American Indians in my home State of New Mexico and throughout the country. I am particularly apprehensive about the new IHS hospital in Shiprock, NM, which opened last year under-staffed and which remains understaffed today.

Too often in the past, the Federal Government has overlooked the health care needs of American Indians. As a result, the IHS currently meets only 45 percent of the total estimated health care need of our Nation's 1.3 million Indians and Alaska Natives.

I am concerned that in our zeal to lower the Federal budget deficit and cut waste from the system, we will do harm to Indian children and families if we do not develop strategies for dealing with existing and project funding and staffing shortfalls. We need to work together to streamline administrative services, eliminate bureaucratic waste, and maximize existing resources through the thoughtful, mandatory redistribution of personnel and equipment from areas of lesser need and low productivity to areas of greater need and potential.

This amendment will help us achieve these goals. Specifically:

First, distribution study and report: To ensure that the Indian Health Service meets the health care needs of the American Indians in an equitable manner, the Secretary is directed to submit to the Congress a report containing a comparative analysis of Indian Health Service staffing by health facility and Service Unit.

Such report and analysis shall:

First, intra-facility ratio: Compare the ratio of health care providers—by profession—to patients in each IHS hospital facility and clinic;

Second, Inter-facility ratio: Compare facility ratios throughout the IHS system to ensure that all areas of the country are being served equitably; and

Third, Overall staffing distribution: Analyze overall staffing and distribution levels, including all types of health professionals, support staff, and administrative staff.

Again, I thank the managers of the bill and their staffs for accepting this amendment.

KLAMATH NATIONAL WILDLIFE REFUGE PESTICIDE USE

Mrs. BOXER. Mr. President, as the Senate considers the fiscal year 1996 Interior appropriations bill, I want to express my concerns about language in the committee report that affects the natural resources and wildlife of California.

I am disappointed that the Senate Appropriations Committee added language to the bill that prohibits the U.S. Fish and Wildlife Service from enforcing its pesticide use policies in the Lower Klamath and Tule Lake National Wildlife Refuges in northern California and southern Oregon. Specifically, the language states that pesticide use can continue if the pesticide meets applicable Federal and State pesticide laws for use on non-Federal land. According to the Department of the Interior and the Fish and Wildlife Service, this language, if enacted, will significantly increase the risk of pesticide related deaths of migratory birds and endangered species on these protected lands. Mr. President, this land is federally owned but leased to private individuals, and this language would override the Fish and Wildlife Service's authority to restrict pesticide use on public land even when the pesticide endangers the wildlife the Service is directed to protect.

This requirement needlessly micromanages specific national wildlife refuges and undermines the conservation aims of the refuge system. Thirty-five herbicides, fungicides, insecticides, and nematocides made with chemicals known to have reproductive- and endocrine-disrupting effects will be allowed to be used in the next year as a result of this language.

Unfortunately, the language in the Senate bill may be the best option available to the Fish and Wildlife Service since the House Resources Committee has approved the National Wildlife Refuge Improvement Act of 1995, which permanently prohibits the Fish and Wildlife Service from enforcing its pesticide use policies in the Klamath and Tule Lake National Wildlife Refuges. A permanent ban on the enforcement of pesticide policies in these refuges is even more disturbing than a 1-year moratorium on enforcement.

The Department of the Interior and the Fish and Wildlife Service share my concerns about the language contained in the Interior appropriations bill, but believe that they will be able to work out a compromise with the parties involved in the next year. This negotiation and eventual resolution would remove the need for a permanent ban. I sincerely hope that all interested parties are able to resolve the questions surrounding the use of pesticides in our refuges in a timely manner. I will be monitoring this process closely and, if necessary, I will fight any permanent ban against enforcement of these pesticide use policies.

HIV-AIDS STUDY

Mr. BINGAMAN. Mr. President, over the past several months, I have met with several groups from New Mexico's Indian tribes to discuss the Indian Health Service and the health needs of American Indians. Many mentioned to me that, like the rest of the population in the United States, the incidences of HIV and AIDS is growing among native American populations. I learned recently that on the Navajo Nation, which includes parts of the States of New Mexico, Arizona, and Utah, 53 cases of HIV and AIDS have been reported to IHS. A few years ago, there were almost none.

Unfortunately, many of the people who care for HIV-AIDS-infected native Americans believe that the IHS has not begun taking aggressive steps to meet this growing—and potentially very costly—need. Current IHS policy is to treat HIV-AIDS-infected patients with

general IHS service funds. The IHS is not funded through the Ryan White CARE Act, although I believe it should be. The result is that already insufficient funds are squeezed even tighter.

My amendment would simply require the IHS to do a little preplanning. It directs the IHS to undertake a study of the existing need and develop a plan for meeting the need. Specifically:

(I) Study: The Secretary is directed to report to Congress, by Service unit, on: (1) incidences of HIV-AIDS among the American Indians and Alaska Natives; (2) services provided under the PHS Act to HIV-AIDS-positive Indians; (3) unmet needs, including preventive educational needs, of Indians and Alaska Natives living with HIV-AIDS who use the IHS for primary health care; (4) capacity of each Service unit to meet the existing need; and (5) resources, including education, needed to meet existing and projected need.

(II) Plan: Based on the results of the study, the Secretary is directed to develop a plan meeting the existing and projected needs.

Mr. President, I want to thank the managers of the bill for accepting my amendment, and I look forward to working on this issue with them and other interested Members of Congress as the Interior appropriations bill goes to conference with the House. I believe we will be able to effectively deal with this amendment and its reporting requirements during the conference.

Mr. LEAHY. Mr. President, I want to congratulate the Chairman, the senior Senator from Washington, for doing an outstanding job on a very difficult bill. There are many divisive issues that lend themselves to one-sided partisanship in the interior appropriations bill. Senator GORTON presided over a balanced and responsible bill that maintained our commitment to good government and saved more than $1 billion. I want to commend him for his excellent work and thank him for the integrity and fairness of his efforts.

I also want to thank Senator BYRD, whose wisdom, experience, and fairness was a perennial asset in putting this bill together. I am very grateful for the bipartisanship represented in this bill, and look forward to working with the chairman and the ranking member as we go to conference.

There are a few programs that I want to highlight that were served very well by the chairman, such as the National Biological Survey [NBS]. Some interest groups and Members of Congress use the NBS as a hook to hang all sorts of fears and frustrations about natural resource management. In fact, the NBS is not comprised of new money, new employees, or new research objectives. It is simply a consolidated collection of all the research that has been going on for decades assembled under one, nonregulatory agency so that science can be served well. Chairman GORTON and Senator BYRD also took fair and balanced positions on endangered species act funding, the water institutes, the Appalachian Trail, the Park Service, and Federal land acquisition.

I want to thank the managers of the bill for making changes to the AmeriCorps language at the request of Senator MURRAY and myself. I also appreciate their willingness to work with me on the National Endowment for the Arts and on the Stewardship Incentive Program. I believe the revised language for the ecosystem management objectives for eastern Oregon and Washington is also a valuable improvement.

Finally, I want to express some disappointments that I wish we could have improved. In particular, I was sorry to see such substantial cuts in the weatherization program which is so important to frost belt States like my native State of Vermont. While the Senate mark is higher than the House, it still respresents a cut that will have a significant impact in Vermont. I hope in conference we can protect the Senate funding. I had also hoped to see stronger funding for Historic Preservation, the Advisory Council on Historic Preservation, and the National Capital Arts and Cultural Affairs program. Vermont leverages $28 for every Federal historic preservation dollar with our Main Street program. I was disappointed by a complete elimination of the Land and Water Conservation Fund State grant program and the 50 percent cut in the Forest Legacy program. Both of these items are critically important to my State. Last, I wish we could have continued our efforts to restore the Atlantic Salmon to the Connecticut River with a buy-out of foreign fishermen who harvest our hatchery stock on the high seas.

Nonetheless, as a former subcommittee chairman myself, I am well aware that the chairman and ranking member cannot make good on every request, especially in times like these. I hope that they will bear in mind my thoughts as we go to conference with the House. I want to thank both the managers for their leadership and congratulate them again on a difficult but successful Interior appropriations bill.

Mr. GORTON. Mr. President, most Members have been notified that we did not expect to have a rollcall vote on final passage of this bill. There has now been a request by a Member for a rollcall.

So, Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NOS. 2326 AND 2327, EN BLOC

Mr. GORTON. Mr. President, I send two amendments to the desk in behalf of Senator BINGAMAN, and I ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON), for Mr. BINGAMAN, proposes amendments numbered 2326 and 2327, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2326

(Purpose: To provide for a comparative analysis of the Indian Health Service)

At the appropriate place, insert the following new section:

SEC. . DISTRIBUTION OF INDIAN HEALTH SERVICE PROFESSIONALS.

(a) IN GENERAL.—To ensure that the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service, is making efforts to meet the health care needs of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) in an equitable manner, the Secretary shall, not later than April 30, 1996, submit to the Congress a report that meets the requirements of subsection (b).

(b) CONTENTS OF REPORT.—The report prepared by the Secretary under this section shall—

(1) contain a comparative analysis of the Indian Health Service staffing that includes comparisons of health care facilities (including clinics) and service units (as defined in section 4(j) of the Indian Health Care Improvement Act (25 U.S.C. 1603(j)));

(2) for each health care facility of the Indian Health Service (as determined by the Secretary), determine, for each health profession (as defined in section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)), the ratio of—

(A) the number of members of that health profession that provide health services in that facility; to

(B) the number of patients served by the members of that health profession in that facility;

(3) provide a comparative nationwide analysis of health care facilities of the Indian Health Service based on the ratios determined under paragraph (2) in order to ascertain whether each service area (as defined in section 4(m) of the Indian Health Care Improvement Act (25 U.S.C. 1603(m)) is providing an equitable level of health services; and

(4) provide an analysis of—

(A) the overall levels of staffing of all types of health professions, support staff, and administrative staff at facilities referred to in paragraph (3); and

(B) the distribution of the staffing referred to in subparagraph (a) by service unit.

AMENDMENT NO. 2327

(Purpose: To provide for a program of HIV Prevention and Treatment in the Indian Health Service)

At the appropriate place, insert the following new section:

SEC. . HIV-AIDS PREVENTION AND TREATMENT PLAN.

(a) REPORT.—Not later than March 1, 1996, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service and in consultation with Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act (25 U.S.C. 1603(d)), shall prepare and submit to the Congress a report that evaluates,

(1) the incidences of HIV and AIDS among Indian tribes;

(2) the services provided under title XXVI of the Public Health Service Act to members of Indian tribes living with HIV and AIDS;

(3) the unmet needs, including preventive educational needs, of members of Indian tribes living with HIV and AIDS who use the Indian Health Service for their primary health care;

(4) the internal capacity of each service unit of the Indian Health Service to meet the existing need; and

(5) the resources, including education, needed to meet existing and projected need.

(b) SERVICE PLAN.—The Secretary, acting through the Indian Health Service and in consultation with Indian tribes, shall develop and implement a plan of action for meeting the existing and projected needs, which based on the evaluation conducted pursuant to subsection (a), are determined to be unmet.

Mr. GORTON. Mr. President, each of these amendments is for a study within the Indian Health Service.

We have not had time to deal with them to the point at which we have full confidence in them, though each of them appears to have a degree of merit.

I ask that they be agreed. But we will have to look at them very carefully on both sides during the course of the conference committee and see whether or not they are appropriate or need to be revised. But at this point we are willing to accept them.

Mr. BYRD. Mr. President, the amendments meet with approval on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from New Mexico, en bloc.

The amendments (Nos. 2326 and 2327) were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the only two matters that remain are a significant number of colloquies and third reading and final passage.

We will ask unanimous consent for the colloquies later. But in order to speed on with this evening, I ask for third reading. There will be no further amendments.

I do not believe there will be any further debate.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 378 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Nickles
Breaux	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pell
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Hatfield	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	

NAYS—6

Heflin	McCain	Simon
Helms	Moseley-Braun	Wellstone

NOT VOTING—2

Bradley	Mack

So the bill (H.R. 1977), as amended, was passed.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

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

Thereupon, the Presiding Officer (Mr. ABRAHAM) appointed Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. HATFIELD, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, and Mrs. MURRAY conferees on the part of the Senate.

Mr. GORTON. Mr. President, I want to take this opportunity to state the obvious, but an obvious that is all too often overlooked, and that is that there was no possibility of dealing with this bill either in the timeframe within which we dealt with it, nor the effectiveness, nor efficiency, nor the wisdom with which we have dealt with it without the help of a number of dedicated members of the staff:

Cherie Cooper, who is majority clerk; Sue Masica, the minority clerk; Carole Geagley; Kathleen Wheeler, who has worked on energy, BIA, the geological survey, land and water conservation accounts; Bruce Evans, who was formerly of my personal staff, who dealt with Fish and Wildlife Service, mines; Virginia James with NEH, which was, obviously, very controversial, and the Smithsonian; and Ted Milesnick, a detailee from the Bureau of Land Management to provide support service to all accounts; and my own staff member, Julie Kays, a legislative assistant on my staff who is tireless, fearless, and persuasive in all she does; and, once again, to thank Senator BYRD whose advice, counsel, and wisdom has been of great assistance, for that matter all of the members of my subcommittee, each of whom contributed significantly to this result.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will take a few seconds to express my admiration for Mr. GORTON because of the remarkably superb job that he did in skillfully piloting the appropriations bill for the Department of the Interior through committee and through the Senate. He did an outstanding job, and I am grateful to him and for his fairness, his courtesy, and for his ability in moving this bill.

I also want to thank Sue Masica, my superb staff person, and Cherie Cooper is an equally superb staff person on the other side of the aisle. I think that this has been a preeminently fine display of skill and statesmanship on the part of Mr. GORTON on behalf of the Senate. I express all of our appreciation to him.

Mr. President, I yield the floor and 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. HATFIELD. 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, let me thank my colleague from Washington, Senator GORTON, and also the distinguished Senator from West Virginia, Senator BYRD, for their expeditious action on a very important and a very, in some areas, contentious bill. They have disposed of the amendments, I think, in very good time.

Now we are prepared to move on to the next bill. Let me remind my colleagues, everything is on automatic pilot. The speech you do not make in the next 2 days means you will get out that much earlier. You can make the speech when you get home, and a lot of people have never heard it before and most of us have.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 2002, the transportation appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A 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 had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2002

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 Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, **[$55,011,500]** *$56,500,000*, of which not to exceed **[$40,000]** *$60,000* shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees established to support the electronic tariff filing system: *Provided further*, That none of the funds appropriated in this Act or otherwise made available may be used to maintain **[duplicate physical copies]** *custody* of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; **[or open them]** *and open* to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, **[$6,554,000]** *$12,083,000*, and in addition, $809,000, to be derived from "Federal-aid Highways" subject to the "Limitation on General Operating Expenses".

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, **[$3,309,000]** *$9,710,000*.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund associated with the provision of services to entities within the Department of Transportation, not to exceed **[$102,231,000]** *$104,364,000* shall be paid, in accordance with law, from appropriations made available to the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code, as is payable by the Department of Transportation, **[$15,000,000]** *$26,738,536*, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of **[$15,000,000]** *$26,738,536* for the Payments to Air Carriers program in fiscal year 1996: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under subchapter II of chapter 417 of title 49, United States Code, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States *and Hawaii* that are located fewer than **[seventy]** *seventy-five* highway miles from the nearest large or medium *or small* hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred **[and ten]** miles from the nearest large or medium hub airport: *Provided further*, That of funds provided for "Small Community Air Service" by Public Law 101-508, **[$23,600,000]** *$11,861,464* in fiscal year 1996 is hereby rescinded**[**: *Provided further*, That, notwithstanding any other provision of law, effective January 1, 1996 no point in the 48 contiguous States and Hawaii eligible for compensated transportation in fiscal year 1996 under subchapter II of chapter 417 of title 49, United States Code, including 49 U.S.C. 41734(d), shall receive such transportation unless a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, as determined by the Secretary of Transportation: *Provided further*, That the Secretary may require the entity or entities agreeing to pay such amounts to make advance payments or provide other security to ensure that timely payments are made: *Provided further*, That, notwithstanding any other provision of law, points covered by the cost-sharing provisions under this head for which no State, local government, or non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation shall receive a reduced level of service in fiscal year 1996, to be determined by the Secretary as follows: The Secretary shall subtract from the funds made available in this Act so much as is needed to provide compensation to all eligible points for which a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, and, with remaining funds, allocate to each other point an amount reduced by the ratio of the remainder calculated above to all funds made available in this Act: *Provided further*, That the Secretary shall allocate any funds that become unallocated as the year progresses to those points for which a State, local government, or other non-Federal entity does not agree to pay at least fifty percent of the cost of such transportation**]**.

PAYMENTS TO AIR CARRIERS

(RESCISSION)

Of the budgetary resources remaining available under this heading, $6,786,971 are rescinded.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space not to exceed 8,580,000 square feet and for related services assessed by the General Services Administration, **[$130,803,000]** *$139,689,000*: *Provided*, That of this amount, $1,897,000 shall be derived from the Highway Trust Fund, $41,441,000 shall be derived from the Airport and Airway Trust Fund, $836,000 shall be derived from the Pipeline Safety Fund, and $169,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, **[$17,099,000]** *$17,685,000*, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *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 $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of the Minority Business Resource Center outreach activities, **[$2,900,000]** *$2,100,000*, of which **[$2,642,000]** *$1,842,000* shall remain available until September 30, 1997: *Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.*

INTERSTATE COMMERCE COMMISSION SUNSET

For necessary expenses, of the Office of the Secretary, not otherwise provided for, $4,705,000, to transfer residual rail and motor carriers functions from the Interstate Commerce Commission to the Department of Transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not

otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; **[$2,565,607,000]** *$2,286,000,000*, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund**[**; and of which $25,000,000 shall be expended from the Boat Safety Account**]**: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839**[**: *Provided further*, That of the funds provided for operating expenses for fiscal year 1996, in this or any other Act, not less than $314,200,000 shall be available for drug enforcement activities**]**.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, **[$375,175,000]** *$366,800,000*, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which **[$191,200,000]** *$178,000,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2000; **[$16,500,000]** *$14,500,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1998; **[$42,200,000]** *$47,600,000* shall be available for other equipment, to remain available until September 30, 1998; **[$82,275,000]** *$80,200,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1998; and **[$43,000,000]** *$46,500,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1996: *Provided*, That funds received from the sale of the VC–11A and HU–25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity**[**: *Provided further*, That the Secretary may transfer funds between projects under this head, not to exceed $50,000,000 in total for the fiscal year, thirty days after notification to the House and Senate Committees on Appropriations, solely for the purpose of providing funds for facility renovation, construction, exit costs, and other implementation costs associated with Coast Guard streamlining plans**]**: *Provided further*, That the Commandant shall dispose of surplus real property by sale or lease and the proceeds of such sale or lease shall be credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

PORT SAFETY DEVELOPMENT

For necessary expenses for debt retirement of the Port of Portland, Oregon, $15,000,000 to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, **[$16,000,000]** *$2,000,000*, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $582,022,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; **[$61,859,000]** *$62,000,000*.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, **[$18,500,000]** *$20,000,000*, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $20,000,000, to be derived from the Boat Safety Account and to remain available until expended.

EMERGENCY FUND

(LIMITATION ON PERMANENT APPROPRIATION)

(OIL SPILL LIABILITY TRUST FUND)

Except as provided in emergency supplemental appropriations provided in other appropriations Acts for fiscal year 1996, not more than $3,000,000 shall be obligated or expended in fiscal year 1996 pursuant to section 6002(b) of the Oil Pollution Act of 1990 to carry out the provisions of section 1012(a)(4) of that Act.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, U.S. Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, **[$4,600,000,000]** *$4,550,000,000*, of which **[$1,871,500,000]** *$1,865,000,000* shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of **[**aviation**]** *agency* services, including *receipts for* the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms *and in addition $10,000,000, to be credited to this appropriation from fees established and collected to cover the cost of safety and security regulation under the jurisdiction of the Federal Aviation Administration*: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further, That none of the funds appropriated in this or any subsequent Act may be used to pay premium pay under 5 U.S.C. 5546a for any fiscal year beginning after September 30, 1995; except that, (i) for fiscal year 1996, such premium pay may be paid at 50 percent of the rate specified in 5 U.S.C. 5546a; and (ii) for fiscal year 1997, such premium pay may be paid at 25 percent of the rate specified in 5 U.S.C. 5546a: Provided further, That the unexpended balances of the appropriation "Office of Commercial Space Transportation, Operations and Research" shall be transferred to and merged with this appropriation: Provided further, That none of the funds derived from the Airport and Airway Trust Fund may be used to support the operations and activities of the Associate Administrator for Commercial Space Transportation.*

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, U.S. Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, **[$2,000,000,000]** *$1,890,377,000*, of which **[$1,784,000,000]** *$1,674,377,000* shall remain available until September 30, 1998, **[**and**]** of which $216,000,000 shall remain available until September 30, 1996, *and of which $10,000,000, to remain available until expended, is for funding noncompetitive cooperative agreements with air carriers to assist them in acquiring and installing the following advanced security equipment: (1) hardened unit load devices, (2) explosive detection systems certified by the Federal Aviation*

Administration, and (3) computer-aided screener training and proficiency systems, in order to evaluate such equipment's operational feasibility and effectiveness in improving civil aviation security): *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, [$60,000,000] *$70,000,000* are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, U.S.C., including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$143,000,000] *$215,886,000*, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, U.S. Code, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of [$1,600,000,000] *$1,250,000,000* in fiscal year 1996 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, U.S. Code*: Provided further, That none of the funds in this Act shall be available for the planning and execution of programs the obligations for which are in excess of $20,000,000 for the "Military Airports Program" and $50,000,000 for the "Reliever Airports Program": Provided further, That of the available contract authority balances under this account, $5,000,000 are rescinded.*

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, U.S. Code.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $1,600,000 during fiscal year 1996.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed [$495,381,000] *$548,434,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That [$190,667,000] *$248,909,000* of the amount provided herein shall remain available until September 30, 1998.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, [$10,000,000] *$13,000,000*, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount made available herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of [$10,000,000] *$13,000,000* in fiscal year 1996 for "Highway-Related Safety Grants".

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$18,000,000,000] *$17,000,000,000* for Federal-aid highways and highway safety construction programs for fiscal year 1996.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $19,200,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1996.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$79,150,000] *$75,000,000* for "Motor Carrier Safety Grants".

SURFACE TRANSPORTATION PROJECTS

For up to 80 percent, or as specified in authorizing legislation, of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that advance methods of improving safety, reducing congestion, or otherwise improving surface transportation, $39,500,000, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, [$73,316,570] *$71,261,000*, of which [$37,825,850] *$36,770,676* shall remain available until September 30, 1998[: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect].

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240), to be derived from the Highway Trust Fund, [$52,011,930] *$50,344,000*, of which [$32,770,670] *$31,716,720* shall remain available until September 30, 1998.

OPERATIONS AND RESEARCH

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-331, Public Law 102-388, and Public Law 101-516, $4,547,185 are rescinded from the national advanced driving simulator project.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, Chapter 303 of title 49, United States Code, and section 209 of Public Law 95-599, as amended, to remain available until expended, [$153,400,000] *$155,100,000*, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1996, are in excess of [$153,400,000] *$155,100,000* for programs authorized under 23 U.S.C. 402 and 410, as amended, of which [$126,000,000] *$128,000,000* shall be for "State and community highway safety grants", [$2,400,000] *$2,100,000* shall be for the "National Driver Register" [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)] *subject to authorization*, and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of these funds shall be used to purchase automobiles or motorcycles for state, local, or private usage: *Provided further*, That not to exceed [$5,153,000] *$5,211,000*

of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-impaired driving counter-measures programs" [may] *shall* be available for technical assistance to the States: *Provided further*, That not to exceed [$890,000] *$777,000* of the funds made available for the "National Driver Register" may be available for administrative expenses.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$14,000,000] *$14,018,000*, of which $1,508,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$49,940,660] *$49,105,000*, of which $2,687,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [$21,000,000] *$25,775,000*, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, [$100,000,000] *$130,000,000*, to remain available until September 30, 1998.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1996.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

NEXT GENERATION HIGH SPEED RAIL

For necessary expenses for Next Generation High Speed Rail [technology development and demonstrations, $10,000,000, to remain available until expended] *studies, corridor planning, development, demonstration, and implementation, $20,000,000, to remain available until expended: Provided, That funds under this head may be made available for grants to States for high speed rail corridor design, feasibility studies, environmental analyses and track and signal improvements.*

TRUST FUND SHARE OF NEXT GENERATION HIGH SPEED RAIL

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $25,000,000, to remain available until expended, for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $2,000,000 to be matched by the State of Rhode Island or its designee on a dollar for dollar basis and to remain available until expended: Provided, That as a condition of accepting such funds, the Providence and Worcester (P&W) Railroad shall enter into an agreement with the Secretary to reimburse Amtrak and/or the Federal Railroad Administration, on a dollar for dollar basis, up to the first $7,000,000 in damages resulting from the legal action initiated by the P&W Railroad under its existing contracts with Amtrak relating to the provision of vertical clearances between Davisville and Central Falls in excess of those required for present freight operations.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, [$628,000,000] *$605,000,000, to remain available until expended*, of which [$336,000,000] *$305,000,000* shall be available for operating losses and for mandatory passenger rail service payments, [$62,000,000] *$100,000,000* shall be for transition costs incurred by the Corporation, and [$230,000,000] *$200,000,000* shall be for capital improvements: *Provided*, That none of the funds under this head shall be made available until significant reforms (including labor reforms) in authorizing legislation are enacted to restructure the National Railroad Passenger Corporation: *Provided further*, That funding under this head for capital improvements shall not be made available before July 1, 1996: *Provided further*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, [$39,260,000] *$42,000,000*.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, [$890,000,000] *$985,000,000*: *Provided*, That no more than [$2,000,000,000] *$2,105,850,000* of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants, no more than $400,000,000 may be used for operating assistance under 49 U.S.C. 5336(d): *Provided further, That the limitation on operating assistance provided under this heading shall, for urbanized areas of less than 200,000 in population, be no less than eighty percent of the amount of operating assistance such areas are eligible to receive under Public Law 103-331: Provided further, That before apportionment of funds under this heading, $29,325,031 shall be apportioned to areas of 200,000 or greater in population.*

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, [$82,250,000 of which $39,436,250 shall be for activities under 49 U.S.C. 5303, $4,381,250 for activities under 49 U.S.C. 5311(b)(2), $8,051,250 for activities under 49 U.S.C. 5313(b), $19,480,000 for activities under 49 U.S.C. 5314, $8,051,251 for activities under 49 U.S.C. 5313(a), and $2,850,000 for activities under 49 U.S.C. 5315] *$90,000,000*.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $1,120,850,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That [$1,110,000,000] *$1,120,850,000* shall be paid from the Mass Transit Account of

the Highway Trust Fund to the Federal Transit Administration's formula grants account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,665,000,000 in fiscal year 1996 for grants under the contract authority in 49 U.S.C. 5338(b): *Provided*, That there shall be available for fixed guideway modernization, $666,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $333,000,000; and[there shall be available for new fixed guideway systems, $666,000,000, to be available as follows], *notwithstanding any other provision of law, and except for fixed guideway modernization projects, $22,840,000 made available under Public Law 102–388 under "Federal Transit Administration, Discretionary Grants" for projects specified in that Act or identified in reports accompanying that Act, not obligated by September 30, 1995, shall be made available for new fixed guideway systems together with the $666,000,000 made available for new fixed guideway systems under this Act, to be available as follows*:

$42,410,000 for the Atlanta-North Springs project;

[$17,500,000] *$22,620,000* for the South Boston Piers (MOS–2) project;

$6,500,000 for the Canton-Akron-Cleveland commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$2,000,000 for the Cincinnati Northeast/Northern Kentucky rail line project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$16,941,000 for the Dallas South Oak Cliff LRT project;

[$2,500,000] *$3,500,000* for the DART North Central light rail extension project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

[$5,000,000] *$7,000,000* for the Dallas-Fort Worth RAILTRAN project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$10,000,000 for the Florida Tri-County commuter rail project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$22,630,000 for the Houston Regional Bus project;

$12,500,000 for the Jacksonville ASE extension project;

[$125,000,000] *$45,000,000* for the Los Angeles Metro Rail (MOS–3);

[$10,000,000 for the Los Angeles-San Diego commuter rail project;

[$10,000,000] *$15,000,000* for the MARC commuter rail project;

[$3,000,000] *$22,630,000* for the Maryland Central Corridor LRT project;

$2,000,000 for the Miami-North 27th Avenue project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$2,500,000 for the Memphis, Tennessee Regional Rail Plan (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$75,000,000] *$85,500,000* for the New Jersey Urban Core-Secaucus project;

[$10,000,000 for the New Orleans Canal Street Corridor project] [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$114,989,000] *$160,000,000* for the New York Queens Connection project;

$5,000,000 for the Orange County Transitway project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$22,630,000 for the Pittsburgh Airport Phase 1 project;

[$85,500,000] *$130,140,000* for the Portland Westside LRT project;

$2,000,000 for the Sacramento LRT extension project;

[$10,000,000] *$13,000,000* for the St. Louis Metro Link LRT project;

[$5,000,000] *$14,519,000* for the Salt Lake City light rail project[: *Provided*, That such funding may be available only for related high-occupancy vehicle lane and intermodal corridor design costs];

[$10,000,000] *$22,620,000* for the San Francisco BART [extension to the San Francisco airport] *extension/tasman corridor* project;

$15,000,000 for the San Juan, Puerto Rico Tren Urbano project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

[$1,000,000 for the Tampa to Lakeland commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$5,000,000 for the Whitehall ferry terminal, New York, New York (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein); and

$14,400,000 for the Wisconsin central commuter project [(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)];

$11,300,000 for the Burlington-Charlotte, Vermont commuter rail project; and

$5,000,000 for the Chicago central area circulator.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, [$2,000,000,000] *$1,700,000,000* to be derived from the Highway Trust Fund and to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96–184 and Public Law 101–551, [$200,000,000] *$170,000,000*, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year: *Provided, That, notwithstanding any other provision of law, no funds made available to the Saint Lawrence Seaway Development Corporation from the Harbor Maintenance Trust Fund may be obligated for fiscal year 1996, if the Saint Lawrence Seaway Development Corporation expends or obligates funds from the financial reserve fund of the Corporation for the design, development, or procurement of a global position system vessel traffic service system during that fiscal year: Provided further, That no funds made available to the Saint Lawrence Seaway Development Corporation from the Harbor Maintenance Trust Fund pursuant to this Act may be used by the Corporation during fiscal year 1996 for those purposes.*

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,190,500] *$10,150,000*, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, [$26,030,000] *$24,281,000*, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $7,606,000 shall remain available until September 30, 1998: *Provided*, That $2,322,000 shall be transferred to the Bureau of Transportation Statistics for the expenses necessary to conduct activities related to Airline Statistics, and of which $272,000 shall remain available until expended: *Provided further*, That up to $1,000,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, [$29,941,000] *$32,973,000*, of which $2,698,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1998; and of which [$27,243,000] *$30,275,000* shall be derived from the Pipeline Safety Fund, of which $19,423,000 shall remain available until September 30, 1998: *Provided*, That from amounts made available herein from the Pipeline Safety Fund, not to exceed [$1,000,000] *$1,500,000* shall be available for grants to States for the development and establishment of one-call notification systems.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1998: *Provided*, That not more than [$8,890,000] *$9,200,000* shall be made available for obligation in fiscal year 1996 from amounts made available

by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, or his designees.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, **[$40,238,000]** *$39,891,200*.

BUREAU OF TRANSPORTATION STATISTICS

For expenses necessary to conduct activities related to airline statistics, $2,200,000, of which $272,000 shall remain available until expended.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, **[$3,656,000]** *$3,500,000*: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), **[$38,774,000]** *$37,500,000*, of which not to exceed $1,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), **[$160,802]** *$360,802* to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), $13,379,000, of which $4,984,000 shall be for severance and closing costs: *Provided*, That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of $8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,741,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by **[**the Act of September 30, 1950 (20 U.S.C. 236–244)**]** *title VIII of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 7701, et. seq.*, for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1996 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1995, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240; and

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act.

(d) During the period October 1 through December 31, 1995, the aggregate amount of

obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97-424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102-240, and for projects authorized by Public Law 99-500 and Public Law 100-17, shall not exceed $277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States [pursuant to paragraph (d)] shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102-240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred [and ten] political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102-240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 324. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by [$10,000,000] *$5,000,000*, which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than [$92,231,000] *$99,364,000*: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 331. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 332. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: *Provided*, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 333. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), "that extends the economic life of the bus for at least 5 years"; and

(2) in subparagraph (C), "that extends the economic life of the bus for at least 8 years".

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 334. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not

be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 335. Of the budgetary resources provided to the Department of Transportation [(excluding the Maritime Administration)] during fiscal year 1996, $25,000,000 are permanently canceled: *Provided*, That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable [collocate] *consolidate* the Department's [surface transportation field offices] *administrative activities*: *Provided further*, That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That no appropriation shall be increased or decreased by more than ten per centum by all such transfers: *Provided further, That, notwithstanding 5 U.S.C. 905(b), the President may prepare and transmit to Congress not later than the date for transmittal to Congress of the Budget Request for Fiscal Year 1997, a reorganization plan pursuant to chapter 9 of title 5, United States Code, for the reorganization of the surface transportation activities of the Department of Transportation and the relationship of the Saint Lawrence Seaway Development Corporation to the Department.*

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated [for any office of the Office of the Secretary] *in this Act* to "Rental payments" for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided*, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 337. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 337. None of the funds appropriated by this Act shall be made available for employee training unless such training is consistent with the provisions of 5 U.S.C. 4101 et seq., as amended.

SEC. 338. None of the funds in this Act may be used to enforce the requirement that airport charges make the as airport self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas, on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: *Provided*, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: *Provided further*, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport.

SEC. 339. (a) Except as provided in subsection (b) of this section, 180 days after attaining eligibility for an immediate retirement annuity under 5 U.S.C. 8336 or 5 U.S.C. 8412, an individual shall not be eligible to receive compensation under 5 U.S.C. 8105–8106 resulting from work injuries associated with employment with the Department of Transportation (excluding the Maritime Administration).

(b) An individual who, on the date of enactment of this Act, is eligible to receive an immediate annuity described in subsection (a) may continue to receive such compensation under 5 U.S.C. 8105–8106 until March 31, 1996.

(c) For the purposes of section (a), the time an individual has spent on the worker's compensation rolls shall be counted as regular employment time.

SEC. 340. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the Federal Highway Administration or other modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China.

SEC. 341. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 342. In addition to the sums made available to the Department of Transportation, $8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: *Provided*, That such amount shall be available only to the extent authorized by law: *Provided further*, That of the fees collected pursuant to 31 U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of $8,300,000 of those fees shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

SEC. 343. Notwithstanding any other law, the funds available for obligation to carry out the project in West Calcasieu Parish, Louisiana, authorized by section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 101–17; 101 Stat. 194) shall be made available for obligation to carry out the project for Lake Charles, Louisiana, authorized by item 17 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2038).

SEC. 344. Improvements identified as highest priority by section 1069(t) of Public Law 102–240 and funded pursuant to section 118(c)(2) of title 23, United States Code, shall not be treated as an allocation for Interstate maintenance for such fiscal year under section 157(a)(4) of title 23, United States Code, and sections 1013(c), 1015(a)(1), and 1015(b)(1) of Public Law 102–240: Provided further, any discretionary grant made pursuant to Public Law 99–663 shall not be subject to Section 1015 of Public Law 102–240.

SEC. 345. The Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency shall, within three months of the date of enactment of this Act, carry out research to identify successful telecommuting programs in the public and private sectors and provide for the dissemination to the public of information regarding the establishment of successful telecommuting programs and the benefits and costs of telecommuting. Within one year of the date of enactment of this Act, the Secretary shall report to Congress its findings, conclusions, and recommendations regarding telecommuting developed under this section.

SEC. 346. Notwithstanding section 1003(c) of Public Law 102–240, authorizations for the Indian Reservation Roads under Section 1003(a)(6)(A) of Public Law 102–240 shall be exempt from any reduction in authorizations for budget compliance.

SEC. 347. Notwithstanding any other provision of law, for fiscal year 1996, the Secretary shall allocate to a State an additional amount of funding for its Federal-aid highway programs on a dollar for dollar basis to the extent that prior year unobligated balances are withdrawn and canceled. Such funds are subject to the obligation ceiling for Federal-aid Highways set by annual appropriations Acts.

SEC. 348. Notwithstanding any other provision of law, for fiscal year 1996, a State may, at its option, transfer those funds authorized or appropriated for highway demonstration projects under Public Law 102–240, Public Law 100–17, Public Law 97–424, or under an applicable appropriations act for the Department of Transportation, to its apportionment under section 104(b)(1), (2), (3), (5), and 144 of title 23, United States Code: Provided, That demonstration projects upon which such funds are drawn have not gone to construction (although obligations may have been incurred for preliminary engineering or environmental studies). Funds transferred under this section shall be subject to the laws, regulations, policies, and procedures, relating to the apportionment to which they are transferred and shall be subject to the obligation ceiling for Federal-aid highways set by annual appropriations Acts.

SEC. 349. INTERSTATE COMPACT INFRASTRUCTURE BANKS.—Chapter 3 of title 49, United States Code, is amended by the addition of the following new section 334:

"SEC. 334. INTERSTATE COMPACT INFRASTRUCTURE BANKS.—(a) CONSENT TO INTERSTATE COMPACTS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to the States to enter into interstate compacts establishing transportation infrastructure banks to promote regional or multi-State investment in transportation infrastructure and thereby improve economic productivity.

"(b) ASSISTANCE FOR TRANSPORTATION PROJECTS, PROGRAMS, AND ACTIVITIES.—An Interstate Compact Transportation Infrastructure Bank (Infrastructure Bank) established under this section may make loans, issue debt under the authority of the Infrastructure Bank's State jurisdictions either jointly or separately as the Infrastructure Bank and its jurisdictions determine, and provide other assistance

to public or private entities constructing, or proposing to construct or initiate, transportation projects, programs, or activities that are eligible to receive financial assistance under—

"(1) title 23, United States Code, and the Intermodal Surface Transportation Efficiency Act of 1991; and

"(2) chapters 53 and 221 and subtitle VII, part B, of this title.

"(c) FORMS OF ASSISTANCE.—An Infrastructure Bank may loan or provide other assistance to a public or private entity in an amount equal to all or part of the cost of construction or capital cost of a qualifying project. The amount of any loan or other assistance received for a qualifying project under this section may be subordinated to any other debt financing for the project. For purposes of this subsection, the term 'other assistance' includes any use of funds for the purpose of credit enhancements, use as a capital reserve for bond or debt instrument financing, bond or debt instrument financing issuance costs, bond or debt issuance financing insurance, subsidizing of interest rates, letters of credit, credit instruments, bond or debt financing instrument security, other forms of debt financing that relate to the qualifying project, and other leveraging tools approved by the Secretary.

"(d) INTERSTATE COMPACT TRANSPORTATION INFRASTRUCTURE BANK REQUIREMENTS.—In order to qualify an Interstate Compact Transportation Infrastructure Bank for capitalization grants under this section, each participating State shall—

"(1) deposit into the Infrastructure Bank, from non-Federal or Federal sources other than this title or title 23, United States Code, an amount equal to 25 percent of each capitalization grant or, if lower because of the proportion of Federal lands in the State, the proportional non-Federal share that a State would otherwise pay on the basis of section 120(b) of title 23;

"(2) ensure that the Infrastructure Bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the fund;

"(3) ensure that investment income generated by the funds deposited into an Infrastructure Bank shall be—

"(A) credited to the Infrastructure Bank;

"(B) available for use in providing loans and other assistance to qualifying projects, programs, or activities from the Infrastructure Bank; and

"(C) invested in U.S. Treasury securities, bank deposits, or such other financing instruments as the Secretary may provide to earn interest to enhance the leveraging of qualifying transportation activities;

"(4) provide that the repayment of a loan or other assistance to a State from any loan under this section may be credited to the Infrastructure Bank or obligated for any purpose for which the loaned funds were available under this title or title 23;

"(5) ensure that any loan from an Infrastructure Bank shall bear any positive interest the Bank determines appropriate to make the qualifying project feasible;

"(6) ensure that repayment of any loan from an Infrastructure Bank shall commence not later than five years after the facility has opened to traffic or the project, activity or facility has been completed;

"(7) ensure that the term for repaying any loan shall not exceed 30 years from the date of obligation of the loan;

"(8) limit any assignment, transfer, or loan to an Infrastructure Bank to not more than the amount which a State is entitled to under subsection (f) of this section; and

"(9) require the Infrastructure Bank to make an annual report to the Secretary on its status no later than September 30 of each year.

"(e) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

"(1) ensure that federal disbursements for capital reserves shall be at a rate consistent with historic rates for the Federal-aid highway program; and

"(2) specify procedures and guidelines for establishing, operating, and making loans from an Infrastructure Bank.

"(f) AUTHORIZATION OF APPROPRIATIONS; CONTRIBUTIONS FROM TITLE 23 APPORTIONMENTS.—(1) There are authorized to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to carry out this section not more than $250,000,000 in Fiscal Year 1996.

"(2) Notwithstanding the provisions of title 23, United States Code, and Public Law 102–240 (Intermodal Surface Transportation Efficiency Act of 1991), a State may contribute to an Infrastructure Bank up to 10 percent of federal funds apportioned under section 104(b) of title 23 that are subject to the annual Federal-aid Highways obligation limitation, except for interstate construction.

"(3) A state may disburse funds appropriated under paragraph (f)(1) of this subsection or contributed under (f)(2) of this subsection to an Infrastructure Bank at a rate that does not exceed the traditional rate of disbursement for the Airport Improvement Program or the Federal-aid Highway program, respectively.

"(g) STATE ALLOCATION.—The Secretary shall apportion to the chief executive of each State choosing to participate in an Infrastructure Bank the percentage allocation of the amount available under paragraph (e)(1) of this section on the first day of the fiscal year, as follows:

"State	*Percentage*
"Alabama	*1.26*
"Alaska	*5.64*
"Arizona	*2.20*
"Arkansas	*0.74*
"California	*8.57*
"Colorado	*2.31*
"Connecticut	*0.74*
"Delaware	*0.04*
"District of Columbia	*0.01*
"Florida	*6.49*
"Georgia	*3.08*
"Hawaii	*2.54*
"Idaho	*0.75*
"Illinois	*3.92*
"Indiana	*1.46*
"Iowa	*0.95*
"Kansas	*0.68*
"Kentucky	*1.80*
"Louisiana	*1.34*
"Maine	*0.66*
"Maryland	*0.84*
"Massachusetts	*1.72*
"Michigan	*2.68*
"Minnesota	*1.59*
"Mississippi	*0.76*
"Missouri	*1.92*
"Montana	*1.10*
"Nebraska	*0.87*
"Nevada	*1.46*
"New Hampshire	*0.28*
"New Jersey	*1.16*
"New Mexico	*0.98*
"New York	*5.82*
"North Carolina	*2.92*
"North Dakota	*0.61*
"Ohio	*2.32*
"Oklahoma	*0.97*
"Oregon	*1.15*
"Pennsylvania	*3.29*
"Rhode Island	*0.39*
"South Carolina	*1.05*
"South Dakota	*0.55*
"Tennessee	*2.13*
"Texas	*7.64*
"Utah	*1.04*
"Vermont	*0.22*
"Virginia	*2.91*
"Washington	*1.78*
"West Virginia	*0.58*
"Wisconsin	*1.41*
"Wyoming	*0.74*
"Puerto Rico	*0.99*

"(g) UNITED STATES NOT OBLIGATED.—The deposit of Federal apportionments into an Infrastructure Bank shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party, nor shall any third party have any right against the United States for payment solely by virtue of the deposit. Furthermore, any security or debt financing instrument issued by an Infrastructure Bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(h) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds used as a capital reserve under this section.

"(i) PROGRAM ADMINISTRATION.—For each fiscal year, a State may contribute to an Infrastructure Bank an amount not to exceed two percent of the Federal funds deposited into that Infrastructure Bank by the State to provide for the reasonable costs of administering the fund.".

(b) RESCISSION OF CONTRACT AUTHORIZATION.—Of the available contract authority balances under the account entitled "Grants-In-Aid for Airports" in this Act, $250,000,000 are rescinded.

SEC. 350. (a) In consultation with the employees of the Federal Aviation Administration and such nongovernmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5, United States Code, and other Federal personnel laws, the Secretary of Transportation shall develop and implement, not later than January 1, 1996, a personnel management system for the Federal Aviation Administration that addresses the unique demands on the agency's workforce. Such new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

(b) The provisions of title 5, United States Code, shall not apply to the new personnel management system developed and implemented pursuant to subsection (a), with the exception of:

(1) Section 2302(b), relating to whistleblower protection;

(2) Section 7118(b)(7), relating to limitations on the right to strike;

(3) Section 7204, relating to antidiscrimination;

(4) Chapter 73, relating to suitability, security, and conduct;

(5) Chapter 81, relating to compensation for work injury; and

(6) Chapters 83–85, 87, and 89, relating to retirement and insurance coverage.

SEC. 351. (a) In consultation with such nongovernmental experts in acquisition management systems as he may employ, and notwithstanding provisions of Federal acquisition law, the Secretary of Transportation shall develop and implement, not later than January 1, 1996, an acquisition management system for the Federal Aviation Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

(b) The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to subsection (a):

(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266);

(2) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.);

(3) The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355);

(4) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals;

(5) The Competition in Contracting Act;

(6) Subchapter V of Chapter 35 of title 31, relating to the procurement protest system;

(7) The Brooks Automatic Data Processing Act (40 U.S.C. 759); and

(8) The Federal Acquisition Regulation and any laws not listed in (a) through (e) of this section providing authority to promulgate regulations in the Federal Acquisition Regulation.

SEC. 352. Section 40118(h)(2) of title 49, United States Code, is amended by striking the second sentence in that paragraph and inserting in lieu thereof the following: "After review and a public hearing, the Secretary may end any part of the authority of the agency to impose a passenger facility fee, except for that portion necessary to make payments for debt service due by the agency on indebtedness incurred to carry out an eligible airport-related project."

SEC. 353. Funds provided in this Act for bonuses and cash awards for employees of the Department of Transportation shall be reduced by $752,852, which limits fiscal year 1995 obligation authority to no more than $25,875,075: Provided, That this provision shall be applied to funds for Senior Executive Service bonuses, merit pay, and other bonuses and cash awards.

SEC. 354. Not to exceed $850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 355. Notwithstanding any other provision of law, the Secretary may use funds appropriated under this Act, or any subsequent Act, to administer and implement the exemption provisions of 49 CFR 580.6 and to adopt or amend exemptions from the disclosure requirements of 49 CFR Part 580 for any class or category of vehicles that the Secretary deems appropriate.

SEC. 356. (a) The Federal Aviation Administration Technical Center located at the Atlantic City International Airport in Pomona, New Jersey, shall be known and designated as the "William J. Hughes Technical Center".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal Aviation Administration Technical Center referred to in section (a) shall be deemed to be a reference to the "William J. Hughes Technical Center".

SEC. 357. None of the funds in this Act may be used to close any multi-mission small boat stations or subunits: Provided, That the Secretary may implement any management efficiencies within the small boat unit system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits may be closed.

SEC. 358. Notwithstanding any other provision of law, of the $29,596,000 available for obligation authorized by item 21 of the table in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2038), $6,000,000 shall be made available for obligation to carry out surface transportation projects in Louisiana. Of this amount, $5,000,000 shall be made available for completion of the I-10 and I-610 project in New Orleans, Louisiana and $1,000,000 shall be made available for three highway studies of which $250,000 is provided for a study to widen US 84/LA 6 traversing north Louisiana, $250,000 is provided for a study to widen La. Hwy 42 from US Hwy. 61 to La. Hwy. 44 and extend to I-10 in East Ascension Parish and $500,000 is provided for a study to connect Interstate 20 on both sides of the Ouachita River.

SEC. 359. TRANSFER OF CERTAIN FEDERAL PROPERTY IN NEW JERSEY.—The first section of the Act entitled "An Act transferring certain Federal property to the city of Hoboken, New Jersey", approved September 27, 1982 (Public Law 97-268, 96 Stat. 1140), is amended—

(1) in subsection (a), by adding "and" at the end, and

(2) by striking "Stat. 220), and" in subsection (b) and all that follows through "New Jersey; concurrent with" and inserting the following: "Stat. 220); concurrent with".

TITLE IV—PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.

This title may be cited as the "National Capital Area Interest Arbitration Standards Act of 1995".

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.

As used in this Title—

(1) the term "arbitration" means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's "funding ability" is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term "interstate compact agency operating in the national capital area" means any interstate compact agency which provides public transit services;

(5) the term "interstate compact agency" means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term "public welfare" includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.

(a) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) COMPACT AGENCY'S FUNDING ABILITY.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) REQUIREMENTS FOR FINAL AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) MODIFICATIONS AND FINALITY OF AWARD.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 404.

[TITLE V

[ADDITIONAL GENERAL PROVISIONS

[SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.]

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1996".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD. 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. HATFIELD. 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. HATFIELD. Mr. President, we are here today to discuss H.R. 2002, the fiscal year 1996 Department of Transportation and related agencies appropriations bill.

This bill has been a challenge—a challenge to meet the over arching goal of deficit reduction while at the same time providing the resources necessary to address the Nation's infrastructure needs. The 602(b) allocation for this bill is $12.4 billion in budget authority and $36.561 billion in outlays—$200 million less in budget authority and $386 million less in outlays than the House allocation. My colleagues should know that the bill as reported from the committee is right at its 602(b) allocation for both budget authority and outlays. So any amendment that affects either budget authority or outlays needs to be budget neutral.

A number of my colleagues are unhappy that we could not do more either for individual projects or for transportation in general.

I too wish that more could have been done.

The allocation was very restrictive; but, I want to make this very clear to the Members. The allocation for the subcommittee was higher than what was implied by the budget resolution that many have endorsed. If the committee had strictly adhered to the budget resolution's assumptions for Transportation, both budget authority and outlays would have been reduced even further. The budget resolution assumed approximately $20 million less in budget authority and $350 million less in outlays. The outlay assumption in the budget resolution would have been particularly difficult to satisfy. To accommodate the outlay assumptions of the resolution, the bill would have had to totally eliminate transit operating assistance, or to put it in perspective, reduce the Federal aid highway obligation ceiling by 13 percent.

I should point out to my colleagues, the Transportation Subcommittee has limited control over outlays in a given year. Over 69 percent of the total outlays are from prior years' commitments and on top of that another $330 million is outside the subcommittee's control because highway authorizing legislation has made the minimum allocation program and the highway demonstration projects exempt from any spending controls. The net effect is that over 70 percent of the bill's outlays occur regardless of what we do in the current year—and next year we will be further restricted in funding new programs.

Transportation is unique in another way because it pays for itself. This fiscal year, 1995, almost 76 percent of the budget is financed through the various trust funds. The bill before you maintains the user fee concept. However, in order to address the fiscal year 1996 constraints and to be in a better position for fiscal year 1997 there are a number of provisions included that deal with the financial operations of the Department and the need for capital and continued investment in the Nation's infrastructure, such as highway trust fund receipts are not increasing, yet demand for surface transportation is increasing, therefore, I am recommending the creation of State infrastructure banks; in order to assist the FAA better manage its personnel and equipment purchases, bill language on reforming those areas is included; to help States avoid a 20-percent reduction in new contract authority for highways in 1996, bill language is proposed to give States greater flexibility over the use of their highway dollars. And, finally there is direction to the FAA to recover fully the costs for providing services and for administrating various programs.

These proposals have a direct effect on the Department's financial wherewithal, which should be of great concern to all of us.

These proposals are not about jurisdiction. They are about providing the tools and the resources that the Department of Transportation needs now and more importantly for the future. We cannot idly sit by.

I hope that the financial and management proposals in this bill are supported by the full Senate. I welcome the debate that these proposals have generated. Because they are so important and affect all the modes of transportation, I thought that they needed consideration and input by the full Senate. As a colleague said, many of these are not new—some of the reforms proposed were first requested by former Secretary of Transportation, Elizabeth Dole.

Some of the committee's recommendations have already had the desired effect, and that is immediate consideration. I hope that the outcome will be that the authorizing committees in concert with the Appropriations Committee will propose legislation that makes changes in the way that the Department of Transportation currently does business.

I have been very encouraged by the time and energy that members of the Commerce Committee immediately gave to the proposals in the aviation area; and, I am hopeful that we can reach some agreement in that area. Some form of aviation financing legislation must be enacted this session. On the other provisions, which are offered in response to transportation's overall fiscal situation, I ask for your support.

I have also heard concerns expressed about the funding level for the ICC. The bill before you contains funding to pay for ICC functions that will transfer to DOT, $4.7 million; and funding to pay for ICC termination costs, $13.4 million. These funds were included without judgment as to what may succeed the present commission, which will be determined by authorizing legislation.

I want to say that, Mr. President, that we have worked concurrently and in close harmony with the authorizing committees, both the Commerce Committee and Environment and Public Works Committee. We worked most particularly with Senator CHAFEE, chairman of the Environment and Public Works Committee and with Senator MCCAIN, the subcommittee chairman, on aviation in the Committee on Commerce. We are hopeful that these matters will move speedily to a conclusion.

Again, I emphasize that we are not attempting to usurp jurisdiction, because it is not a jurisdictional question, it is a survival question, in many instances, and a question of what our future infrastructure is going to be.

Mr. President, I would like to yield to my close associate and former chairman of this subcommittee, Senator LAUTENBERG of New Jersey, for any opening statements he wishes to make relating to this bill. Then I will ask that the next moment be reserved for adopting the committee amendments, en bloc, and with a tabling motion followed on one of the committee amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, before I discuss my view of the bill that is before the Senate, I want to take a moment to thank Chairman HATFIELD for the considerable work he has put into this bill.

This was tough. The entire Transportation Subcommittee recognizes that we are fortunate to have Senator HATFIELD as our new subcommittee chairman. Over the last several months, he has demonstrated a unique ability to provide balance to the discussion and to arrive at a consensus.

I am not totally satisfied with the outcome of the bill, and I believe that the chairman shares my views. Our concern raises principally because the resources are lacking to confirm our belief of what ought to be invested in the transportation infrastructure in this country.

We had several hearings, a thorough and complete set. The legislation before the Senate clearly demonstrates Senator HATFIELD's leadership in putting this delicately balanced bill together. It probably fails to satisfy almost everyone, and the reason that the bill will fail to please is due to the inadequacy of resources. That is a pure and simple fact.

I support H.R. 2002, the fiscal year 1996 Transportation appropriations bill. I do it, however, with obvious reluctance. My reluctance has nothing to do with the chairman's product or any single provision in the bill. Again, I cannot emphasize it too often, it is attributable entirely to the shrinking size of the bill itself. It contains $1 billion less than we spent in 1995.

Madam President, for the last 8 years, I stood before the Senate as chairman of the Transportation Subcommittee, and though I miss that role, I am nevertheless pleased to continue as the ranking member on the Transportation Subcommittee. I stood here and argued for an increase in balanced spending for transportation, and I make no apologies, none, for supporting spending that invests in our Nation's infrastructure, spending that boosts our efficiency, our competitiveness, and our productivity.

My view is no different than that of dozens of economists across the philosophical spectrum. While many things have changed here in Washington over the years, my views on transportation spending have not; neither have those of the dozens of economists that I refer to, who believe that investments in infrastructure pay off in so many areas in our society.

Infrastructure investment promotes efficiency. It can promote a better quality of life as we travel from work to home, home to recreation, or home to shopping or vacation. It affects us, obviously, in those ways. The amenities of life are considerably improved.

It also affects very directly our environmental condition. Nothing fouls the air more than the proliferation of automobiles, trucks, and machines that produce toxic chemicals into our air.

We ought not to have to deal with this in an advanced society like ours. By providing a balanced transportation network, we could avoid much of that grief and much of those problems.

We are short of resources. The bill before the Senate cuts our national investment in transportation by $1 billion. I continue to believe that cuts of this magnitude undermine our prosperity ultimately and harm the traveling public.

When I spoke in opposition to the budget resolution that passed the Senate, I did so as a member of the Budget Committee. What I had in mind when I voted in opposition were moments like these. We all support spending cuts that are prudent and well reasoned and in the national economic interest. But the budget resolution does not allow selectivity. It requires us to adopt slash-and-destroy tactics. A $1 billion cut in transportation demonstrates that fact.

Look at the questions raised by this bill, at the needs it does not address, at the problems it will cause. While air traffic continues to rise, we find ourselves required to cut the FAA's operating budget more than $150 million below the President's request. While our Nation's cities are struggling to clean the air, minimize congestion, we slash mass transit operating subsidies, cuts that will increase fares, decrease service, and push more commuters out on the highways in their cars.

After Amtrak has already gone through a painful series of service cuts and has reluctantly accepted a 23-percent cut in operating subsidies, we are now required to cut them even deeper and trigger yet another round of service reductions. I think that is ridiculous, for the United States, the leading economic power in the world, to have a railroad system that frankly compares to that in some of the developing countries. This Nation of ours is about 50th in per capita spending on infrastructure investments, and we rank way behind the countries that have the leading transportation systems, like France, like Germany, like Japan.

I find it an intolerable condition. By the way, so do most, if not all, of our colleagues in this Chamber and I believe on the other side of the Capitol as well. And, we see it by the requests that come in—to me, and I know to Chairman HATFIELD—by the dozens, from Members of the Senate who had specific projects that they wanted to be either initiated or continue. These were not in the tradition of what is commonly called bacon, or pork—whatever piece of the pig one chooses. The fact of the matter is, these requests were often very, very significant in terms of development of easier traffic routes and a more efficient economy in the region.

There again, I hear it from almost all the Senators here—perhaps Senator

HATFIELD has heard more because he is now the chairman. But when I was chairman, I would get requests from virtually every State in this country, certainly every region.

Here we have this incredible aviation system of ours. It handles millions of passenger miles each day. It works superbly. It is safe. But it is late, often. It is insufficient to meet the demands. As a consequence, we see the kind of pricing that I think could be lowered if we could expand the system to accommodate the growth.

When our Nation's air traffic controllers are working under incredibly stressful conditions, we are going to penalize them further. We are going to require a reduction in their annual take-home pay by 2.5 percent. It does not sound like a good idea, but we are forced into that position because of the inability to fund the needs for FAA.

We are making these cuts not because they represent solid policy choices; we are making them because the budget resolution gives us no choice. Certainly, the Appropriations Committee is not to blame for these cuts. The chairman has done the best that he could, and I consider it a privilege and a honor to work with him. It is the best he could do. We are from different parties and different regions of the country, but we share a common interest in investments in transportation infrastructure. The chairman has done the best he could under the insufficient funding that is available to us.

As chairman of this subcommittee for the last 8 years, even when times were better and more funding was available, I decried the budgets at those times because they were insufficient to keep up with the growth and demands of our Nation. Now, as the resources are reduced substantially—and, yes, I would like to see us balance the budget, but I would not like to see it at a pace that is perilous to the economic well-being of this country, nor would I like to see it in such a way that it deprives us of the opportunity to be the competitive nation that we ought to be.

I fought for larger investments in transportation infrastructure. It pained me to see the list of obsolete bridges that exist all over the country—a lot in my own State of New Jersey, the most densely populated State in the country, with very dense traffic. It pained me to see the inadequate roadways being ever more worn down by excessive traffic. I found it very difficult to accept the kind of intercity rail service and transit service that we see around our country when, again, we are the most prosperous nation in the world.

We have made mistakes, yes. But the fact is, we have the ability to finance these things. We have an aviation system straining to meet schedules and service requirements because we, once again, are not making adequate investments. Be that as it may, we are guided, as I said earlier, by the budget resolution, not by our desires nor our beliefs in what ought to be taking place.

This bill, as passed by the House of Representatives, included some substantial increases, especially in the areas of highway and airport grants and paid for those increases with severe cuts in mass transit and Amtrak. The Senate bill before us, however, is almost $400 million in outlays below the House bill. As a result, those programs that are treated most generously in the Senate are often frozen. Everything else has been cut.

It is my hope that when this bill reaches conference, our subcommittee allocation will rise to the level that is approved by the House and we will have more money to work with. At that time I hope we can address some of the most severe funding cuts in the bill.

Some of the most problematic provisions that I find in our bill include this provision I discussed, to cut the pay of our air traffic controllers. I know the incentive pay program, which is cut in this bill, was initially designed as a one-time initiative to bring the structure back. It was just after the illegal strike that took place, and it was designed to strengthen and fill the personnel requirements that we needed. But now, this is many years later, it is a basic element in every air traffic controller's compensation plan.

So it is my hope, when we get to conference and can add more funding to the FAA operations, we will be able to avoid a pay cut for our air traffic controllers. They work hard; they earn their money. We want their nerves to be good and calm, and we want them to be able focus on their job.

I am equally concerned with language in the bill which exempts the FAA system from many civil service rules and the language requiring workers on workers' comp to retire, saying to them, "You have to quit now because you are deriving benefits from workers' compensation." It is without, I think, an understanding that these people may be able to get back to work in the not-too-distant future and would probably like to have their positions back if they are able.

There is no question, no question in my mind at all, that we need serious reform at the FAA. But true reform has to be comprehensive.

I hope and I know that the chairman of the Commerce Committee, with me, will move forward with appropriate comprehensive reform legislation so that we do not need to take this kind of action in the final appropriations bill. I know that, if Senator HATFIELD was in a better position to provide more funding in the FAA's budget request, he would not be proposing some of these ideas in the appropriations bill. But he was forced to take an action, as they say, to balance the books.

Finally, I am concerned with the formula change in transit operating assistance. Simply put, the Federal Government has been the partner in the transit systems around the country and has provided some measure of funding. We find it in New Jersey, and I know we find it in States around the country. But this program is being cut now by 44 percent, which means that unless the States can come up with, or the local communities, or the metropolitan trading area authorities can come up with more money, fares are going to go up significantly.

This program is being cut 44 percent, the largest single cut of any major formula program in the bill. And make no mistake about it, the cuts will mean transit service reductions. People are going to have to pay more to get to work, to get to shopping, and to get around the community. So this is going to be painful when these increases finally arrive at home.

The formula has been changed, so that larger urban systems will have disproportionately larger cuts than the more rural, smaller systems. And it makes the problem even worse in many of the cities, including the cities in my State.

I know many people view this provision as a way to spare some of these transit agencies that are most dependent on Federal assistance. However, this provision can also be viewed as rewarding the very municipalities that have made the least local funding commitment to transit. I hope that this formula change will be reviewed or done away with during the conference committee action on the bill.

Despite all these reservations, Madam President, I once again commend my colleague and friend and chairman for his hard work on this bill. He has done an extraordinary job with the resources available. I thank him for the cooperative spirit and fairmindedness that he has always maintained throughout the process.

I also want to thank the staff people who have been so helpful—on the chairman's side Pat McCann, Anne Miano, and Joyce Rose, people who were part of my staff when I was chairman. They have continued to do the work just as faithfully and just as expertly without any glitches as a result of the party change there, people who are committed to the assignment of transportation appropriations. And they do it well.

And I thank my own staff person, Peter Rogoff, for his continued assistance and his personal growth on the job; he has taken over more responsibility and has done more than well.

As the chairman has already noted, the bill before us is at its ceiling both in budget authority and outlays. So

any amendments that are offered will have to be fully offset in both budget authority and outlays.

I want to join the chairman in our hope that any of those who have amendments will come to the floor as soon as possible so that we can continue progress on the bill.

PRIVILEGE OF THE FLOOR

Madam President, I ask unanimous consent that Joanne Horne, a congressional fellow with the Transportation Subcommittee, be granted privileges of the floor during the debate on this legislation.

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

Mr. LAUTENBERG. With that, Madam President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I thank the ranking member, Senator LAUTENBERG of New Jersey, who served ably as the former chairman of this subcommittee—and I had the privilege of working with him over a number of years—for his eloquent description of the bill and for his wonderful support and cooperation in bringing this bill to the floor. I made comments about that previously in my opening remarks. But he was at that time unable to be here on the floor present, and I wanted him to hear it directly from me.

COMMITTEE AMENDMENTS

Madam President, I have some unanimous consent requests that have been cleared on both sides.

First of all, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, except for section 352 of the bill, page 74, lines 1 through 8.

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

Mr. HATFIELD. I ask unanimous consent that they be considered as original text for the purpose of further amendment and that no points of order be waived thereon.

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

Mr. HATFIELD. Madam President, I move to table the committee amendment, section 352 on page 74, lines 1 through 8 at this time. And I might just briefly state this committee amendment that was to give authority to the airport agencies; that is, the local airport authorities, to raise the passenger fees from $3 to $5. We got a lot of response from those effected carriers and other interested parties. We think we have their attention.

So I now move to table.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I am happy at this time to yield to the Senator from Colorado, who I understand has some matters to bring before the body.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I thank the Senator for yielding.

I want to express my thanks to the distinguished chairman and the ranking member for their efforts.

I rise to inquire about a concern I have with regard to the appropriations that are described on page 179 of the committee report under the title of "New Systems."

Madam President, my concern is specifically and my understanding is that our Federal statutes outline the process for the Department of Transportation to allocate funding for these new systems on, if you will, a merit basis; that is, after consideration in depth of the project, looking at the benefit it will have, and the cost it will have and the local participation it will have. Our Federal statutes anticipate that money would be allocated by the Department of Transportation on the merit basis.

Yet, in looking at the committee report and reviewing the bill, it appears to me that what has been done here is the committee has earmarked all of the money in that category, and virtually nothing would be left for the Transportation Department to allocate to projects based on their merit.

I raise that as a question, and ask the chairman if I have interpreted that correctly or if there are factors that I have not seen in reviewing it.

Mr. HATFIELD. Let me put this in context, if I might. A few years ago when we adopted the ISTEA legislation, before that time we had designated these various projects in report language. At that time, the authorizing committee identified those projects within the bill language legislating them into law. They identified a total of $666 million to be expended annually for those designated programs in locations, descriptions, and costs, full-funding agreements and so forth.

The President sends up his budget by which the Department of Transportation expresses its views as to those projects most able to undertake the construction, all of the preliminaries being completed, and agreements having been signed by the Department of Transportation with those local entities. When you get to a cap on a figure in any account, you obviously then are in a position to have to make selections and priorities.

We also find that when that legislative authorization has taken place, events tend to change those projects as you get down the road into them. As an example, Los Angeles has been having some recent difficulty in its project relating to its contractor, and as I understand that is under investigation. Therefore, things are kind of on hold.

If we did not have this earmarking, as the Senator calls it, which really more precisely to try to distinguish it from other kinds of earmarks, we set these priorities within that $660 million, we would not have $688 million this year. We were able to take some unobligated funds to add to that to do a little bit more.

By the way, we had $1.1 billion in requests from Members within this category of the $660 million cap. So what we have to do then is to identify those in dollars concurrent to those changing roles or changing rates of action and progress, and so forth. And that is why these are listed by certain number of dollars.

Let me take as another example both New York and Portland. In Portland, OR, my home State, there was a shortfall in the next to the last increment to complete the light rail system in my city of Portland. There were a couple of years of shortfalls in terms of the moneys appropriated by the House and Senate, and so forth, which put a time lag into that project that had full funding and contracting already established. And so by being able to add a little over the President's request of $106 million, this catches both Portland and New York City up to date, which means we can complete the Portland project with one last increment in 1997. Otherwise, we might be forced into 1998, which expands the costs, of course, because of the time extension.

So those are the kinds of judgments we are called upon as a committee to make to maximize the dollars for these programs that we are committed to by contract, authorized and designated in the ISTEA legislation.

Mr. BROWN. I understand the projects listed under fixed guideway modernization on 178 do total, or do involve the ISTEA presentation.

Mr. HATFIELD. Yes.

Mr. BROWN. Am I to understand that the ISTEA priority affects those in the new systems as well?

Mr. HATFIELD. Yes. Yes, that is correct. And there is a formula that you will find on the guideway modernization, fixed guideway modernization on page 178. Those are allocated on the basis of formula set by the Department and in the legislation, ISTEA legislation.

Mr. BROWN. I guess the concern I bring is the difficulty of falling into a circumstance where allocation of these funds is based on designation by legislative acts instead of what should be a merit focused formula that I understand section 5309 of our Federal law lays out. I am wondering if that objective criteria is what guides Congress in its selection here or if this involves

simply an overriding objective criteria?

Mr. HATFIELD. I can assure you that the basis the committee has used is purely merit. I believe that we have similar capacity to executive agencies to establish priorities by merit within the body of the Congress. I do not assume that only the executive branch can set those standards by merit. You will also find that there is a great correlation between what has been determined as merit in the committee and what the administration has also declared on the basis of merit. In other words, our merit basis tends to affirm, one affirm the other.

Mr. BROWN. I understand the process that we have in the statute. I think the Senator can see my concern. The statute, as I understand, has with legislative authority laid out some fairly detailed guidelines as to how you would evaluate projects, and yet at least from the outside it appears that we use a different system in coming up with it.

What the Senator is telling me is the statute is used by the administration in what they recommend to the Congress, and that the committee presumably looks at those ratings in making their decision, although they are not bound by them.

Mr. HATFIELD. I am saying basically, yes, that the administration sends up its recommendations. Take my city of Portland, for instance—one of the highest because we are moving toward that completion offered by the administration. The addition between what the administration's level is and what we made on a basis of merit and maximizing the dollars and trying to complete the project within the existing contract was to add for the shortfalls of 2 previous years, and certainly I think that is within the prerogative of the congressional body and I think it is based on merit.

Mr. BROWN. I appreciate the Senator taking the time to go through this with me. I yield the floor.

Mr. HATFIELD. I thank the Senator.

AMENDMENT NO. 2328

(Purpose: To transfer additional funds for mass transit operating assistance)

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. SANTORUM, proposes an amendment numbered 2328.

Mr. SPECTER. Madam 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 30, line 16 "$985,000,000" and insert $1,025,000,000".

On page 30, line 17, strike "$2,105,850,000" and insert $2,145,850,000".

On page 30, line 20, strike "$400,000,000" and insert "$440,000,000".

On page 2, line 6, strike "$56,500,000" and insert "$55,400,000".

On page 3, line 6, strike "$9,710,000" and insert "$6,336,667".

On page 6, line 13, strike "$139,689,000" and insert "$134,689,000".

On page 16, line 22, strike "$215,886,000" and insert "$205,886,000".

On page 16, line 14, strike "$70,000,000" and insert "$86,000,000".

On page 30 line 12, strike "$42,000,000" and insert "$39,260,000".

On page 54, line 5, strike "$5,000,000" and insert "$10,000,000".

On page 54, line 8, strike "99,364,000" and insert "94,364,000".

Mr. SPECTER. Madam President, at the outset, I add my words of commendation to those already articulated for the distinguished chairman of the full committee and the chairman of the subcommittee and the distinguished ranking member for an outstanding job which they have done and acknowledge the very grave difficulties in stretching a limited number of dollars to a great many important aspects of transportation.

I serve on the Transportation Subcommittee and advised the distinguished chairman at the markup on the subcommittee of a number of concerns I had, one of which was the mass transit operating expenditures, which have been reduced very materially from $710 million in Federal operating assistance to $400 million. These Federal funds are used to keep transit fares down and to maintain service.

The amendment which I have offered on behalf of Senator SANTORUM and myself would increase the funding by $40 million in budget authority and $24 million in outlays with a series of offsets which total $43.2 million in budget authority and $24 million in outlays.

This amendment is being offered to make some adjustment in operating assistance which is relatively minimal—a 10-percent increase but at least some effort to ameliorate and improve the tremendous losses which will be suffered across the country. These offsets have been very carefully calibrated to do the minimum amount of harm to the areas where the offsets are obtained.

For example, on GSA rental payments, there is a $5 million offset in both budget authority and outlays which still leaves the Senate at $134.6 million which is above the House figure; a $10 million reduction in budget authority and $6 million in outlays from FAA research and development, which still leaves the Senate $205.9 million ahead of the House figure of $143 million; DOT working capital fund, a $5 million offset in budget authority and $3 million in outlays, which leaves the Senate at $95.4 million compared to $92.2 million for the House; the Federal Transit Administration, administration expenses, a reduction in budget authority of $2.74 million and outlays of $2.47 million, which leaves the Senate at $39.2 million equal to the House $39.2 million; an offset of $1.1 million in budget authority and $1 million in outlays from the Secretary of Transportation salaries and expenses, noting a very small reduction; and $3.37 million in budget authority and $2.53 million in outlays from Transportation planning, research and development, which leaves the Senate still ahead of the House $6.3 million to $3.3 million.

I omitted the figure of the Secretary of Transportation salaries and expenses, which still leaves the Senate figure $55.4 million, ahead of the House figure of $55 million. This has been a very, very carefully calibrated reduction in a number of accounts which I think can be accommodated without any undue problems.

The information which has been provided to me from my Pennsylvania constituent group, the Pennsylvania Association of Municipal Transportation Authorities, and also provided to my distinguished colleague, Senator SANTORUM, shows the impact on transit authorities across the State which are very, very substantial.

For example, in Wilkes-Barre there would be a loss of $409,000, which would require an increase in fares of 104 percent, from $1.10 to $2.25 on fares, or a reduction of service of 39 percent, which would result in a customer loss of 680,000 riders.

In Indiana, PA, for example, an operating loss of $28,260 would cause a fare increase of 80 percent, from $1 to $1.80, or reduction in service of some 25 percent.

There would be losses across the board of a very substantial nature—Allentown, Altoona, Harrisburg, Lancaster, Scranton, State College. In addition to the ones already referred to, a loss to Pittsburgh of some $3.75 million, and Philadelphia, $11.5 million.

Now, this is minimal, as I say, Madam President. And I offer this modification with some fine-tuning to an excellent job already done by Senator HATFIELD and Senator LAUTENBERG, looking across the entire spectrum of expenses in the transportation account. But this is being offered in an effort to try to bring some help to the mass transit riders. There has been a reduction in the fares for urban areas of 43.7 percent, in rural transportation of 19.4 percent, which we had considered making it a modification and did not do so. But this I would consider minimal and necessary.

The point has already been made about mass transit being necessary for the elderly and for the working poor. And at a time when we are considering the changes in the welfare laws, we

really need to keep people on the move in the Philadelphia area, for example. Keep people moving from center city to suburban areas and moving in all the towns across Pennsylvania. I am sure these figures are duplicated, really, across the country.

That states the essence of the position. And I would be delighted to yield at this time to my distinguished colleague, Senator SANTORUM.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Madam President. I will join my colleague from Pennsylvania in congratulating the chairman of the committee and the ranking member for their outstanding work on this bill. And I know how difficult it is.

The chairman of the committee is often in our meetings talking about how the discretionary funds continue to get cut, and to try to reallocate those resources is a brutal task and one that is a thankless job, and you have to make tough decisions and you are not going to make a lot of people happy in that case. And I also say no one fights to make sure that discretionary spending gets a fair allocation out of the budget process more than the Senator from Oregon.

I rise to join my colleague from Pennsylvania in what I agree with him is a modest amendment. If you look at what has happened over the last many years to mass transit funding in past Congresses, mass transit funding has suffered a disproportionate share in the cuts of the transportation budget for quite some time and continues in this round to suffer again a disproportionate share of the funding cuts.

I understand we have priorities, and this was an attempt by the committee to try to order those priorities. What we are trying to do with this amendment is to try to in some way give back or create a higher priority for mass transit.

I think the reason I am so enthusiastic in supporting this is because I strongly believe in mass transit and its role, not as just providing transportation to seniors who want to get to the store, which is obviously important, but the majority of riders on mass transit systems in this country use it to get to work.

When you look at what is happening with the reductions in Federal funding and the increase in fares and what that means to particularly low-income families who rely on mass transit to get to work. When I served in the Congress, I represented an area called the Mon Valley, an old steel valley outside Pittsburgh. There are communities there that are now almost ghost towns, unfortunately. But these communities had incredibly high unemployment rates, virtually no jobs. Most all of the mills that were in these towns have closed down years ago. And the only way they could get to work, because most of them could not afford a car, was to get on the port authority bus, PAT bus in Pittsburgh, and go into town or some other job center.

Well, because of cutbacks and the like, they had to discontinue services to a lot of these communities. So these people had absolutely no way to get to work. They could not afford a car. Unfortunately, in those areas crime was very high. Insurance rates were very high. Even if you could afford a car, in many cases you did not keep a car very long.

So it was a difficult task, and I became very sensitized to the importance of mass transit as a link to a lot of urban areas; in small towns, for that matter, the link for the people who live in these poor communities where the jobs do not exist anymore.

There are no jobs in North Philadelphia. They do not have many. If you want to get to work, you have got to somehow get into center city or out up into northeast or out in the suburbs. Those are the realities of living in urban areas today. And mass transit provides that very vital link.

I find it ironic we are discussing this the day after we were talking about welfare reform. I have been on the floor here the last couple days talking about welfare reform. And I was in Philadelphia a couple months ago. We talked with a group of welfare recipients as well as advocates. And one of the things that they highlighted most to me was the need to continue mass transit funding.

The response was, "Why so?" And it came back with, "Well, if you are expecting these people to go to work, they have to have some way to get to work."

Obviously, most welfare recipients do not own cars. They do not have the resources to get a car. Many of them do not have friends who have cars or relatives, and they have to use mass transit. As we continue to cut back or increase fares, which is going to be the result of the action here, we are going to affect the ability for these people to hold jobs, and in fact if we are going to make them have jobs on welfare, to get those jobs and collect those benefits.

So, that is why I rise in very strong support of this, I think, very minor reallocation of resources to recognize the importance of mass transportation for so many Americans who are trying to do what we want them to do, which is get to work, hold a job, and be responsible citizens, tax-paying citizens of our country.

I wanted to mention one place in particular just so you do not think this is a problem of the big cities. This bill is, in fact, kinder to populations of under 200,000 people. So the big cities get a little bigger hit in this bill than the smaller areas. Maybe that should be the case, because a lot of the smaller areas are more dependent upon the Federal subsidy because they do not have the base of support that a lot of the larger urban areas have.

But I wanted to pick up on what my colleague from Pennsylvania talked about. He talked about Indiana, PA. Indiana, PA, is famous—probably not famous to many people, a lot of people here—but it is famous because it is the birthplace of Jimmy Stewart. In fact, the Jimmy Stewart Airport—they just had a big commemoration of naming the airport after Jimmy Stewart. They opened up a museum there. Indiana, PA, is a town in western Pennsylvania that has just a tremendously tough time.

Indiana County has the highest unemployment rate in the State. It is over 20 percent. With these cuts, as was reported by my colleague from Pennsylvania, it would go from $1 to $1.80; either that or have a 25 percent reduction in service. That is going to be a big hardship on this community.

So what we are trying to do is just ease the pain a little bit by adding some money to this account. I hope that we can get the support of our colleagues and stand up in conference and look at the House numbers and try to do a little bit more in recognition of the importance of mass transit for the employment of so many people in our urban settings who need to get to work.

I want to congratulate my colleague from Pennsylvania for his amendment and his willingness to stand up and fight for what I believe is a very just cause. I am pleased to sponsor him and support him in his effort.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

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

AIRLINE FARES

Mr. DORGAN. Madam President, I will just take a moment to describe an amendment I have discussed with the chairman and the ranking member on this appropriations bill. I intend to offer an amendment that I hope they will accept this evening which calls for a study by the Department of Transportation on the subject of airline fares.

I come from North Dakota, which is not a heavily populated part of the country. All of us have understood, I suppose, from our own unique perspective what has happened with respect to airlines under deregulation. I can tell

you what has happened to airlines under deregulation for some parts of the country. If you live in Chicago and fly to Los Angeles, it has been a wonderful, wonderful thing. You have multiple opportunities to call a number of carriers. You find robust competition and low prices.

If you live, however, in a smaller community, in a rural State, you call the airline and find out that you are paying more. I can get on an airplane and fly from here to London and it costs less than it costs to fly from here to Bismarck, ND. Let me say that again so people understand.

I can fly from here to London to see Big Ben for less money than it costs me to fly from here to see Salem Sue the Cow, the biggest cow in the world sitting on a hill near New Salem, ND, 30 miles from Bismarck airport.

Why should it cost me less to fly from here to London than from here to Bismarck? Because that is the way deregulation has worked. If you happen to live in areas where there are a lot of folks, you get a heck of a deal on airline fares, plenty of opportunities for different carriers and different flights and lower prices. If you live in a rural area, you are going to have less opportunity, fewer carriers, less competition, and higher prices.

I am going to bring some charts to the floor one of these days that will entertain the Senator from New Jersey, I hope. They will make a simple point about who pays what for airline travel in this country. The fact is, people who live in rural areas pay through the nose, and the folks who happen to live in New York, Chicago, Los Angeles get a wonderful deal from airline deregulation.

I want a definitive study done that demonstrates that is the case. I know it is the case, and most folks who live where I do know it is the case. I would like to see a DOT study done, and when that is done, I would like to talk with the folks in the Senate and the House about deregulation and what ought to be done to address some of these issues.

I want to mention one additional thing to the Senator from New Jersey, who is obviously now intently listening to this discussion. If you try in today's circumstances to start a new regional airline carrier to provide jet service in Maine or North Dakota or some State with a more rural population, what will happen is, you are going to get squashed like a little bug. In the old days, if you had a regional jet carrier, the major carriers were required to do code-sharing and offer joint fares. These days, of course, there is no such requirement. So a new jet carrier service begins to provide regional carrier service, and quickly finds the service they can provide is from one city to another and that is their only opportunity, because no big carrier is going to join with them for joint fares and code-sharing.

So very soon they will discover, for example, if you are providing service from Bismarck, ND, to Denver, which happens to be the case with the new regional jet carrier, you cannot if you are traveling from Bismarck to Los Angeles. The most direct route would be a jet from Bismarck to Denver and then on another jet from Denver to Los Angeles. You cannot do that, because the major carrier flying from Denver to Los Angeles says, "We don't offer joint fares. That is our judgment. We just don't do it."

What is the result of deregulation policy, a policy which would not have existed 20 or 30 years ago? We would not have allowed that to happen. What is the result? The result is, we will not see the emergence of robust, energetic, new jet service from regional carriers in this country until we decide to change the rules or maybe change the law and decide that deregulation must be adjusted in those certain circumstances.

The first step is to demonstrate with a definitive study about who gets the benefits and who bears the cost of airline deregulation, and then to take that study and use it to try to find some sensible solutions to it.

So I intend to offer an amendment that simply requires such a study. I hope that it will be acceptable to the Senators who are managing this legislation.

Mr. LAUTENBERG. I would like to respond to our distinguished colleague from North Dakota.

First of all, I was struck by a speech we heard the other day, one of the most illuminating and interesting speeches on the floor when the distinguished Senator from West Virginia, Senator BYRD, stood up and talked about his 14,000th vote, about two votes that he regretted. One of major magnitude was a vote that he made against the civil rights legislation in 1964. And he is a man whose knowledge is unchallengeable here. And the other was when he voted for airline deregulation.

Frankly, if I was here at the time, I would not have voted to deregulate, and I am very interested in all forms of transportation, particularly aviation. In a State like New Jersey, a critical part of our structure, our culture, our economy is the airport we have at Newark.

That does not mean that we have cheap fares, I say to my friend from North Dakota. As a matter of fact, if you want to fly from New Jersey to Washington, you often will pay more than you might to fly to Chicago or some further place. So we wound up with higher fares and worse service. At the same time airlines reduced their costs because they do not pay the wages they used to pay, and they do not have the services available that they used to. Now everybody crowds their luggage onto the airplanes, and if you ever traveled with a bunch of high school students and got hit in the head with backpacks as they walk up the aisle like a ball down bowling alley, you realize that is not something you are really fond of. I would not be surprised if somebody tried to bring a pet elephant or a donkey. But the crowding that you get on airplanes is almost insufferable.

I share the Senator's interests in having a study done. But, I think a study ought to be committed that would be a little more comprehensive. It should be the jurisdiction of the Commerce Committee and have a full review of what happened with airfares and with service. And some of the more rural places are just not going to get a lot of jet service because of the fact that it is so expensive to offer. But I believe that service to communities is an essential part of their survival. We had this debate over essential air service. For a lot of communities, if you get rid of the airline availability, you almost destroy the economic well-being of those communities. So I would like to share with the Senator from North Dakota the request for getting a study done. But I hope that we can do it with another committee, a committee that has authorizing jurisdiction and so forth. I will defer to my chairman here to see what his views are.

Mr. HATFIELD. Madam President, I would associate myself with the remarks of the Senator from New Jersey in responding to the Senator from North Dakota.

AMENDMENT NO. 2328

Mr. HATFIELD. Madam President, I would like to now respond to the amendment offered by the Senators from Pennsylvania, Mr. SPECTER and Mr. SANTORUM.

Madam President, first of all, I want to commend the Senators from Pennsylvania for the careful crafting of an amendment in which they took full responsibility to have reductions to offset the increase they are seeking for the transit operating fund. I wish that I could accept their amendment because I know they speak not only for their State of Pennsylvania, but for all States that have a system which depends so much an transit operating aid. I have one in my own State of Oregon, in the city of Portland.

Madam President, I have to say, in looking at the total picture as to what is happening to this fund, not only this year but in the previous year, 1995, it would be, in my view, offering less than full support, it would be raising false hope that we somehow are going to reverse the trend.

In 1995, that fund was reduced by 12 percent. In 1996, the President reduced it from $710 million down to $500 million. He suggested an across-the-board reduction which would turn out to be about a 30-percent reduction in transit operating aid to all systems. The House

reduced it down to $400 million, which translates into about a 44-percent reduction across the board to all systems, large and small. The Senate suggested the same figure of $400 million that the House did. But we try to draw a distinction between small and large operations.

In small operations, on the average, their budget is supported by transit operational aid from 12 to 20 percent in their total budget. You take a large operation and, on the average, it is 4 percent of their total budget, supported by transit aid. So we took a figure of 200,000 population and said that under 200,000, it would be reduced by 20 percent. The lowest percentage of reduction between the President's suggested 30 and the House's suggested 44. We increased the reduction, of course, to offset that 20 percent consideration to the small operations by increasing the larger ones up to a 48-percent reduction.

Let me also add that the budget resolution we passed in this body has made very clear that we are phasing out that fund entirely over the life of the budget resolution. So when you look at all of those trend lines as it relates specifically to that particular account we are dealing with in this amendment, as much as I would like to be helpful and accommodate Pennsylvania and all the others that would be involved and affected, I really feel that I cannot do so.

Let me also say that all of those deductions that were taken in this amendment identified as offsets, those accounts have already taken heavy reductions in light of the total budget caps that we are working on. And I again say, almost apologetically, but within the context of my duty and responsibility to keep this appropriation bill and all 12 other appropriation bills within the caps, and to indicate a strong determination moving toward a balanced budget by the year 2002, we just have to come to grips with the fact that we have too little money for the demands and needs and for the justified requirements that are being asked here.

So I do not want to stop the discussion necessarily, but I will soon move to table the Specter-Santorum amendment.

Mr. SPECTER. If the Senator would allow me, I wanted to offer some documents.

I ask unanimous consent that a letter dated July 25 to me from James J. Lutz, from the Pennsylvania Association of Municipal Transit Authorities be printed in the RECORD, together with a survey of losses to cities in Pennsylvania, together with a document showing the offsets needed to increase mass transit.

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

PENNSYLVANIA ASSOCIATION OF MUNICIPAL TRANSPORTATION AUTHORITIES,
Harrisburg, PA, July 25, 1995.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR SPECTER: The Pennsylvania Association of Municipal Transportation Authorities (PAMTA) urges your support to fund the federal transit program including operating assistance at the highest possible levels.

The funding levels included in the FY 1996 House Appropriations Bill include a 43.7% reduction in urban area operating assistance and a 19.4% reduction in rural transportation funding amount other reductions.

Pennsylvania's transit systems rely heavily on the federal program for both capital and operating needs. A recent survey of a cross section of medium and small urban systems and rural systems in Pennsylvania shows that fares would have to be increased 64% to make up for the operating assistance reductions in the House bill. Fare increases of this level would likely result in unprecedented losses in ridership forcing fares to go even higher. As an alternative to solving the problem through fare increases, these same systems would have to eliminate 26% of their services.

The public transit systems of Pennsylvania have a proud tradition of providing some of the most efficient services in the nation and a proud tradition of quality services to the citizens of the Commonwealth. Affordable fares and reasonable levels of service cannot be sustained to continue that proud tradition with the funding levels included in the House bill (H.R. 2002). For that reason, PAMTA urges your support for a Senate Appropriations bill that improves the levels of funding included in the House bill and provides increased operating assistance and greater flexibility to use formula funds for operating needs.

Thank you for continued support. Please contact me at (717) 397-5613 if you have questions or require additional information.

Sincerely,

JAMES J. LUTZ,
Vice President for Legislative Affairs.

Enclosure.

PAMTA SURVEY, AUGUST 1995—EFFECTS OF FISCAL YEAR 1996 SENATE APPROPRIATIONS BILL

[Actions required to cover loss]

Systems	Operating loss	Fare increases (in percent)	(Current—required)	Or service reductions (in percent)	Customer loss	Population group [1]
Allentown (LANTA)	$1,238,000	48	($1.25–$1.85)	20	700,000	M
Altoona (AMTRAN)	144,746	73	(.73–1.00)	20	70,000	S
Harrisburg (CAT)	483,000	32	(1.10–1.45)	(2)	320,000	M
Indiana (ICTA)	28,260	80	(1.00–1.80)	25	(2)	R
Lancaster (RRTA)	502,810	48	(1.05–1.55)	16	250,000	S
Monesson (MMVTA)	138,233	51	(1.95–2.95)	50	54,000	L
Reading (BARTA)	487,145	32	(1.10–1.35)	15	400,000	S
Scranton (COLTS)	352,879	25	[3](1.00–1.25)	[3]20	425,000	M
State College (CATA)	66,927	18	(.85–1.00)	2	(2)	S
Wilkes-Barre (LCTA)	409,000	104	(1.10–2.25)	39	680,000	M
Averages	385,100	51.1		23	362,375	
Pittsburgh—$3.75 million						
Philadelphia—$11.5 million						

[1] Large—Over 1 million; Medium—200,000–1 Million; Small—50,000–200,000; Rural—Under 50,000.
[2] Estimate not available.
[3] Fare increases and service combined.

Note.—PAT and SEPTA have not determined the specific actions that would be taken to make up for the significant loss of Federal operating funds included in the Senate Appropriations Bill.

OFFSETS NEEDED TO INCREASE MASS TRANSIT (OPERATING) BY $40 MILLION

To increase mass transit operating assistance by $40 million ($24 million in outlays), the following offsets are possible:

[In millions of dollars]

Account	House	Senate	Proposed reductions (Budget authority)	Proposed reductions (Outlays)
GSA Rental Payments (Covers)	130.8	139.6	−5	−5
FAA Research & Development	143	215.9	−10	−6
FAA Facilities and Equipment—(Rescission of unobligated balances from prior years)	[1](60)	[1](70)	[1](16)	4
DOT Working Capital Fund	92.2	99.4	−5.0	−3
Federal Transit Administration—Administrative Expenses	39.2	42	−2.74	−2.47
Secretary of Transportation—Salaries and Expenses	55.0	56.5	−1.1	−1
Transportation Planning Research and Development	3.3	9.7	−3.37	−2.53
Totals			43.2	24

[1] Rescission.

Mr. SPECTER. By final comment, this increase in operating mass transit

is necessary for the working poor, disabled, and the elderly.

I urge my colleagues to defeat the motion to table.

Mr. HATFIELD. Madam President, I move to table the amendment.

Mr. SPECTER. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2328.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 68, nays 30, as follows:

[Rollcall Vote No. 379 Leg.]

YEAS—68

Akaka	Faircloth	Kerrey
Ashcroft	Feinstein	Kyl
Baucus	Ford	Leahy
Bennett	Frist	Lott
Bingaman	Glenn	McCain
Bond	Gorton	Murkowski
Boxer	Graham	Murray
Breaux	Gramm	Nickles
Brown	Grams	Nunn
Bryan	Grassley	Packwood
Bumpers	Gregg	Pressler
Byrd	Hatch	Pryor
Campbell	Hatfield	Reid
Coats	Heflin	Rockefeller
Cochran	Helms	Roth
Conrad	Hollings	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
Daschle	Inouye	Snowe
Dole	Jeffords	Stevens
Domenici	Johnston	Thomas
Dorgan	Kassebaum	Thurmond
Exon	Kempthorne	

NAYS—30

Abraham	Kennedy	Moynihan
Biden	Kerry	Pell
Burns	Kohl	Robb
Chafee	Lautenberg	Santorum
Cohen	Levin	Sarbanes
D'Amato	Lieberman	Simon
DeWine	Lugar	Specter
Dodd	McConnell	Thompson
Feingold	Mikulski	Warner
Harkin	Moseley-Braun	Wellstone

NOT VOTING—2

Bradley	Mack

So the motion to table the amendment (No. 2328) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, if I could have the attention of the body, Mr. President, we are attempting at this time—the manager, Senator LAUTENBERG, and myself—to ascertain what amendments are being expected for the Transportation appropriations bill. I am told by the majority leader that we will expect to finish this appropriations bill tonight.

If we can now get the cooperation of our colleagues to indicate if they are expecting to offer an amendment, and if they are expecting to ask for a rollcall on such amendment, at this point in time I have five amendments that may be offered on our side of the aisle. Senator ROTH has two amendments listed.

I would estimate we may have rollcall votes tonight on completing some of these amendments. Senator LAUTENBERG and I have indicated that we want to move on those which we do not expect to have rollcall votes and take up time to complete those amendments. I am not saying there is a window because I do not have authority to establish the window. But, nevertheless, we will try to complete those first for which we do not expect and do not ask for a rollcall vote.

We are making inquiry of the majority leader if he could consider stacking votes for tomorrow, and we could offer a number of amendments yet to be offered and complete those amendments tonight. We do not have that information at this point.

So, Mr. President, I hope that Senator PRESSLER, Senator ROTH, Senator BYRD, and Senator CHAFEE might be willing to offer amendments now.

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. HATFIELD. 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. HATFIELD. Mr. President, I ask unanimous consent that there be a time agreement of 20 minutes equally divided in consideration of the Harkin amendment, equally divided between Senator HARKIN and myself.

The PRESIDING OFFICER. Without objection——

Mr. PRYOR. Reserving the right to object, Mr. President, will the distinguished chairman please repeat the request.

Mr. HATFIELD. Senator HARKIN is going to offer an amendment now, and he said he would be willing to enter into a time agreement of 20 minutes equally divided.

Mr. PRYOR. Mr. President, I have no problems with that, and I do thank the chairman.

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

AMENDMENT NO. 2329

(Purpose: To amend the Railway Labor Act regarding overseas domiciles regarding airline flight crews)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2329.

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

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

The amendment is as follows:

At an appropriate place in the bill, add the following new section:

SEC. . Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at the end the following: "As used in this title, the term 'foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title).".

EMPLOYEE

Section 202 of such Act (45 U.S.C. 182) is amended by adding at the end the following "As used in this title, the term 'employee' also includes flight crew members employed by an air carrier (as defined by section 40102(a)(2) of title 49, United States Code) while such flight crew members perform work in whole or in part outside the United States (as defined by section 40102(a)(41) of such title).".

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. I thank the Chair.

Mr. President, this provision is intended to clarify the intent of Congress that title II of the Railway Labor Act, which governs airline labor/management relations, applies to flight crews employed by U.S. air carriers engaged in international operations.

In 1993, this same provision was included in the transportation bill for fiscal year 1994 and passed by the Senate. The House bill contained no provision on the subject. The Senate receded to the House but included the following language in the conference report:

The conferees urge the authorizing committees with proper jurisdiction to report legislation during fiscal year 1994 clarifying that the Railway Labor Act extends to flight crew personnel employed by U.S. air carriers who are domiciled overseas and covered by a collective bargaining agreement.

No action was taken in response to the conferees in 1994 other than the House committee formerly known as the Public Works and Transportation Committee held a hearing in October 1994. The Senate Labor and Human Resources Committee has taken no action, nor do I know of any plans to consider this provision in the future.

I believe this is important to make certain that Congress intends that the basic statute which governs collective bargaining involving U.S. airline flight crews, namely the Railway Labor Act, applies equally to those flight personnel who are engaged in international as well as domestic flying. This provision would ensure that the long-established principle of maritime laws that applies to workers on board U.S. flagships, namely that the law follows the flag of the vessel, is also applied to those flight crew members who work aboard U.S. flag air carriers when operating in and out of foreign ports.

As our U.S. airlines expand their operations internationally, it is necessary, in my view, in the interest of uninterrupted air service and the stability of collective bargaining relationships, that the flight crews who are engaged in these international operations have the protection of U.S. law as it relates to their conditions of employment to the same extent as their counterparts in domestic operations.

Mr. President, let me very clearly state what this does not apply to. This does not apply to ground crew personnel. There was some mistake on that. It applies only to flight crews.

In over 50 years of international aviation, there has not been a single case of a foreign government attempting to assert jurisdiction over U.S. airline flight crews.

Let me state that again. In over 50 years, not one foreign government has attempted to assert jurisdiction over U.S. airline flight crews, nor has the United States ever attempted to assert jurisdiction over flight crews of foreign airlines transiting through the United States to other foreign points such as Canada, Mexico, or South America. Bilateral aviation treaties do not reference flight crews, only ground employees. The amendment does not apply to ground employees, only to flight crews. That is the pilots and the flight attendants.

Furthermore, if there is a remote chance that a foreign country desired to exercise some authority that could easily be negotiated by the U.S. pilots or the flight attendants' union and the airline for whom they work.

Again, this amendment tracks the same policy as maritime law for maritime employees. The law follows the flag of the vessel. There is absolutely no conflict-of-laws problem with this. It is simply to clarify the intent of the Railway Labor Act.

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

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be deducted equally from each side.

Mr. HARKIN. Mr. President, if there is no opposition and no one wants to speak, in the interest of time I would be willing to yield back my time—if no one else wants to speak.

Mr. President, I suggest the absence of a quorum with the time divided equally——

Mr. PRYOR addressed the Chair.

Mr. HARKIN. I withhold that.

Mr. PRYOR. If the distinguished Senator would please withhold that, I have a question I wish to propose to the distinguished Senator, my good friend from Iowa.

Mr. HARKIN. Who yields time?

The PRESIDING OFFICER. The Senator from Iowa controls the time.

Does the Senator from Iowa wish to yield time to the Senator from Arkansas?

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 4 minutes and 45 seconds. The Senator from Oregon has 10 minutes.

Mr. HATFIELD. I would be happy to yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HARKIN. If he needs a couple more minutes, I will give it to him.

Mr. PRYOR. I thank the Chair and the distinguished chairman, Mr. President.

Mr. President, this amendment is a very, very complex and far-reaching amendment. It has just come to our attention it was going to be offered just a very few moments ago. This amendment is going to be one that basically, to the best of my understanding after a cursory look, is going to affect and impinge upon 28 commercial treaties that airlines now have with respect to countries.

Mr. President, further it is my understanding that in the Senate—perhaps in the House, I do not even know this—there has never been a hearing on the particular issue that our friend, the distinguished Senator from Iowa, is bringing before the Senate tonight. We are about, if this amendment passes, to extend our own labor laws to other foreign countries. And I do not know how we would react if other countries tried to extend their labor laws to this country.

So, Mr. President, I think the better part of discretion, I say respectfully, is to turn down this amendment at this moment and to try to see if we cannot work something out eventually. In September when we come back, we will have time to study this matter more thoroughly. And I urge, Mr. President, the defeat of the amendment offered by my good friend from Iowa, Senator HARKIN.

Mr. President, I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield myself 2 minutes in response.

Mr. President, I say to my friend from Arkansas, if I could have his attention. I listened to his comments. Mr. President, it is my understanding, from having worked with this over 3 years now on these commercial treaties, that these treaties only impact ground crews. My amendment does not touch ground crews; only flight crews, not ground crews. Those commercial treaties only involve ground crews. My amendment does not even touch that.

Secondly, in response to your assertion that maybe this extends our labor laws to foreign countries, no, it does not. It does the same thing as our maritime law. If one of our ships is in a foreign port, for example, our maritime laws cover the people on that ship, not the laws of the foreign country.

This is well recognized in international law and always has been. As I said in my opening comments, in the 50 years of international aviation, there has not been a single case of a foreign government attempting to assert jurisdiction over U.S. flight crews, nor have we tried to assert jurisdiction over foreign flight crews.

All this amendment says is: If you are a pilot or flight attendant and you work for a United States airline and you are based in Tokyo or someplace like that, if you are a part of that bargaining unit with that airline, then you come under the same laws as your counterparts flying out of Los Angeles or Chicago or New York. If you are not a part of the bargaining unit, of course, then it does not apply to you. It applies only if you are part of that bargaining unit covered by the Railway Labor Act.

Mr. PRYOR. If I might ask my friend a question, has this been looked at and have hearings been held in the Labor Committee?

Mr. HARKIN. As I said earlier, the only hearing that was held was held by the House Public Works Committee in October of 1994.

Mr. PRYOR. Well, I do not have any additional time, but I really hope we could reconsider this issue at a later time.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes twenty one seconds.

The Senator from Oregon has 8 minutes 14 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved.

Who yields time?

Mr. HARKIN. I have how much time?

The PRESIDING OFFICER. Two minutes twenty one seconds.

Mr. HARKIN. I yield 1½ minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Thank you. Mr. President, I appreciate the time. I want to support the Harkin amendment. This amendment has been passed by the Senate in the past. Its provision was included in the original subcommittee bill because the language

had been cleared by the majority and the minority leadership of the Labor, Health and Human Resources Committee.

There was an objection raised. An objection was raised by other Senators on the provision. And then it was dropped by the full committee. So, Mr. President, simply, this provision provides for fairness for pilots that fly for U.S. carriers but does so between points that are outside the United States. The amendment extends the same collective bargaining rights that apply to the pilots that fly for U.S. carriers between domestic and foreign airports to pilots that fly for U.S. carriers from point to point outside the United States. They ought to be included. I support the Senator's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time do I have left?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute 5 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes 14 seconds.

Mr. HATFIELD. Mr. President, at the appropriate time, when the discussion has been exhausted, I will move to table the Harkin amendment.

I think the Senator from Iowa realizes very clearly that it was included in the subcommittee chairman's mark. And the full committee took action to strike it following communications from the authorizers on that issue. This had been put in the bill 2 years ago, as I recall, and then under a threatened veto by President Bush, it was withdrawn. So, consequently, I think it is one of those matters that we ought to not try to incorporate in the bill at this point.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. I will use the remainder of my time. I yield myself the remainder of my time.

I just say that I do not know why this is such a problem. It only clarifies the intent of the Railway Labor Act and only covers flight crews and only covers those flight crews that are part of the bargaining unit in foreign ports. It does not cover ground crews. It does not disturb the treaties. It passed the Senate 2 years ago. There was not any objection raised at the time. Regarding President Bush, if he objected to it, it was probably part of eight items in a bill that President Bush at that time said he would veto.

But it seems to me now is the time to go ahead and move on on this issue and put it behind us and clarify the intent of the Railway Labor Act. That is all we are trying to do.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Iowa is expired.

The Senator from Oregon had 7 minutes 40 seconds.

Mr. HATFIELD. Does anyone wish to be heard on this?

If not, Mr. President, I move to table the Harkin amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. HATFIELD. I yield back.

The PRESIDING OFFICER. All time has expired.

Mr. HATFIELD. I move to table the Harkin amendment, and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRIST). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. COVERDELL when his name was called. Present.

Mr. LOTT. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. KERREY] is necessarily absent.

I also announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 380 Leg.]

YEAS—63

Abraham	Faircloth	Lott
Ashcroft	Ford	Lugar
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Roth
Byrd	Helms	Santorum
Chafee	Hollings	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lieberman	Warner

NAYS—33

Akaka	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Boxer	Harkin	Murray
Campbell	Inouye	Pell
Conrad	Kennedy	Reid
Daschle	Kerry	Robb
Dodd	Kohl	Rockefeller
Dorgan	Lautenberg	Sarbanes
Exon	Leahy	Simon
Feingold	Levin	Specter
Feinstein	Mikulski	Wellstone

ANSWERED "PRESENT"—1

Coverdell

NOT VOTING—3

Bradley	Kerrey	Mack

So the motion to table the amendment (No. 2329) was agreed to.

Mr. HATFIELD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Senator BINGAMAN be added as a cosponsor to the Domenici amendment regarding the Petroglyph National Monument during the consideration of the Interior bill and as adopted by the Senate.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to H.R. 2002 and that they be subject to relevant second degrees; that all amendments must be offered and debated tonight; and that any votes ordered with respect to these amendments be stacked to occur at 9:15 a.m. Thursday morning, with 4 minutes for debate to be equally divided between each succeeding rollcall vote, and all votes in the stacked sequence after the first vote to be limited to 10 minutes each, and any vote after the third vote, that there may be 10 minutes for debate.

I have a list of such amendments that have been given to the managers on both sides of the aisle.

The PRESIDING OFFICER. Is there objection to the request?

Mr. EXON. Reserving the right to object, may I ask my friend and colleague, I was trying to get to my friend the last 2 or 3 hours, but for some unexplained reason there has been such a crowd down there I was unable to break through.

I have an amendment that has been cleared, I believe, on all sides that I have not had a chance to talk to the Senator about. I think it will be agreed to by voice vote, but I will agree to just put my name down for an amendment, 10 minutes a side.

Mr. HATFIELD. If the Senator would yield, I have listed here an Exon amendment relating to the Rail Institute. Is that the amendment? One million for the Rail Institute?

Mr. EXON. That is right. I thank you.

I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, could I inquire if a Bingaman amendment is reserved?

Mr. HATFIELD. I have a Bingaman amendment relating to DOT on energy savings.

Mr. BINGAMAN. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, are there one or two amendments for me?

Mr. HATFIELD. I have two amendments for the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Reserving the right to object, am I on the list?

Mr. HATFIELD. I have two amendments for the Senator from Delaware, [Mr. ROTH].

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

POSSIBLE AMENDMENTS TO H.R. 2002
TRANSPORTATION APPROPRIATIONS

Bumpers: essential air service; essential air service.

Dorgan: FAA study on airfares.

Ford: relevant.

Levin: relevant.

Simon: FAA.

Lautenberg: relevant.

Byrd: relevant.

Boxer: relevant.

Daschle: essential air service.

Burns: ICC; relevant.

Roth: strike committee amendment on FAA personnel reform; strike committee amendment on FAA procurement reform.

Jeffords: relevant.

Pressler: Sense of the Senate regarding the Government of Japan's violations against United States/Japan bilateral aviation agreements.

Warner: relevant.

Harkin: airline labor protection.

Chafee: technical amendment on the committee's section 1003 flexibility provisions.

Gregg: essential air service.

Coverdell: Georgia bridge.

MANAGERS' AMENDMENT

Technical: page 71, line 9, strike "(b)" insert.

Bingaman: on DOT energy savings.

Abraham: striking 3 advisory committees.

Inouye: striking in Hawaii under EAS Program.

Feinstein: on Orange County Toll Authority.

Exon: out of available funds $1 million for rail institution.

Mr. DOLE. Mr. President, let me indicate that we do have the agreement. All amendments must be debated tonight. The votes will start at 9:15 tomorrow morning. The first votes, if they are ordered, will occur at 9:15. Votes after that will be 10 minutes each. There will be 4 minutes between the stacked votes.

As I understand, after the third vote you can have up to 10 minutes, which I trust you would not use. We are on automatic pilot. As soon as everybody finishes making speeches, we can go home for the recess.

Mr. LEAHY. Did I understand the distinguished majority leader to say after the transportation bill is over?

Mr. DOLE. After two more.

AMENDMENT NO. 2330

(Purpose: To reduce the energy costs of Federal facilities for which funds are made available under this Act)

Mr. BINGAMAN. 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 New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2330.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment, and I do not believe it is controversial. It calls for the head of each agency for which funds are made available under the act to take action to try and reduce by 5 percent the energy costs of the facilities used by that agency in the next fiscal year.

It is an amendment that is essentially identical to the amendment that we have offered to each of the appropriations bills this year.

I do not believe there is any objection to it on either the Republican or Democratic side. I urge my colleagues to support the amendment.

I yield the floor.

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

Mr. HATFIELD. The amendment is clear on this side.

Mr. LAUTENBERG. It is also clear on this side. We commend the Senator from New Mexico for offering it.

Mr. HATFIELD. Mr. President, I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2330) was agreed to.

Mr. HATFIELD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, although the Bingaman amendment was accepted by voice vote, I would like to be recorded in opposition to the amendment. I believe that this amendment could open a large loophole for the National Endowment for the Arts (NEA) to continue making grants to individuals that raise the ire of the American public.

The appropriations bill includes language from the authorization bill reported by the Committee on Labor and Human Resources which eliminates all direct NEA grants to individuals except literature fellowships. This amendment would add two more exceptions for awards honoring those who have excelled in American art forms and jazz music.

The issue of NEA grants to individuals has resurfaced as recent controversies have drawn new attention to the NEA's practice of awarding grants to individuals whose "art" offends so many of us. While the Labor Committee bill's increased oversight of the NEA's grant-making process and Chairman Alexander's administrative changes will be of some help in restoring public confidence in the Endowment, I believe that the time has come to draw the line on grants to individuals. Both the authorization and appropriations legislation provide that the only individuals eligible for direct NEA grants would be those applying for literature fellowships. I believe that the literature fellowships are the only worthwhile exception. Furthermore, during consideration of the authorization bill the Labor Committee defeated, by a vote of 7 to 9, an amendment to exempt 7 additional categories of grants to individuals.

While the preservation of Heritage Fellows and Jazz Masters grants would weaken the Labor Committee's strong stance on this issue, I admit that the grants the Senator from New Mexico seeks to protect are not necessarily part of the problem I have cited. I can understand the Senator's interest in maintaining these programs, which honor artists and musicians for their past achievements. However, I wonder why these awards need to provide grants at all. The cash awarded is a "thanks for a job well done," rather than a subsidy for an artist's first works. I would think that being honored by the NEA for past achievements

would be sufficient, and would not require a cash payment. If the NEA had taken that route, there would be no need for this amendment.

AMENDMENT NO. 2331

(Purpose: To require the Secretary of Transportation to conduct a study of air fares)

Mr. HATFIELD. Mr. President, on behalf of Senator DORGAN 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 Oregon [Mr. HATFIELD], for Mr. DORGAN, for himself, Ms. SNOWE, Mr. DOLE, and Mr. CONRAD proposes an amendment numbered 2331.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF AIR FARES.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ADJUSTED AIR FARE.—The term "adjusted air fare" means an actual air fare that is adjusted for distance traveled by a passenger.

(2) AIR CARRIER.—The term—

(A) "air carrier" has the same meaning as in section 40102(a)(2) of title 49, United States Code; and

(B) the terms "regional commuter air carrier", and "major air carrier" shall have the meanings provided those terms by the Secretary.

(3) AIRPORT.—The term "airport" has the same meaning as in section 40102(9) of title 49, United States Code.

(4) COMMERCIAL AIR CARRIER.—The term "commercial air carrier" means an air carrier that provides air transportation for commercial purposes (as determined by the Secretary).

(5) HUB AIRPORT.—The term "hub airport" has the same meaning as in section 41731(a)(2) of title 49, United States Code.

(6) LARGE HUB AIRPORT.—The term "large hub airport"—

(A) shall have the meaning provided that term by the Secretary; and

(B) does not include a small hub airport (as such term is defined in section 41731(a)(5) of title 49, United States Code).

(7) NONHUB AIRPORT.—The term "nonhub airport" has the same meaning as in section 41731(a)(4) of title 49, United States Code.

(8) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) STUDY OF AIR FARES.—

(1) IN GENERAL.—The Secretary shall conduct a study to—

(A) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(i) between—

(I) nonhub airports located in small communities; and

(II) large hub airports; and

(ii) between large hub airports; and

(B) analyze—

(i) the extent to which passenger service that is provided from nonhub airports is provided on—

(I) regional commuter commercial air carriers; or

(II) major air carriers;

(ii) the type of aircraft employed in providing passenger service at nonhub airports; and

(iii) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(2) FINDINGS.—The Secretary shall include in the study conducted under this subsection findings made by the Secretary concerning—

(A) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than do passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(B) the nature of competition, if any in rural markets (as defined by the Secretary) for commercial air carriers;

(C) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers travelling on jet aircraft from small communities (as defined by the Secretary) and, if such relationship exists, the nature of that relationship;

(D) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(E) the number of small communities served by airports with respect to which, after the date on which the deregulation referred to in subparagraph (D) occurred, jet air service was replaced by turbo prop air service; and

(F) with respect to the replacement in service referred to in subparagraph (E), any corresponding decreases in available seat capacity for consumers at the airports referred to in that subparagraph.

(c) REPORT.—Upon completion of the study conducted under subsection (b), but not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report on the study and the findings of the Secretary to the Committee on Commerce, Science, and Transportation of the Senate.

Mr. HATFIELD. Mr. President, this amendment, on behalf of Senator DORGAN, is requesting we set up a study on the problems relating to essential air services that many States are confronting today because of the diminishing resources available for that program. It has been cleared on this side.

Mr. LAUTENBERG. Mr. President, the amendment is cleared. It asks for a study that seems quite appropriate to see what has happened with fares in less populated areas.

This side accepts it.

Mr. HATFIELD. Mr. President, I urge the adoption of the Dorgan amendment.

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

The amendment (No. 2331) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2332

(Purpose: To remove the State of Hawaii from an exclusion relating to payments to air carriers)

Mr. HATFIELD. 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 Oregon [Mr. HATFIELD], for Mr. INOUYE, proposes an amendment numbered 2332.

Mr. HATFIELD. 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 4, line 14, strike "and Hawaii".

Mr. HATFIELD. This amendment strikes Hawaii from the listing of essential air services. It has been cleared on both sides.

Mr. LAUTENBERG. We support the amendment on this side as well, Mr. President.

Mr. HATFIELD. Mr. President, I urge the adoption of the Inouye amendment.

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

The amendment (No. 2332) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2333

Mr. HATFIELD. Mr. President, I send to the desk a technical amendment that has been cleared on both sides and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], proposes an amendment numbered 2333.

Mr. HATFIELD. 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 bill page 71, line 9, strike "(b)" and insert "(j)".

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

The amendment (No. 2333) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2334

Mr. HATFIELD. Mr. President, I send an amendment to the desk for Mr. BUMPERS of Arkansas and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. BUMPERS, proposes an amendment numbered 2334.

Mr. HATFIELD. 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 4, line 21, insert after "* * * airport," "except for any such community in which is located an airline maintenance facility performing required Federal Aviation Regulation heavy engine heavy structural airframe maintenance work in accordance with Part 135.411(a)(2)."

Mr. HATFIELD. Mr. President, this is an amendment that modifies language relating to the essential air services offered by the Senator from Arkansas. It has been cleared on both sides.

Mr. LAUTENBERG. It is cleared on this side, Mr. President. I urge the adoption of the amendment.

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

The amendment (No. 2334) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2335

(Purpose: To provide funding for the Institute of Railroad Safety)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 2335.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . THE RAILROAD SAFETY INSTITUTE.

Of the money appropriated to the U.S. Department of Transportation for Transportation Planning, Research and Development, $1 million shall be made available to establish and operate the Institute for Railroad Safety as authorized by the Swift Rail Development Act of 1994.

Mr. EXON. Mr. President, this amendment has been cleared on both sides. I have offered it, and I would like to have the comments of the two managers.

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

The amendment (No. 2335) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2336

(Purpose: To express the sense of the Senate that the action taken by the Government of Japan against United States air cargo and passenger carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. GORTON, Mr. HOLLINGS, Mr. LOTT, Mr. PELL, Mr. KERRY, and Mr. LAUTENBERG, proposes an amendment numbered 2336.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING UNITED STATES/JAPAN AVIATION DISPUTE.

(a) FINDINGS.—The Congress finds that—

(1) the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

(2) in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

(3) the United States/Japan bilateral aviation agreement guarantees three U.S. carriers "beyond rights" that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

(4) the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their "beyond rights";

(5) United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

(6) the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their "beyond rights"; and

(7) the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers.

(b) ACTION REQUESTED.—The Congress—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their "beyond rights" to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, this amendment is identical to a resolution I introduced several weeks ago. It is simple and straightforward. It calls on the Government of Japan to abide by the terms of the United States/Japan aviation agreement.

This amendment has a number of cosponsors. It has been floating around for some time while we negotiated with the Japanese so we tried to contact all cosponsors to reconfirm their support. We were unable to contact all of the cosponsors to notify them of this amendment so we have taken some of the cosponsors' names off of it. At this time, the amendment is for myself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. LOTT, Mr. PELL, Mr. HOLLINGS, Mr. KERRY, and Mr. LAUTENBERG.

Mr. President, Let me say that for some time we have had an aviation dispute with Japan regarding the refusal of Japan to respect the right of several of our carriers to fly beyond Japan to countries throughout Asia. Several of our carriers—United Airlines, Federal Express, and Northwest Airlines—are guaranteed this right by the United States/Japan bilateral aviation agreement. Nonetheless, the Government of Japan refuses to recognize our carriers' right to initiate new service beyond Japan.

On June 20, the Government of Japan agreed to honor the United State/Japan

bilateral aviation agreement with respect to the cargo dispute. This favorable development was due in large part to the leadership of Fred Smith, the chairman of Federal Express. Mr. Smith made the point, and I agree with him, that it is time that we get tough with the Japanese in terms of enforcing our bilateral aviation agreement.

Let me add that I think our Secretary of Transportation, Secretary Peña, has done a good job in this and other international aviation matters. He has done the best job he can despite tremendous political pressure to put the interests of individual carriers before the interests of our country.

Aviation relations between the United States and Japan are an important trade issue. The Japanese recognize the significant and growing air service market in the Pacific rim and they want to control all the air passenger service beyond Tokyo into China, Malaysia, Indonesia, and so forth. They also have a system of trying to control most of the air cargo transportation beyond Tokyo. The travel distances are so great on transpacific routes between the United States and Japan that it is very difficult for our carriers to overfly Japan. The Japanese know this and they are trying through protectionist tactics to prevent our carriers from serving the rapidly expanding Asian market.

Resolution of our cargo dispute several weeks ago was welcome news. Unfortunately, as I said at the time, the agreement on cargo issues did not put our aviation dispute with Japan over "beyond rights" completely behind us. The passenger carrier portion of the United States/Japan aviation dispute remains unresolved.

The Government of Japan continues to deny United Airlines the right to fly between Osaka and Seoul, Korea. As our Department of Transportation has said, this route is clearly authorized by the United States/Japan bilateral aviation agreement. United Airlines has patiently waited while United States negotiators focused on the cargo dispute. Now, it is imperative that the United States demand the Government of Japan honor the rights of our passenger carriers as well.

The passenger carrier issue must be redressed promptly. By failing to do so, we are sending the wrong message to countries around the world. Our silence on the passenger carrier dispute sends the dangerous signal that it is okay for foreign nations to pick and choose which, if any, provisions of an international aviation agreement with the United States with which they will comply. This is the wrong message. It sets an extremely dangerous precedent.

On June 20, I, along with 20 colleagues from both sides of the aisle, introduced a resolution calling on the Government of Japan to immediately honor the terms of the United States/Japan bilateral aviation agreement, On the floor the next day I told my colleagues I would press this issue if the Government of Japan continued to refuse to resolve the passenger carrier issue. Several weeks have passed. The passenger carrier dispute remains unresolved. This is why I today offer that same resolution as an amendment to the pending bill.

By passing this amendment, we will send the Government of Japan a strong and clear signal that the United States Senate expects it to immediately honor the terms of the United States/Japan aviation agreement. This is the purpose of my amendment. Simply put, selective compliance with international agreements must not be tolerated. The Government of Japan must honor the beyond rights of our passenger carriers. I urge adoption of this amendment on behalf of myself and my cosponsors.

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

Mr. HATFIELD. Mr. President, we are willing to accept the sense-of-the-Senate amendment of the Senator from South Dakota on this side.

Mr. LAUTENBERG. I am a cosponsor. My name was crossed off because they were not able to get in touch with me, but I want to be sure that I am listed. I did ask that my name be included.

I support the amendment and urge its adoption.

Mr. PRESSLER. Some names have been crossed off. We are trying to contact those offices. We wanted to be sure, since we drafted the resolution a couple of months ago, that we did not list any cosponsors without their permission. But I think we will have close to 25 cosponsors.

I urge the Senators—whose offices are listening—to become cosponsors of this amendment because it is a signal to Japan that we are tired of their behavior under our bilateral air agreement. We are abiding by the terms of the United States/Japan bilateral aviation agreement. It is time the Government of Japan also honors that solemn agreement.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2336) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2337

(Purpose: To provide for the allocation to certain airports with respect to which commercial air service has been disrupted during the past 3 years, an annual subsidy under the essential air service program under subchapter II of chapter 417 of title 49, United States Code)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. LEAHY, proposes an amendment numbered 2337.

Mr. JEFFORDS. 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 4, line 2, strike "$26,738,536" and insert "$27,738,536".

On page 4, line 12, insert after "That" the following: ", except if service is provided to the only hub airport in a State that is, as of the date of enactment of this Act, served under a program under subchapter II of chapter 417 of title 49, United States Code, and the service to that hub airport has been discontinued and then reinstated during the 36-month period preceding the date of enactment of this Act,".

On page 32, line 15, strike "$333,000,000" and insert "332,000,0000".

Mr. JEFFORDS. Mr. President, this amendment will allow two airports in my region to continue to receive funding under the essential air service program. There two airports, in Rutland, VT, and Keene, NH, depend on this important funding to maintain commercial air service to our region. Without this subsidy, commercial air service would halt immediately to these communities.

Mr. President, the city of Rutland is the second largest city in Vermont. Commercial air service is vital to ensure that Rutland can continue to expand its economy and reach out to businesses throughout the country interested in locating to this beautiful city. Two years ago, in August 1993, the small airlines serving this city went out of business. This left a major gap in the transportation infrastructure in Rutland. In December 1993, Colgan airlines revitalized the service to Rutland, recognizing that they would be assisted in their efforts to service this rural city by the essential air service funding.

According to many experts, it takes close to 4 years to develop a steady clientele to a small, regional airport. Colgan airlines has increased ridership in Rutland by 21 percent in the last year. But they are not close to breaking even and depend on the subsidy provided by the essential air service to maintain service. Colgan predicts that they will not need this subsidy for more than 1 year. If we could protect this small airline route for 1 year, we

would be assured a viable commercial passenger air service to this region of Vermont and New Hampshire.

Mr. President, my amendment will grant Rutland and Keene 1 final year of essential air service subsidy. This amendment states that if a community has had their commercial air service interrupted during the last 24 months and is the only hub covered under the essential air service program in that State, then funding will continue for 1 final year.

Mr. President, this air service is too important to Rutland to lose at this point. I urge my colleagues to adopt this amendment. I thank the managers of this legislation for working with me on this important legislation.

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

Mr. LAUTENBERG. Mr. President, we have a question on the amendment, and I would ask if we can withhold action until we clear up a question we have. If the Senator from Vermont will agree, perhaps we can move along to the next amendment while we chat about what we see here.

So I ask unanimous consent that the Jeffords amendment, for the moment, be set aside to consider other amendments.

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

AMENDMENT NO. 2338

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mrs. BOXER, proposes an amendment numbered 2338.

Mr. HATFIELD. 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 64, line 15, after the words "States to" insert "establish State infrastructure banks and to".

On page 64, line 21, strike the word "An" and insert "A State or".

Mr. HATFIELD. This is a technical language correction relating to the State bank proposal within our bill, a technical amendment to that provision. It has been cleared on both sides.

Mr. LAUTENBERG. We have no objection.

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

The amendment (No. 2338) was agreed to.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2339

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. PRESSLER, proposes an amendment numbered 2339.

Mr. HATFIELD. 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 42, beginning on line 13, insert the following:

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, $13,379,000 shall be for severance, closing costs, and other expenses.

Mr. HATFIELD. Mr. President, this is an amendment relating to the ICC providing severance pay and closing costs. It has no budgetary impact. It has been cleared on both sides.

Mr. LAUTENBERG. We have no objection.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2339) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I should like to indicate that we are making progress on completing this list of amendments. We have not yet received clearance on one offered by Senator ABRAHAM, one offered by Senator CHAFEE, one offered by Senator FEINSTEIN, one to be offered by Senator GREGG, one by Senator WARNER—they either have not been cleared or they have not been offered—one by Senator COVERDELL, two by Senator ROTH, and one by Senator BURNS. Senator ROTH has reduced his from two to one.

As the unanimous-consent agreement did indicate and instructed the managers and the body, we had to complete all of these amendments tonight, and if a vote is required on any one of them, then that will be carried over until tomorrow. So if Senators have a desire to offer their amendments, we would urge them to come to the floor to do so.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2340

(Purpose: To strike out sections 350 and 351, relating to waivers of the applicability of certain Federal personnel laws and procurement laws to the Federal Aviation Administration)

Mr. ROTH. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GLENN, Mr. COHEN, Mr. LEVIN, and Mr. PRYOR, proposes an amendment numbered 2340.

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

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

The amendment is as follows:

Beginning on page 71, strike out line 13 and all that follows through page 73, line 24.

Mr. ROTH. Mr. President, sections 350 and 351 of the bill now before the Senate would exempt the Federal Aviation Administration from all Federal procurement and personnel laws. While I understand and share in the committee's desire to reform the operations of the Federal Government, I strongly disagree with the approach embodied in these sections. In fact, as chairman of the Governmental Affairs Committee, I am working on a comprehensive reform of Government management structures and procedures. So while I support restructuring and reform, I join with Senators GLENN, COHEN, LEVIN, and PRYOR in proposing an amendment that would strike sections 350 and 351.

I want to specifically address the need for procurement reform and the approach taken by the bill. First, I agree with the need for acquisition reform, however, the laws are not primarily the cause of the problems at the FAA. The Federal Aviation Administration's troubles stem not from the constraints of Federal law but from poor program management decisions and lax management. In its reports on high risk, the General Accounting Office cited the FAA's air traffic control modernization project as a prime example of the failure of civilian agencies to improve contract management. The GAO stated the project "* * * failed because FAA did not recognize the technical complexity of the effort, realistically estimate the resources required, adequately oversee its contractors' activities, or effectively control system requirements." In 1992, the GAO reported on another FAA program, the microwave landing system. The GAO found the FAA's decision to move forward was premature "* * * because the capabilities and benefits of the [new system] may be provided by emerging alternative systems"—a failure to adequately define program requirements. The GAO also observed that "* * * the agency was committing an insufficient level of resources [for development]".

Last February, the GAO's report on a third program, the Safety Performance Analysis System, concluded that "* * * FAA's current cost estimates for * * * software are subjective, not supported by verifiable analysis, and therefore may not be reliable."

Mr. President, these problems cannot be attributed to either the personnel or acquisition laws. Rather, they are a result of poor management. Problems of this type can not be effectively addressed by exempting the agency experiencing them from laws that affect related activities of an agency.

Moreover, the FAA's problems are no different from other agencies. New weapon systems and virtually every major Federal computer system are experiencing large cost and schedule overruns, and technology is out of date by the time they will be fielded. The primary causes of the problems are poor program management and bureaucratic incentives. Consequently, the data suggest that the FAA will experience procurement problems whether or not the procurement laws are waived.

Mr. President, the current laws were put in place to address critical issues, such as how do contractors deal with the Government in executing a contract or getting paid. Without such system of transactions, there will be a proliferation of litigation on every aspect of the relationship between the FAA and its contractors. The result is that the FAA procurement will grind to a halt. The Competition in Contracting Act was created because sole-source contracts were driving costs of government contracts skyhigh and delivering poor quality products. Given the FAA's management problems, I am very concerned that lives will be at risk without the checks and balances provided by the procurement rules.

I would also like to emphasize that we continue to streamline the procurement system, including special authorities for the FAA. Last year's Federal Acquisition Streamlining Act removed many barriers to Government procurement of commercial items and services. It added streamlined procurement procedures and provided pay-for-performance incentives, which should both make it easier to acquire leading technologies and improve management incentives. Why should these be removed? Last Friday, the Senate passed Senator COHEN's amendment to the Defense authorization bill that will get rid of the so-called Brooks act and implement results-oriented management procedures. The Governmental Affairs, Armed Services, and Small Business Committees are working together to produce additional acquisition reforms. Our bill will be ready at the end of September.

Mr. President, in last year's procurement reform bill, special procurement authority was provided to the Administrator of the FAA to test waivers of each of the procurement laws that the appropriations bills identified. Why have a blanket exemption before we know the results of the test program? What additional flexibility is required?

As with the waiver of the existing procurement laws, equally troubling is section 350 of the bill which waives most provisions of title 5, the Civil Service personnel laws. This section would allow the FAA to unilaterally set up an entirely new personnel system, which sets up a terrible precedent for personnel policy reform. Clearly there is a need for a complete overhaul of our civil service system. A comprehensive reform package is something that I have a deep interest in moving through the Governmental Affairs Committee, the committee with jurisdiction over personnel and procurement laws. However, this provision would start us down the path of a piecemeal approach for civil service reform and allow for a completely new personnel system including a new pay structure, pension and health benefit formulations, hiring and firing practices.

Mr. President, there is no documentation or data to support such a drastic approach. A blanket waiver of Federal law is a dangerous precedent to set in an appropriations spending bills. I urge my colleagues to support the Roth-Glenn amendment to strike.

Mr. President, I yield back the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to support and cosponsor the amendment offered by Senator ROTH about which he just spoke. Senator ROTH is the chairman of the Governmental Affairs Committee, of course. This amendment will strike section 350 and 351 of the appropriations bill for the Department of Transportation. Now, if passed, these sections would waive civil service laws and procurement laws and regulations at the Federal Aviation Administration.

Before I even address the merits of these sections—though I feel they are premature, for as I understand it there are currently several proposals on the table to privatize the FAA—and some of those proposals include either or both civil service and procurement reforms. So there is just no logic to legislating in this area before the decision to restructure the FAA has even been made.

With that said, I do have some substantive objections to both of these provisions.

First, with respect to the waivers of civil service laws, section 350 of the bill would direct the Secretary of Transportation to create and implement a new personnel system for the Federal Aviation Administration by January 1, 1996, next January, without regard to title 5 or any other Federal personnel law.

Such a system shall, according to the bill's provisions, provide greater flexibility in hiring, training, compensating, and locating personnel.

The appropriations bill language contains no accountability to the public or to the Congress of conflict of interest laws and merit system hiring principles for this new personnel system.

It does not require public comments. It does not require public notice for this new system. It does not provide any role for the Office of Personnel Management to be involved in the creation of this new system.

Instead, I think the language of the bill is reckless. It simply demands that a new system be in place in less than 6 months. It just says, new system be in place in less than 6 months.

Well, do we want the employees under the new FAA to be subjected to conflict of interest laws? Do we want these employees to be subject to the ethics laws? I think we do. Do we want merit systems principles to be followed in hiring practices? I think we do.

I believe we can work cooperatively on legislation that builds these sorts of safeguards into a new personnel system for the FAA. But as the bill now stands there are no safeguards. The appropriations bill directs the Secretary of Transportation to offer flexibility in compensation without regard to title 5.

Employee compensation includes wages, includes health benefits, includes pension benefits. If the Secretary of Transportation were, let us say, to offer employees under FAA's new personnel system greater pension benefits than those enjoyed by other Federal employees, it could present a new tax burden to the American taxpayer.

In short, Mr. President, this sort of authorizing legislation has no place on an appropriations bill. I do not believe it has been thoughtfully examined or reviewed. With respect to the procurement side of things—and this gets even more sticky—this section is not only imprudent, I think it is haphazard, and I think it is without justification.

Section 351 waives several procurement laws and the Federal acquisition regulations.

This provision provides for the Secretary of Transportation, in consultation with nongovernmental experts in acquisition management, to go right ahead and develop and implement an acquisition management system for the FAA.

So, in essence, the companies who benefit from the FAA's largess would now be helping to develop the system under which they would continue to do business with the FAA. This is just flat wrong, especially when taxpayer dollars are involved, and there are going to be a lot of them involved.

Let me go through some of the following laws which would be waived. Let me go through them in full.

First, the Federal Property and Administrative Services Act of 1949. If exempted from this law, the FAA would no longer have to follow Government procurement procedures, including the Truth in Negotiations Act providing for cost data and pricing data for very high-priced procurements.

The Office of Federal Procurement Policy Act: The FAA could establish its own policy for acquiring the products and services it needs and would be exempt from the strict, yet very effective procurement integrity laws which bind both Government and industry.

They would be exempt from the Federal Acquisition Streamlining Act of 1994. This act was passed just last year. Among many other reforms, it specifically gave FAA the very broad pilot authority to free them from the procurement laws and give them the flexibility to move quickly, to implement new technology and ideas and bring in new contractors when needed. Congress has already bent over backward for them. The time is not ripe to abandon any organized acquisition system at the FAA.

I add, Mr. President, we spent over 3 years putting together that Federal Acquisition Streamlining Act, FASA, as it is called. We worked on the Governmental Affairs Committee about 2 years to put together the ideas of streamlining Federal procurement. We worked through the Armed Services Committee with the Pentagon to establish what is called an 800 panel that gave their recommendations on streamlining procurement. We worked with the National Performance Review of this administration when they came in. Working altogether in a collegial fashion, we put together what is an excellent, new Federal Acquisition Streamlining Act of 1994. That will get knocked out, even though we provided the flexibility FAA says that they want.

Another act that will be involved is the Small Business Act. The elimination of this section means the elimination of small business set-aside programs and assurances that small businesses are treated fairly in the award-decision process.

Mr. President, let me finish my statement and then I will yield the floor. I will be just about 2 or 3 more minutes.

Another one is the Competition in Contracting Act. With the waiver from CICA, the FAA would not have to conduct its acquisitions using the present standard of full and open competition which lets all offerors in at the outset of a procurement.

I think it is interesting to note that, as drafted, this section leaves the FAA subject to CICA's predecessor, 41 U.S. Code 5, the most basic procurement statute, under which the competition standard was "maximum practicable."

This statute requires that purchases and contracts be advertised, subject to exceptions, such as for urgency or being the only known source. The requirements for the exceptions to competition are less stringent than under CICA. Is this really what the appropriators intend? I do not think so.

Another one is GAO protest authority and the Brooks ADP Act. Under these sections, the FAA would be exempt from the GAO and GSBCA bid protest processes. That would leave the FAA subject to protests in court, a much more time-consuming and expensive process than either the GAO or the GSBCA. It would also take away GSA's delegation of procurement authority or for the FAA's acquisition of computer and other technology.

The Federal Acquisition Regulations: By waiving the FAR, the FAA would be exempt from all regulations pertaining to procurement.

By waiving all of these laws and regulations, there will be no hard and fast rules governing business between the Government and the contractor. How are we going to do business? How are contractors going to litigate disputes they have with the Government on ongoing contracts?

In short, Mr. President, this section of the proposed bill eliminates the current system of checks and balances which has developed in response to problems over the years.

I know that probably the proponents of this part of the legislation will say that we have a statement of administration policy that backs this up, but I quote from that statement of administration policy where it said that their support for this includes fast-track authority for a departmental reorganization plan and Federal Aviation Administration personnel and procurement reform which the administration has proposed as part of comprehensive FAA reform.

I do not quarrel with that. They do want some reform in this, but this is for a departmental reorganization, not for details of procurement we are talking about here.

I will add that we have asked them for a clarifying letter, and before there is a vote on this tomorrow morning, we will have that clarifying letter sent over to us from the Office of Federal Procurement Policy and, hopefully, from the Office of Management and Budget Office itself. So we will have that before there is a vote on that tomorrow morning.

So for all these reasons, Mr. President, I hope that we will have general support for the amendment by the distinguished chairman of the Governmental Affairs Committee, Senator ROTH, to strike this section.

I urge my colleagues to vote for Senator ROTH's amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. THURMOND. Mr. President, I call for the regular order with respect to the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 2280, of a perfecting nature.

CLOTURE MOTION

Mr. THURMOND. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1026, the Department of Defense authorization bill:

Bob Dole, Dan Coats, Strom Thurmond, James Jeffords, Hank Brown, Ted Stevens, Fred Thompson, Mark Hatfield, Larry Pressler, Bill Frist, John Warner, John H. Chafee, Chuck Grassley, John Ashcroft, Slade Gorton, John McCain.

Mr. THURMOND. Mr. President, for the information of all Senators, this cloture vote will occur on Friday, if necessary.

Mr. President, I now ask unanimous consent that the Senate resume the transportation appropriations bill.

Mr. EXON. Reserving the right to object, I just want to clarify what I think I heard the Senator from South Carolina, my friend, say. The cloture motion that he filed tonight will not be voted on on Thursday, it will come up on Friday; is that correct?

Mr. THURMOND. That is correct, Mr. President.

Mr. EXON. Will that be the usual procedure of 1 hour after the Senate comes in? What is the parliamentary situation on that?

Mr. THURMOND. Under rule XXII, it is 1 hour after we convene.

Mr. EXON. On Friday?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I have no objection. Thank you.

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

TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A 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.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2340

Mr. McCAIN. Mr. President, I rise to speak on the pending Roth amendment, to strike language from the pending legislation.

Mr. President, I understand and appreciate the amendment of the Senator from Delaware. Clearly, it is very significant legislation on this appropriations bill. I do, however, want to point out that the action of the Appropriations Committee does have a certain logic associated with it. Right now, the amount of money that is going to be appropriated for 1996 is $8 billion; $6 billion of that comes from the aviation trust fund, which we know comes from fees, services, et cetera, and $2 billion comes from general revenues. The Appropriations Committee is required to come up with an additional $2 billion in revenues, which is what they are required to do in keeping with their obligations.

Mr. President, I can certainly understand why the Appropriations Committee would seek action on the part of the authorizers or take action on their own in order to streamline the procurement process, streamline the personnel process and bring about the necessary changes, so that they will not be required, in these years of ever-declining budgets and ever-increasing cuts in expenditures, to come up with that additional $2 billion.

I have had numerous conversations with the distinguished chairman of the committee, Senator HATFIELD. I have been working on a bill with his staff, with the Secretary of Transportation, with Senator FORD's staff, and others, in coming up with legislation which would be, I say to my friend from Delaware, sequentially referred to the Governmental Affairs Committee, because, clearly, the chairman of the Governmental Affairs Committee has oversight over procurement or personnel reform. But this would all be in the context of the reclamation of the Federal Aviation Administration.

So I appreciate what the Appropriations Committee has done in an attempt to rectify the imbalance of some $2 billion that has to be found. I thank the chairman of the Appropriations Committee, because I believe that if we get this legislation done, which will encompass more than just the revenues that the Appropriations Committee needs, but also a long, long overdue reformation of the Federal Aviation Administration. I do not want to talk too long because the hour is late.

In case you did not hear, today, again, there was a power outage in northern California. Hundreds of planes were grounded all over northern California. There was a certain risk—I do not know how much—because planes were flying around all over northern California not under radar control. This is only one of a series of outages in the last couple of months. There was also one in Chicago.

Clearly, there is something very wrong with the procurement process in the FAA when they are using vacuum tubes which they have to scour the country to get in their computers, and they are still writing down the name of an airplane and passing it to the person at the next radar scope. I do not want to go on very long because of the lateness of the hour, but it is clearly a compelling requirement to reform our procurement process as far as FAA is concerned and reform the personnel aspect of it and, very frankly, make them at least a quasi-independent agency.

Mr. President, I am not often in the business of defending the Appropriations Committee, but there was an article in the Congressional Monitor this morning that said, "Pork may shrink, but Senator BYRD still gets biggest slice." It goes on about how much money is appropriated in the transportation bill for the State of West Virginia.

Mr. President, that is incorrect. That was in the report language; it was not bill language. As we all know, report language is not mandatory. I hope that can be corrected in this and other periodicals. That is not the kind of earmarking that is alleged here and, very frankly, overall, I think this bill is largely free of that kind of thing. I think the chairman and ranking member of the committee are to be congratulated.

I, however, make two additional comments. One is concerning the Port of Portland. I will have a statement for the RECORD. I do not approve of $50 million to the Port of Portland to retire a debt, with an additional $10 million to make improvements in the shipyard.

One additional comment. While I was in the cloakroom, an amendment was accepted by Senator BUMPERS concerning essential air service, which, once you get through the language and match it up with the bill, basically carves out an exception for an airport. Obviously, that would not otherwise qualify for these funds. I object to that, obviously. But, also, I say that it is a reason why we should authorize these things rather than put them into appropriations bills.

I also want to say again, while the chairman of the Appropriations Committee is here, he and his staff have worked diligently in cooperation with me and my staff. I believe that significant improvements have been made, and I am pleased to note that most of the appropriations bills I have seen are largely the kind that I think Americans would be proud of.

Mr. President, I yield the floor.

Several SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I ask unanimous consent for 30 seconds so that I might propound a unanimous consent request.

The PRESIDING OFFICER. The Senator has that right.

UNANIMOUS CONSENT REQUEST—S. 1026

Mr. EXON. Mr. President, I had an inquiry of the Senator from South Carolina when he properly filed a cloture petition on the defense authorization bill for Friday. At the time, I was not aware that there was a previous DOD pending motion on cloture that might be called up tomorrow.

I ask unanimous consent that if a cloture vote is called for tomorrow on the defense authorization bill, the Senator from Nebraska be allowed 10 minutes preceding that vote for appropriate remarks.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PRESSLER. Mr. President, I have a matter I would like to discuss with the Members, with the manager of the bill.

Mr. HATFIELD. Mr. President, I hope the Senator from South Dakota will withhold on this third amendment question for a moment. I think the last speaker on this pending Roth amendment—and then I would like to take action on it—is the Senator from Michigan. He said he is going to be brief. I would like to complete this business before we turn to a new piece of business.

Mr. PRESSLER. OK.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Oregon.

Mr. President, sections 350 and 351 in the bill before us would exempt the Federal Aviation Administration from the application of Federal acquisition laws. Now, in particular, "Section 351 states that the following laws shall not apply to the FAA."

The bill before us says that the following laws will not apply to FAA acquisitions: competition in contracting; the FAA does not have to follow that one. Bid protest laws; the FAA does not have to follow that. Federal Procurement Policy Act; they are exempt from that one. Last year's Federal Acquisition Streamlining Act; they are exempt from that one. The Small Business Act. The Uniform Federal Acquisition Form Regulation.

Now, our acquisition laws that apply to every Federal agency to require competition, allow for bid protests that protect us from improper expenditures, such as expenditures on recreation, on advertising, FAA is going to be exempt from all of them. We are doing all this on an appropriations bill.

I think I understand the frustration of the appropriators—at least I try—in terms of getting a resolution of some of the procurement problems which the FAA has faced.

But there has been no request to the Governmental Affairs Committee, that I know of, and I believe that the chairman knows of, from the FAA, for exemption from our procurement law.

We adopt procurement laws for the Government. If the FAA has problems with it, they ought to come to the Governmental Affairs Committee and seek an exemption.

I make a parliamentary inquiry. My parliamentary inquiry is this: If a bill were filed to exempt the FAA from the procurement laws of the country, what committee would that bill be referred to?

The PRESIDING OFFICER. The Governmental Affairs Committee.

Mr. LEVIN. I thank the Chair.

As far as I know, there has not been a bill that has been introduced to exempt the FAA from procurement laws. These are serious laws. I really believe deeply that if there were a bill introduced to exempt the Defense Department from procurement laws, and on an appropriations bill, the Defense Department was suddenly going to be exempt from all of our competition laws, all of our laws that protect bid protests, our laws that stop expenses for entertainment, for advertising, all the work we have done for defense procurement, I think most of us would say, "Wait a minute, there are problems with procurement laws."

On an appropriations bill, to exempt the Defense Department even with its duty to secure the safety of our forces and security of this land, we cannot give a blanket exemption on an appropriations bill, as frustrating as it may be to the Defense Department all these years to be governed by a procurement act.

I am not familiar with the FAA procurement problems. Being a member of the Governmental Affairs Committee, I think this should have been brought to the attention of the Governmental Affairs Committee.

I ask unanimous consent that I be allowed to make an inquiry of the Senator from Delaware.

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

Mr. LEVIN. Could I ask the Senator from Delaware whether or not to his knowledge the Governmental Affairs Committee has been requested to exempt the FAA from the procurement laws of this country?

Mr. ROTH. I say to my distinguished colleague that I have no knowledge of such a request from the FAA.

Mr. McCAIN. Mr. President, would the Senator yield?

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

Mr. McCAIN. I would like to frame this in a form of a question. I do not know if the Senator from Michigan is aware that last week we did have a hearing in the Aviation Subcommittee concerning FAA reorganization, with all witnesses stating that procurement reform, as far as FAA is concerned, and personnel reform are two critical issues that need to be addressed.

So in deference to the chairman of the committee, it is an issue that has been raised by the Secretary of Transportation and the Administrator of the FAA.

Mr. LEVIN. No, no, I have no greater respect for any Member of this body than I do for the Senator from Oregon, so I know that this is a problem which he has had a headache with.

I have established, however, that the committee that has jurisdiction over the procurement law has not been asked by the FAA for an exemption from those laws. The hearing which my friend from Arizona is referring to is a hearing in front of the Commerce Committee.

My point is that the committee with jurisdiction over procurement laws, which is the Governmental Affairs Committee, has not had this problem brought to its attention.

Now, I know the Senator from Oregon has had plenty of material brought to his attention and there is a big problem here which he is trying very much to get some assistance on somewhere to bring to someone's attention to resolve. I respect that a good deal.

All I am simply saying is that the committee that has jurisdiction over the procurement laws has not had that problem or been made aware of the problem through no fault of the Senator from Oregon or anybody else, but it has just happened. No bill has been filed to exempt the FAA from the laws nor has the FAA come to the Governmental Affairs Committee to make a request for exemption from these laws.

Now, the administration has given us a statement of policy. I know that this was solicited from them and there is a good-faith effort here on the part of the managers to try to implement their request and carry it out.

The administration's written request says that they "support fast track authority for departmental reorganization plan," which is not before you as I understand it, "and Federal Aviation Administration personnel and procurement reform which the administration has proposed as part of comprehensive FAA reform."

We do not have the comprehensive FAA reform in front of the Senate. That is where they have said that they support personnel and procurement reform. It is that general. But it is only after part of a comprehensive FAA reform do they say that they have supported personnel and procurement.

Now, that puts the managers in a difficult position, which I can understand because the administration has asked for personnel and procurement reform but as part of a comprehensive FAA reform. We do not have the comprehensive FAA reform before us.

So the question is, what is the administration position on doing it separate and apart from comprehensive FAA reform? I suggest we are trying to find out. We hope to find out by the time dawn breaks on this Capitol of ours.

Let me close, then, by just simply saying that to give an agency on an appropriations bill a blanket exemption from our procurement laws really is a recipe for chaos. There is nothing to take their place. All that the bill says is that the Secretary of Transportation should develop an acquisition plan for the FAA. Anything goes. The rest of the Government is going to be governed by law.

This agency is going to have its own law as determined by its own Secretary, and anybody who wants to do business with this Government better start learning two sets of law: One is for the Government except the FAA, and another set of procurement laws is determined exclusively by the Secretary of Transportation—mind you, not by law, not by Congress, but by the Secretary of Transportation. People are going to have to learn that second set of what I would call regulations, because they surely are not laws.

Again, I said "finally" once, and this time I will really mean it, but I think a year or 2 years ago we established a pilot program for the FAA. I do want to emphasize this. I know the Senator from Delaware has pointed this out, but I want to emphasize just this fact: We have authorized the Secretary of Transportation to conduct a pilot test of innovative and alternative procurement procedures. We authorized a pilot program. We do not have the results from that program.

So, here it is that the agency got that authority, I believe, from the Commerce Committee in law, and the Federal acquisition specifically authorized the FAA to undergo this pilot study in the area of acquisition, and before the results are in we are exempting that agency from procurement law.

While I think I can feel at least part of the frustration which the chairman and ranking member feel, I do not feel this is the right way to go about giving them kind of a different criteria for their acquisition in the rest of the Government.

I thank my friend from Oregon for making it possible for me to give my

remarks at this point before the Senator from South Dakota gave his. I yield the floor.

Mr. HATFIELD. Mr. President, I am going to make a response now to this amendment to complete the debate on this so we can put it in line for a vote tomorrow, and that I will move to table the amendment following my brief remarks.

Does the Senator wish recognition?

UNANIMOUS-CONSENT AGREEMENT—S. 1026

Mr. EXON. Could I ask unanimous consent for 10 seconds? My friend and colleague from Arizona has no objection that he had earlier.

I ask unanimous consent that if there is a cloture vote on the DOD authorization bill tomorrow that the Senator from Nebraska be allowed 10 minutes prior to the vote for the purposes of making appropriate remarks.

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

Mr. EXON. I thank the Chair. I thank my friend from Arizona.

AMENDMENT NO. 2340

Mr. HATFIELD. I yield to the Senator from South Dakota. I would like to complete this particular issue, but if the Senator is raising another issue, I guess he would have to do it by unanimous consent anyway.

Mr. PRESSLER. I will do whatever the chairman says.

Mr. HATFIELD. If the Senator would bear with me for just a few moments, we are trying to proceed in an orderly fashion here and cleaning up these amendments as soon as possible.

Mr. President, just a brief response to the proponents of this amendment. Let me make clear first of all to the Senator from Michigan, we did not solicit this administration statement. The administration submits such a statement to every appropriations bill, so this was a part of a normal routine. This administration policy statement is dated as of August 9—which I believe is today, since August 10 is tomorrow, President Hoover's birthday.

Mr. President, I would like to say this. The administration approached us. Let me relate the story that the administration gave to us in desperation, to try to get some kind of help in a very serious situation. We are not talking about jurisdiction of one committee or another committee. That is important for our process. Nevertheless, the administration says to us that, for years—not just this year—but for years, one FAA administrator after another has talked about this, has pled to get out of the Federal personnel and procurement rules because they need to maintain the safety and the modernization of the whole operation. Over the last 2 years, Secretary Pena and Adminstrator Hinson have continued to focus on this as a major problem facing the FAA. They tell us this particular story. They say the FAA technology, the air traffic control system, is based on 30-year-old technology. I am greatly concerned when I think of the massive air transportation in our country today and throughout the world, that we are depending on 30-year-old technology.

The Senator from Arizona mentioned a moment ago about vacuum tubes. They told us the FAA is the largest consumer of vacuum tubes today, with funds in this bill designated to buy $7 million more of vacuum tubes, a technology that was thrown out by the private sector 20 years ago; 20 years ago.

I think that ought to give us a pretty major signal this is not just some effort to try to escape rules or regulations set down. Because, as I say, they approached us, really, in a state of desperation.

Let me illustrate it further, as they did to me. The Boeing 777 has as much computing power today as existed in the whole world a few decades ago—one airplane. As much or more than the whole world had in computing power, they now carry. I think we should have an ATC system just as advanced, helping to protect our planes and the people who fly in them.

They tell me that these changes that they gave us, in the technical language, to incorporate in this bill, would do much to help improve the situation that has reached this kind of a crisis. I think also, as we note in the committee report, we are facing tremendous budgetary pressures this year. We are going to face greater ones in 1997.

Let me repeat what I said earlier today in the presentation of this bill. In this bill, 70 percent of that funding is prior year commitment, and it is going to be greater in 1997. So we are squeezed down with the money, the demands for new technology, and the demand for greater safety continues to escalate. Also, the FAA tells us if they could have this kind of operational flexibility, they believe they could cut as much as 20 percent out of the procurement budget than what they are forced to spend today.

I have just here, August 9 dated, again, the Airport Report, which is a publication of the American Association of Airport Executives. The President, Mr. Charles Barclay, says:

> The existing governmental personnel and procurement rules serve as a straitjacket at FAA.

Now, there is no one who admires and respects our orderly procedures and our methods of procedure, our jurisdictions, more than I. But I have to say that in many instances over the time I have served in the Senate, when authorizing committees either have failed or where they have been not been able to move within their own committee, they have approached the Appropriations Committee as a vehicle to get the action accomplished. I remember when Senator THURMOND, of South Carolina, as chairman of the Judiciary Committee, came to me back a few years ago and said, "Would you take the crime bill and put it on an appropriations bill to get this before the body and get it passed?" I remember when Senator Percy, former Chairman of the Foreign Relations Committee said, "Would you put on the foreign assistance authorization bill?"

So, for years the committee has been approached by authorizers and by others as well to assist in moving something that had somehow bogged down, for whatever reasons. I am not faulting the authorizing committees. I have to say we gave notice we were going to take action on some of these things that were legislation on appropriations. I have indicated, also, we would like to see the kind of taking over of that, and we would be happy to relieve ourselves of that burden, within the conference committee, if we could see the substitution of the authorizers taking hold of something the administration has asked us to take emergency—what you would call emergency action on.

We have enough problems without reaching out, trying to do the authorizers' work. That is not our intent. But, nevertheless, I have to put it in that kind of context. That led us to take this particular action.

I have to, again, thank the Senator from Arizona for his kind remarks, and for clarifying again this relationship that we have with him as well as the chairman of the Senate Commerce Committee Subcommittee on Aviation. We have full confidence in our authorizers. We have full confidence in our Governmental Affairs Committee. But nevertheless, the administration approached us with this crisis and said, "Will you help?" And we responded by saying, "Yes, we will help."

Now, I do not want to cut off anyone on this.

Mr. LEVIN addressed the Chair.

Mr. HATFIELD. I am about ready to make a motion to table.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to briefly comment to my friend from Oregon. First, the Governmental Affairs Committee has not bogged down on this issue. It has never been asked to modify the procurement laws for the FAA. It is not a bog down of the committee with jurisdiction. There has never been a request.

Second, I have to agree very strongly, this is not a question about which we should get involved with jurisdiction, because that is not the issue. The issue is the procurement laws and who they are intended to protect. They are intended to protect the taxpayers of this country.

The Defense Department, I can assure you, will tell you they could save 20 percent of their procurement budget

if they did not have to follow any laws either. Every agency would love not to follow the laws. When my friend from Oregon says this agency has vacuum tubes—I think it is the only agency that does. And every other agency follows the procurement laws of this country. Why can FAA not get modern equipment like every other agency can? Why can they not use the laws, which gives them great flexibility?

I would like to point out to my good friend from Oregon, the Competition In Contracting Act. This is all the FAA has to do. Under the Competition In Contracting Act, which Senator COHEN and I authored, all they have to do to meet the act is to say "the head of the agency determines it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement concerned."

Do you mean the head of the FAA, if he wants to get rid of the vacuum tubes, cannot say that it is necessary in the public interest to use other than competitive procedures? I mean, what is wrong with the administration of the FAA that they cannot get modern equipment if every other agency got rid of their vacuum tubes 20 years ago? Why could the FAA not get rid of their vacuum tubes 20 years ago using the same procurement laws as every other agency in this Government?

So I hope we would not simply give a blanket waiver here to the FAA. I happen to agree that if they need reform they ought to have some reform. But this is not reform. This just says throw out all the procurement laws. That is not reform. That just says you are not bound to the competition laws, you are not bound to all the other laws which protect the taxpayer. And what is going to be substituted for it? Whatever the Secretary wants. I think it is arbitrary and I think it is going to be very confusing and in the end it is going to be very, very expensive.

Mr. HATFIELD. I thank the Senator. I yield the floor. As soon as this is completed, I will then move to table.

Mr. LAUTENBERG. Mr. President, if I might just make a comment, I did not want to get into this dispute. But there is almost an insinuation that comes out of the remarks of the Senator from Michigan about FAA's inability to stay abreast of things.

I come out of the computer field, and I can tell you I was in shock when I saw the kinds of equipment they had. When I was in the computer business and when our equipment ran out of gas and was no longer worth keeping, we tried to give it away to charities and schools so they might use it for learning. And many times they turned us down because the cost of maintenance would have been far higher than the value of the asset that we were going to transfer to them.

When I went for my first visit to FAA in 1982 or 1983, I was shocked to see the equipment that we could not give away still being worked on and being used to operate the FAA system.

I point out to my friend from Michigan that there is one distinct difference. Leadership at the FAA turns over at an alarming rate. With every new Administrator comes changes in priorities and management structure. This almost constant disruption of the procurement process is something that is almost unique to the FAA. That is one of the things that I hope we will be looking at.

If the Senator wants to use the Defense Department as a shining example, then lets look at it. Toilet seats at $600 and a couple of hundred bucks for a pair of pliers. If that is the shining example of the way we ought to do procurement, then I pity those that follow that example.

I do not want to get into a long debate here. I simply want to support the chairman's comments. We were pushed into this, almost forced into it, to put a big enough pebble in some committee's shoe to say, "Take care of this thing. If all you are going to do is gripe and complain about it, then we are going to do something about it." Though it was late at night, we succeeded in getting some significant attention focused on this issue.

I respect the Senator from Delaware, the Senator from Michigan, the Senator from Ohio, and our colleague from Arizona and his response.

This is not simply a group of people sitting on their chairs and not doing anything to make the FAA's air traffic control system work. The FAA has handled an expanded volume with an incredibly good record on safety and maintenance. Though the service sometimes is late, the fact of the matter is we have the best aviation system by far. However, we would like for it to function a heck of a lot better. And that is the purpose of these parts of the bill.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I shall be brief because the hour is growing late. But I think it is important for the record to clearly show that the Federal Acquisition Streamlining Act of 1994 gave the Secretary of Transportation authority to test alternatives and innovative procurement procedures in carrying out acquisitions for one of the modernization programs under the Air Force capital investment plan. I point out that in part of this legislation, there is permitted a waiver of procurement regulations.

So the point I want to make is that authority last year was granted the Secretary of Transportation to take action irrespective of the procurement rules and regulations.

Unfortunately, I would also point out that early this year the GAO, in a February 1995 high-risk series, pointed out that the air traffic control modernization project, which covers all parts of the $36 billion effort to overhaul the Nation's air traffic control system, has failed because FAA did not recognize the technical complexity of the effort, realistically estimate the resources required, and oversee contractors' activities or effectively control system requirements.

So opportunity has been given but, unfortunately, the management of those efforts has not been successful.

Mr. President, I yield the floor knowing that the chairman wants to make a motion to table.

Mr. President, I urge adoption of the amendment.

Mr. HATFIELD. Mr. President, I move to table the motion to strike this language, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur under the previous order tomorrow.

AMENDMENT NO. 2341

(Purpose: To protect shippers in a captive shipper state)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS) proposes an amendment numbered 2341.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. 3 . DETERMINING OF MARKET DOMINANCE IN RAIL CARRIER RATE PROCEEDINGS

(a) In this section, "market dominance" means an absence of effective competition from other carriers or modes of transportation for the traffic to which a rate applies. Any agricultural shipper without economically competitive railroad or truck alternatives, shall be considered "captive" to the market dominant railroad. Further, any agricultural shipper or its representative, that does not have access to two or more competing railroads for shipping the same commodity from the same origin to the same market as other agricultural shippers shipping to the same market, shall be deemed 'captive' by a market dominant railroad. Competing railroads shall mean two railroads not under common control for rate making purposes.

(b) When a rate for transportation by a rail carrier that is subject to the jurisdiction of an appropriate regulatory federal agency, which is designated by Congress, and adequately funded to protect the interests of "captive" shippers, is challenged as being unreasonably high, the Agency shall determine, within 90 days after start of proceeding, whether the railroad carrier has market

dominance over the transportation to which the rate applies. After a finding by the Agency that the carrier does have market dominance, the affected shipper and traffic shall be classified as "captive."

(c) When the Agency finds, in any proceeding that a shipper and associated traffic is captive, the Agency shall suspend the carrier established rates and set the maximum reasonable rates that may be charged by the market dominant railroad. The Agency shall set the maximum reasonable rate at that level which will return fair and reasonable profit to the carrier that would have occurred had there been effective transportation competition for the market dominant traffic. This maximum reasonable rate level determination shall be completed within 120 days of the initiation of the proceeding. The Agency shall not set the maximum reasonable rates any higher than earnings for traffic having similar transportation characteristics with rail-to-rail competition moving distances. In any event, the Agency will not set the maximum rates higher than 180% of railroad systemwide variable cost of the movement as determined by the Agency.

(d) A market dominant carrier will be required to provide its full common carrier obligation on rates and services to a captive shipper without prejudice or preference, and without any economic penalty to captive shippers. In addition, this carrier shall offer identical or substantially similar transportation services to captive shippers that it offers to any other shipper moving a similar product on the market dominant railroad carrier system.

Mr. BURNS. Mr. President, this amendment should be inserted after line 22 on page 7. ÷

This is no transfer of money. This is not asking for any money. This is really a pretty simple and straightforward kind of an amendment.

We are slowing phasing out the ICC. When we phase out the ICC, we also phase out quite a lot of rules and regulations with regard to rail shipping. I think there are only a couple of States that fall in the same category as the State of Montana. We are captive shippers. If should something happen in the conference committee where we may have quite a debate about the phaseout of the ICC, this language can be struck. But basically it sets up the safeguards of those agricultural shippers located in captive shipper States. Montana happens to be one of those. If you do not think it does not have an impact on you, the rate of shipping a carload of wheat from Omaha, NE, to Portland, OR, is cheaper than you can ship it from Montana to Portland. So we have a problem as far as moving our grain to the ports.

So I ask that this language be considered. It is just a safeguard; that should the ICC completely go out of business, this sets a parameter of which we deal with States that are regarded as captive shippers.

I want to add a little footnote to the last discussion and associate myself with the chairman of the committee. When he said the Boeing 777 had more computing power than all the computers put together in the world just as near as 10 years ago, one has to realize that our technology is so advanced now that there is an airplane that was completely designed on a computer and every part in it designed on the computer. There was never a mockup. There was never a prototype. It was built strictly by computer, one of the great airplanes, of course, on the cutting edge of civil aviation.

I ask that this language be accepted and considered. Both sides of the aisle may have to look at this and then render a judgment tomorrow whether we have a receipt or not or work on the language, whichever would be proper. But I hope it would be accepted because we do need some safeguards or a safety net for captive shippers, and the State of Montana falls in that category.

I thank the Chair and the managers. I yield the floor.

Mr. HATFIELD. Mr. President, I say to the Senator from Montana we still do not have a copy of the amendment.

Mr. President, I ask unanimous consent to temporarily lay aside the Burns amendment in order to complete the Pressler amendment.

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

LOCAL RAIL FREIGHT ASSISTANCE

Mr. PRESSLER. Mr. President, I shall be fairly brief.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. LAUTENBERG. Mr. President, if the Senator from South Dakota is offering an amendment, it is not on this list. I would think it unfair to those who made requests earlier in the day for additional amendments, to whom we denied this opportunity, to now at this hour of the night suddenly open up the gate and take an amendment about which we know very little and that—

Mr. PRESSLER. If I could just say something.

Mr. LAUTENBERG. Has not been agreed to. Frankly, I would like to see it. I object to its being offered.

Mr. PRESSLER. I have not offered an amendment. If I could get a word in edgewise.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Earlier today and throughout the day my staff has been discussing an amendment with the staff of the Appropriations Committee, and we thought we had it on the list. In fact, discussions were held throughout the day with Anne Miano. We called the cloakroom and said, please, put it on the list. I think there has been an error made, a good-faith error, and I would very much like to offer this amendment because as chairman of the Senate Commerce, Science and Transportation Committee, several of my members wanted a chance to vote on this amendment.

I will not take much time, but I am not trying to do anything by sleight of hand. There has been a genuine slip-up, so to speak, and I am not blaming anyone. I am not here to blame staff at this hour of the night. But we did intend to have this on the list. It was our intention. We discussed it throughout the day with members of the staff.

I would like to ask unanimous consent—first of all, let me explain, if necessary. I am not going to get into a tit for tat about what is on and what is not. I will spend some time explaining what is in the amendment.

As you know, on the Commerce Committee, we try very hard to work with various critical transportation modes—rail, passenger. Indeed, I went out of my way to help with the Amtrak bill this year even though my State has no Amtrak. There is assistance for different types of transportation in this country. My State frequently does not share as generously as some other States, but I have fought hard for things that the Senator from New Jersey believes in. I know there is Amtrak in his State, and I could have blocked the Amtrak funding in the Commerce Committee. But I did not choose to do so because I think there is a national interest.

There is one area of service that is not included, and that is the local rail freight assistance program and the section 511 loan guarantee programs. These programs are critical to addressing our Nation's rail freight infrastructure needs. While billions of dollars have been invested in Amtrak over the years and now high speed rail initiatives are receiving increased focus, little has been invested in the rail freight lines serving our smaller cities and rural areas.

Indeed, capital investment needed to maintain our secondary rail lines far outpaces supply. In my view, Federal involvement in rail service should not be limited to rail passenger service. Certainly Amtrak and high speed rail are important. However, to smaller-city States such as mine, which has no Amtrak service and will never benefit from high speed rail, freight rail is even more important.

As my colleagues know, H.R. 2002 provides a good deal of money to fund rail passenger service. Certainly a limited amount of funding should be provided to meet very serious rail freight needs. Even limited Federal involvement will help to rebuild and improve the rail lines serving our smaller cities and rural areas. These lines, run mainly by short-line regional railroads, are critical to the survival of rural America's economy, yet the capital needed to maintain these secondary rail lines is very limited.

Mr. President, the LRFA program has proved to play a vital role in our Nation's rail transportation system. Created in 1973, the LRFA provides matching funds to help States save rail lines that otherwise would be abandoned. For instance, over the past few

years, several rail improvement projects in my State and other States have been made possible. And I know we have been unable to reach the Senator from Iowa tonight, but he has worked on this. In fact, one of the east coast Senators wished to have a chance to speak on this tonight.

Without LRFA, our freight funding needs would go largely unmet. Of particular importance is how LRFA's matching requirements enable limited Federal, State and local resources to be leveraged. Indeed, LRFA's success has been in part due to its ability to promote investment partnerships, thus maximizing very limited Federal assistance.

Historically, LRFA has received only a very modest level of Federal funding. For example, $17 million was provided for LRFA in fiscal 1995. But a substantial portion of this very limited appropriations, $6.5 million, was rescinded recently by Public Law 104-6.

In fiscal year 1995, 31 States requested LRFA assistance for 59 projects totaling more than $32 million in funding requests. Unfortunately, less than one-third of the funding was available to meet these rail infrastructure needs. With continued railway structuring, these legitimate funding needs will only increase. LRFA is a worthy program and should be funded.

As my colleagues may already know, oftentimes small railroads face unique problems and difficulties securing needed financing. Unlike other businesses that need short-term loans, smaller railroads need long-term financing for big-ticket items, ranging anywhere from equipment to track rehabilitation. Yet, I understand most financial institutions will not make loans that are not repaid within 7 or 8 years. These loans and loan arrangements simply do not work for smaller railroads. And 511 loans were permanently authorized to address these problems and should be funded.

In this era of significant budgetary pressures, the 511 program provides a cost-effective method of ensuring modest infrastructure investment on a repayable basis. We should support programs like the 511 program and the LRFA that provide an excellent leverage of our limited Federal dollars.

The 511 railroad guarantee program is permanently authorized at $1 billion, of which approximately $980 million currently is available for commitment. The Credit Reform Act rules require appropriation for the 511 program to cover the anticipated loss to the Government over the life of each loan.

Based on a fiscal year 1994 appropriation for a 511 project in New York State—the first 511 application processed under the rules of the Credit Reform Act—5 percent of the total loan obligation must be appropriated. Several regional and short-line railroads are ready to submit loan applications as soon as the program is appropriated funding.

My amendment provides $10 million to enable up to $100 million in loans.

Mr. President, I wish to be up front regarding the offsets I have proposed. A portion of this funding is taken from the Department of Transportation's working capital fund. Another portion is being off set by reducing the next generation high speed rail account for planning and design.

However, more than one-half of that account will still remain. Let me be clear. I am not opposed to the high-speed rail program. However, we are still waiting for two reports from the administration on high-speed rail. One is on the commercial feasibility of high-speed ground transportation. It will be submitted to Congress by the end of the year. The other report due next year is to provide the administration policy directions and a perspective on high-speed rail.

They are two very important reports. They will lay out the technological feasibility of where we should go in the next 20 years with high-speed rail. Certainly we can delay some funding for this until we have a firm foundation and vision on high-speed rail.

Of course, I am willing to entertain any other suggestions for offsets and invite my colleagues to provide an alternative.

So, Mr. President, in conclusion, let me say that I stand here as a Senator from a State where we do not have passenger rail service. We are, I believe, one of two States in the United States that do not have Amtrak. We have no prospect of getting high-speed rail. But I have been a supporter and a helper in those areas on the authorizing committee.

Just the other day I assisted Senator LOTT in working out the package that involved Amtrak. And I rise in good faith. I would ask that my amendment be considered. And I would ask unanimous consent that it be considered, and that we have a vote on it.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. I do object.

Mr. President, I think it is a fair and appropriate courtesy that the Senator from South Dakota and I and the chairman of the subcommittee have a chance to talk about it.

The PRESIDING OFFICER. The objection is heard.

The Senator from South Dakota does not lose the floor.

Mr. LAUTENBERG. That is true.

Mr. PRESSLER. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I know the position that my friend from New Jersey and my friend from Oregon, the managers of the bill, find themselves in. I have found myself in similar positions during long, tedious sessions of the Senate when we try and make appropriate cutoffs at certain times. And they would be fully within their rights, and maybe it is their final determination not to consider the amendment offered by my friend and colleague from South Dakota.

I happen to feel that this was one of those very legitimate oversights where the chairman of the Commerce Committee, on which I have had the opportunity to serve with the Senator from South Dakota since we both came to this Senate 17 years ago—I know he has always been helpful and understanding on a whole series of matters. Therefore, I think the decision is up to the managers of the bill, but I would simply suggest that this was, I am certain, a very innocent error. I believe the Senator really felt that his amendment had been included.

To make the point, if we would go back to the managers of the bill when they were reading the bill, the various amendments that have been offered, the RECORD will show the Senator from Nebraska rose and asked if his amendment would be included. And I was properly corrected by my good friend, the chairman of the Appropriations Committee, to the fact that the amendment offered by the Senator from Nebraska was indeed listed. So I was protected. There are occasions when we are not sure whether we are protected or not. And in this particular case I was.

I simply say that I believe this was a simple oversight. And I was just wondering, is there any way we could possibly resolve this matter by considering some other kind of an offset of the funding that the Senator from South Dakota has used to finance the measure that he has requested? I do not know whether that is one of the problems or not.

I have no dog in this fight except to say that fully understanding the problems that the managers of the bill have, I think this was a very legitimate error. If the wishes of the Senator from South Dakota could be accommodated, I think it would be fair. If there is any problem with the measure itself, you could always have a vote on it. Is it possible that there may be some other form of offset we might be able to work out?

I yield the floor.

Mr. PRESSLER. If my friend would yield for a question.

I begin my question by thanking him very, very much for his fair statement that in our 20-some years together on the Commerce Committee—I believe 18 years we were together on the Commerce Committee—he has always been fair and thoughtful to me.

I would certainly consider some other offset. As I mentioned, my State is, I believe, one of two States that does not get Amtrak. I have been a

supporter of Amtrak to help out in other areas. And my State does not get high-speed rail. And I have been a supporter of high-speed rail. So, I am trying to help out. I am not trying to send any signals here, just that maybe it was another offset. These are hard to find. But I would like to offer my amendment. I know some other Senators who are not in the Chamber tonight who are very interested in this amendment. And so that is what I am trying to accomplish.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. The discussion that evolves is one that often is decided in this kind of a forum when the pressure is on to close out a bill. And we look at new ideas that have not been considered. And I regard my relationship with the Senator from South Dakota, as well as the Senator from Nebraska, as good and friendly. And I certainly do not want to be contentious.

But, Mr. President, the fact that suddenly now we are discussing Amtrak, and whether it is in New Jersey. We do not have essential air services in New Jersey.

Mr. President, that will not resolve the issue as far as this Senator is concerned. We want to discuss it. I am absolutely amenable to discussing it.

I do think that out of respect for those of us who have been working on this Transportation appropriations bill, after the budget resolution zeroed out local rail freight, that we ought to have a chance to discuss it.

I do not want to diminish the opportunity for either of the proponents of this amendment. It is to service their States. That is something that is always kept in front of us.

However, I think it is fair to say that adding this at the end, and before we clear the other amendments that have to be considered, is an inappropriate thing to do at this time. People want to close up shop. And that is not the primary reason for doing anything. But there is a precedent. Others have managed to get their amendments in place. And I would like to have a chance to discuss it before I even agree to accepting the amendment, Mr. President.

So that is my request. And I hope that we are not going to get a balance sheet here with what was done for one or done for the other. We are discussing the Transportation Subcommittee bill. There are lots of things that benefit all of us: highways, rail service, air service, and transit service. All benefit different parts of America differently. But, we can never get the scales to be exactly equal.

So, Mr. President, I would note the absence of a quorum until we resolve the couple of issues that are outstanding here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2342

(Purpose: To provide for a technical correction to Public Law 102-388)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mrs. FEINSTEIN, proposes an amendment numbered 2342.

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

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

The amendment is as follows:

At the appropriate point in the bill insert:

"SEC. . The Secretary of Transportation is hereby authorized and directed to enter into an agreement modifying the agreement entered into pursuant to Section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388) to conform such agreement to the provisions of Section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section changes the amount of the previous appropriation in section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing either Section 339 or Section 336, the Secretary may enter into an agreement requiring an interest rate that is higher than that specified therein."

Mr. HATFIELD. Mr. President, this is a simple, straightforward amendment that would allow formerly appropriated funds to be used in a backup on a bond matter. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2342) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2343

(Purpose: To eliminate certain highway safety advisory committees)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. ABRAHAM, for himself and Mr. INHOFE, proposes an amendment numbered 2343.

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

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

The amendment is as follows:

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

SEC. 3 . ELIMINATION OF CERTAIN HIGHWAY SAFETY ADVISORY COMMITTEES.

(a) NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 404 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404.

(b) COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL.—

(1) IN GENERAL.—Section 31134 of title 49, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The analysis for subchapter III of chapter 311 of title 49, United States Code, is amended by striking the item relating to section 31134.

(B) Section 31140 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "and the Commercial Motor Vehicle Safety Regulatory Review Panel"; and

(ii) in subsection (b)—

(I) in paragraph (2), by striking "the Panel or"; and

(II) by striking "the Panel" each place it appears and inserting "the Secretary".

(C) Section 31141 of title 49, United States Code, is amended—

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

"(b) ANNUAL ANALYSIS BY THE SECRETARY.—The Secretary annually shall analyze State laws and regulations and decide which of the laws and regulations are related to commercial motor vehicle safety."; and

(ii) in subsection (c)—

(I) in paragraph (1), by striking "The Secretary" and all that follows through "shall—" and inserting "Not later than 18 months after the date on which the Secretary makes a decision under subsection (b) that a State law or regulation is related to commercial motor vehicle safety or 18 months after the date on which the Secretary prescribes a regulation under section 31136, whichever is later, the Secretary shall—"; and

(II) in paragraph (5), by striking "(5)(A) In" and all that follows through "(B) In" and inserting "(5) In".

Mr. INHOFE. Mr. President, in further demonstration of our resolve to downsize Government and eliminate needless departments, agencies, commissions, boards, and councils, I offer this amendment along with Senator ABRAHAM to terminate the National Driver Registration Advisory Committee and the Commercial Motor Vehicle Safety Regulatory Review Panel.

The National Highway Safety Advisory Committee was established under the Highway Safety Act of 1986 to advise the Secretary on matters relating to highway safety. Moneys have not been appropriated for this committee since 1986.

The commercial motor vehicle safety regulatory review panel. The purpose of this panel is to conduct a study to evaluate the need for the Federal assistance to the States to enforce specific regulations issued by the Secretary of Transportation. The panel was created by the Motor Carrier Safety Act of 1984 and is not currently funded.

Although these cuts are merely symbolic, they are illustrative of the type of needless activity that have outlived their usefulness. These types of programs drain the Government of its efficiency and clutter its structure with organizational deadwood.

This amendment promotes the type of reform which is supported by the GAO, the CBO, and in some cases, the President. It terminates two committees whose jobs are finished. While it may not achieve savings in the millions of dollars, it is an important step in complying with the demands of the American people who told us on November 8, 1994, to balance the budget, and cut the size of Government. It is important that we demonstrate that resolve by reviewing even the most insignificant or inexpensive programs as well as the more prominent ones. Let us show the public we are serious and eliminate these useless panels.

Mr. HATFIELD. Mr. President, this is a repeal of two existing committees within the Department of Transportation, and it has been cleared on both sides. These are two advisory committees.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2343) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I would like to indicate precisely where we are on the list of amendments. One was reserved for Senator GREGG of New Hampshire. I am informed Senator GREGG has departed the Hill. So, obviously, he will not be offering his amendment. We had one for Senator COVERDELL, and we now have a colloquy that will replace that slot for amendment.

Therefore, we are waiting the arrival of Senator WARNER, and on behalf of Senator CHAFEE and Senator BAUCUS, Senator WARNER will offer an amendment.

And then I say, from my list that I have, that completes all the amendments that were incorporated in the unanimous-consent agreement.

If there is any information relating to Senator GREGG, I would be very happy to receive it. But if he is not here at the time we finish these other amendments and the amendment has not been offered, that closes the list.

Mr. LAUTENBERG. Mr. President, there remains a colloquy between the Democratic leader and myself which we will have printed in the RECORD. As far as I can see, I think that takes care of it, with the exception of the two matters——

Mr. HATFIELD. And Senator BURNS. There is, I believe, a pending amendment by Senator BURNS of Montana, which is being checked out on the Democratic side.

Mr. PRESSLER. Will my friend yield for a question?

Mr. LAUTENBERG. Yes.

Mr. PRESSLER. I have staff working ferociously to find other offsets that might be more agreeable, but I may be offering potentially a second-degree to the Burns amendment, if he were to concur in that. I just wish the managers to know of that intention.

Mr. HATFIELD. 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. HATFIELD. 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. HATFIELD. Mr. President, I believe now that the last amendment we have before us is to be offered by Senator WARNER on behalf of Senator CHAFEE and Senator BAUCUS.

Mr. PRESSLER. If the Senator will yield for a question. I will be offering an amendment to second-degree another matter. I will be offering a second-degree amendment later this evening.

Mr. HATFIELD. To what?

Mr. PRESSLER. To the Burns amendment.

Mr. WARNER. Mr. President, I thank the distinguished managers for permitting me at this late hour to offer this amendment. I will do so on behalf of the distinguished chairman of the committee, Mr. CHAFEE, and the ranking member, Senator BAUCUS.

I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 2344

(Purpose: To delay the effective date of a restriction on the availability of certain highway funds and to provide for National Highway System designation)

Mr. WARNER. 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 Virginia [Mr. WARNER], for himself, Mr. CHAFEE, and Mr. BAUCUS, proposes an amendment numbered 2344.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. 3. DELAY OF RESTRICTION ON AVAILABILITY OF CERTAIN HIGHWAY FUNDS; NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DELAY OF RESTRICTION OF AVAILABILITY OF CERTAIN HIGHWAY FUNDS.—Section 103(b) of title 23, United States Code, is amended—

(1) in paragraph (3)(B), by striking "1995" and inserting "1997"; and

(b) NATIONAL HIGHWAY SYSTEM DESIGNATION.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this subsection) as submitted by the Secretary of Transportation pursuant to this section is designated as the National Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodel connection; or

"(ii) delete a route segement in existence on the date of the request and any connection to the route segment; if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

Page 69, line 3: At the end thereof insert the following: "and congestion mitigation and air quality program funds. *Provided*, That a State shall not deposit funds that are suballocated under title 23 or Public Law 102-240."

Page 63, line 16: At the end thereof insert the following: "*Provided*, That prior year unobligated balances may not be withdrawn and canceled that were suballocated under title 23 or Public Law 102-240 or were made available under the congestion mitigation and air quality program."

Mr. WARNER. Mr. President, I rise to offer an amendment on behalf of myself, Senator CHAFEE and Senator BAUCUS to ensure that States receive their

National Highway System and Interstate Maintenance apportionments on schedule by October 1, 1995.

As my colleagues will recall, the Senate devoted 6 days of debate on legislation I am sponsoring, S. 440, to designate the National Highway System. As required by the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the Congress must enact the National Highway System before States receive $6.5 billion in 1996 highway dollars.

I am pleased that the Senate acted promptly and passed legislation to meet the timetable established in ISTEA.

At this time, however, I am very concerned that Congress will not meet this requirement and the States will be penalized because the Congress has failed to do its job.

I offer this amendment today in the hopes that it is not necessary and that the Congress does enact legislation to designate this critical transportation system by September 30.

This amendment accomplishes three purposes. First, it delays the sanction in ISTEA which prevents highway funds from being allocated to the States until the National Highway System is designated. Second, it extends for 2 years the deadline for Congress to complete its work on the NHS bill in conjunction with our schedule to reauthorize the Intermodal Surface Transportation Efficiency Act in 1997. Third, it designates the National Highway System as submitted by the Department of Transportation which was developed in cooperation with our States.

As chairman of the Environment and Public Works Subcommittee on Transportation and Infrastructure, my first priority for this Congress has been to enact the National Highway System. The subcommittee held four hearings on the NHS and reported S. 440 to the Senate on May 10. The full Senate soon took action and approved this legislation on June 22, 1995.

I am also pleased that this amendment designates the system by approving the NHS map of 159,000 miles. For over 2 years, the Federal Highway Administration worked closely with all States and local governments to determine those most important roads which provide for the efficient travel of people and goods and enhances our intermodal transportation system.

Mr. President, it is my strong view that the Congress should enact an individual NHS bill because of the other important transportation issues which were approved by the Senate. I am equally committed, however, that our States receive these funds on schedule so that contracts can be awarded and urgent transportation projects can proceed without delay.

Mr. President, I understand that this amendment is in the nature of a technical amendment which is acceptable on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, I think it would be fair for the Senator from Virginia to describe what this amendment is. It is a very significant amendment. It is now 10:40 at night, and it is far more than a technical amendment. I understand that it has been agreed to by other important members. But I say to the Senator from Virginia, an amendment of this impact, under normal circumstances, should be hotlined before it is agreed to.

I do not intend to object, but I think we ought to be clear about the impact of the amendment. It is not technical, and under normal circumstances, one of this impact would be hotlined before it would be adopted.

I yield the floor.

Mr. WARNER. Mr. President, I simply say to my distinguished colleague from Arizona that this amendment relates to the need for a certain relief under the ISTEA legislation, whereby States can begin to receive highway funds in the next fiscal year in the event the House does not send a bill here and that bill is conferenced and adopted by both Chambers. It is a matter of extreme urgency by highway governors and officials across America. It applies to all 50 States equally; also, the need for the adoption of the national highway map, such that planning can get underway for the future enlargement of the Nation's highway systems.

Mr. McCAIN. Mr. President, I understand the amendment better now. I thank the Senator from Virginia. He just made my argument, that it is not exactly a technical amendment. I now better understand how important it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2344) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. 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. WARNER. 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. WARNER. I send to the desk two amendments on behalf of the distinguished chairman of the Environment Committee, Mr. CHAFEE.

The PRESIDING OFFICER. The clerk will report.

Mr. HATFIELD. Parliamentary inquiry. I want to make sure it is clearly understood that these are technical amendments that were not incorporated in the unanimous-consent agreement.

Mr. WARNER. That is correct.

I apologize to my distinguished colleague. I now find that the amendment that was just considered by the Chair contained the two technical amendments and were considered en bloc, so the two amendments have already been accepted.

I thank the Chair. I thank the managers.

AMENDMENT NO. 2341

Mr. HATFIELD. Mr. President, the pending business is the Burns amendment?

The PRESIDING OFFICER. The Senator from Oregon is correct.

Mr. HATFIELD. Mr. President, we have not been able to clear the Burns amendment on both sides.

Therefore, I suggest that we provide for the yeas and nays on disposing of the Burns amendment in the context of tomorrow's actions.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I say to my colleague and comanager, on the written amendments that we have on our list, that concludes all of those amendments.

Mr. GREGG. A recurring theme of this Congress is to find commonsense solutions to national problems. One of these is to create practical ways to promote recycling of waste material. This requires developing applications and processes in which benign waste performs, as well as, or better than, and at the same or lower cost as traditional materials. Experts at the University of New Hampshire have stressed to me that this requires integrating appropriate tests for long-term physical performance with a thorough understanding of the long-term environmental implications. The committee provides $14,622,000 to FHWA for technology assessment and deployment and expresses its support for the priority technologies initiative funded under the section 6005 program. Would the committee consider evaluation of environmental and physical results of using benign waste materials in transportation infrastructure and helping AASHTO to incorporate those results into their construction standards to be a priority technology under the section 6005 program?

Mr. HATFIELD. Yes, the committee believes this is a priority technology and encourages FHWA to fund this type of research which is important to the future of our Nation's infrastructure.

SIDNEY LANIER BRIDGE

Mr. COVERDELL. I would like to thank the chairman for his leadership in crafting this Transportation appropriations bill before us. In light of the

budgetary restriction placed upon all of these projects, I think the chairman has done a skillful job of handling many divergent interests.

Mr. HATFIELD. I thank the Senator.

Mr. COVERDELL. I would also like to thank the Senator for his assistance in attempting to remedy funding difficulties we have experienced with the Sidney Lanier Bridge in Brunswick, GA. As the chairman knows, the Sidney Lanier Bridge is in need of replacement. This bridge has been authorized by Congress as a hazard to navigation because of the 10 lives that have recently been lost there. In addition, the State of Georgia has matched every Federal dollar spent on this project since 1992, which to date, has been nearly $12 million. Given our current budget realities, I understand from the chairman that Sidney Lanier was not funded in the Senate under the project's traditional source, the Truman Hobbs Act. Am I also to understand from the chairman that the committee is aware of the importance of this project?

Mr. HATFIELD. The Senator is correct. The Sidney Lanier Bridge is a project of great importance to Georgia's growing ports industry not only for safety concerns, but also for commercial reasons.

Mr. COVERDELL. I thank the Senator. With this recognition, would the chairman be willing to give every consideration to the House position of $8 million through the Truman Hobbs Act for continued funding of the Sidney Lanier Bridge.

Mr. HATFIELD. Every consideration will be given to the House position in regard to the Sidney Lanier Bridge. The Senator is to be commended for his diligence on behalf of this important project and we will attempt to facilitate him in the conference committee.

Mr. COVERDELL. I thank the chairman for his efforts on behalf of this project.

FAA MILITARY ASSISTANCE PROGRAM

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and related agencies appropriations bill for fiscal year 1996.

I commend the distinguished chairman of the Appropriations Committee for bringing us a balanced bill considering the current budget constraints.

The Senate-reported bill provides $12.6 billion in new BA and $11.7 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation, and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $13.0 billion in budget authority [BA] and $37.1 billion in new outlays.

The subcommittee is essentially at its 602(b) allocation in both BA and outlays.

The Senate-reported bill is $526 million in outlays below the President's 1996 request. The bill does not incorporate the President's request for consolidating all capital transportation programs into one Unified Transportation Infrastructure Investment Program.

The Senate-reported bill is $201 million in BA and $386 million in outlays below the House version of the bill.

I am concerned about one provision in the bill concerning the FAA Military Assistance Program [MAP]. The bill has set an arbitrary figure for the MAP Program, reducing its funding below the amount the statutory formula requires under the Airport Improvement Program [AIP]

I do, however, support the bill, and I urge its adoption.

Mr. President, I ask unanimous consent to have printed in the RECORD the spending totals.

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

TRANSPORTATION SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1996, in million of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	382	25,376
H.R. 2002, as reported to the Senate	12,017	11,185
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	12,399	36,561
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	60
H.R. 2002, as reported to the Senate	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions	2	−0
Subtotal mandatory	584	581
Adjusted bill total	12,983	37,142
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	12,400	36,561
Violent crime reduction trust fund	.....	.....
Mandatory	584	581
Total allocation	12,984	37,142
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	−1	−0
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−1	−0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

FAA MILITARY AIRPORT PROGRAM

Mr. DOMENICI. Mr. President, I rise to speak briefly on the impact of this bill on funding for the FAA Military Airport Program [MAP] within the Airport Improvement Program [AIP].

MAP is a 2.5-percent set-aside with AIP for current or former military airfields. Grants are issued to airport sponsors of current military airfields where there are joint use agreements with the military department controlling the airfield. MAP grants are used for projects that are most needed by eligible airports converting from military to civilian use. Current AIP discretionary funds cannot be used for most of these activities.

The need for MAP funding is growing each year. With the Defense Department closing an unprecedented number of military airfields since 1988, coupled with the current and projected growth in commercial and general aviation, more and more MAP sites across the country will become eligible for these funds. The FAA has identified almost 40 airports nationwide in which MAP funds may be used in future years for the conversion of military airfields to civilian use.

MAP funds play a vital role in New Mexico. In 1995, Albuquerque International Airport received $1 million for airports improvements related to the airport's shared facilities with Kirtland Air Force Base. In 1996, MAP funds will be used, in conjunction with other federal and local funds, for the rehabilitation of one of Albuquerque's main runways.

Mr. President, as a member of the Senate Appropriations Subcommittee on Transportation, I support passage of H.R. 2002. This bill is within the subcommittee's 602(b) allocation, and Chairman HATFIELD has crafted a bill to meet the needs of all modes of transportation within a reduced allocation for transportation.

However, I am concerned about the committee's action to arbitrarily cap MAP funding for 1996 by not allowing the full 2.5-percent set-aside for MAP. Under the committee's action of setting the AIP program at $1.25 billion for 1996, MAP should receive $26.4 million. However, the committee's action to cap this program at $20 million means that MAP will receive $6.4 million less than mandated under current law under an AIP program at $1.25 billion.

It is in this respect I would like to engage the distinguished chairman of both the Appropriations Committee and the Subcommittee on Transportation, Senator HATFIELD, in a discussion. Let me first ask my colleague, if it is correct that the committee has capped the Military Airport Program at $20 million for 1996?

Mr. HATFIELD. The distinguished chairman of the Budget Committee is correct. The committee has capped the MAP program at $20 million for 1996. The committee has also capped another AIP set-aside program, the Reliever Airport Program, at $50 million.

As the chairman of the Budget Committee knows, our committee was forced to make difficult decisions in order to fund our nation's top infrastructure needs for 1996. As Congress, under the direction of the budget resolution, moves to balance the Federal budget by 2002, our committee will be faced with even more difficult choices over the next few years.

One of the most difficult choices our committee faced was setting the obligation limitation for the AIP program. In 1995, funding for AIP was set at $1.45 billion. The Senate-reported bill has set this figure at $1.25 billion. Because of this lower AIP level, the bill has capped both MAP and the Reliever Airport Program.

Mr. DOMENICI. I appreciate the comments from the chairman. While I understand his position on this issue, might I ask the chairman if he intends, within the confines of the final joint House and Senate 602(b) allocation for the Transportation Subcommittee, to work for a higher AIP funding level during the House-Senate conference on H.R. 2002? And in addition, if a higher AIP figure can be achieved in conference, will the chairman allow MAP funds to be distributed at 2.5 percent, as required by law?

Mr. HATFIELD. At this point, without knowing our final 602(b) allocation for the Transportation Subcommittee, it is hard to predict a final AIP or MAP figure. However, I stand ready to work in conference with the distinguished Senator from New Mexico on achieving the highest funding possible for AIP and in turn, working for the highest possible level of funding for MAP.

AIR TRAFFIC CONTROLLER PAY

Mr. COCHRAN. Mr. President, it has come to my attention that our bill may have the effect of reducing air traffic controller pay by as much as 2.5 percent. I am also advised that this action could impose additional burdens on our air traffic control system at a time when air traffic is undergoing rapid growth. Therefore, I hope the chairman will provide some assurance that these issues will be carefully examined and reconsidered prior to conference with the House.

Mr. HATFIELD. I thank the Senator for bringing his concerns to my attention. This action was only taken because of our difficult budget situation. As the Senator knows the House bill does not contain a similar provision and I am hopeful that in conference a satisfactory solution can be reached on this issue.

Mr. COCHRAN. I thank the distinguished chairman for his willingness to take another look at this matter, and I know that with his leadership we will see a favorable resolution of the issue in the final conference agreement.

TITLE INFORMATION SYSTEM PILOT PROJECT

Mr. LAUTENBERG. I would like to clarify a point in the committee's report concerning funding for a title information system pilot project. It is my understanding that the States frequently issue new titles for vehicles that were reported stolen in other States. To prevent that from continuing, the Anti-Car Theft Act of 1992 required the Transportation Department to establish an instant title verification check prior to the issuance of new titles. Congress required this system to be up and running by January 1 of next year.

The House provided $1 million from the budget for the National Highway Traffic Safety Administration to help a pilot group of States to modify their computer software and get the system started. Here in the Senate, the committee disagreed with this earmark. The reason stated in the committee report is that the system cannot work until all the States use uniform definitions and titling procedures.

However, the Motor Vehicle Administrators' Association tells me that nationwide uniformity is not necessary for such a system to be effective. If a car is stolen, it is stolen. States simply cannot verify documents from other States. With the proposed system, they will be able to know instantly that the vehicle is stolen. In addition, the National Driver Register, an electronic system on which the title information system is modelled, has helped keep habitual drunk drivers from obtaining drivers' licenses, even though the States have widely varying terminology and definitions for "drunk driving," "driving under the influence," and so forth.

My question to the Chair is this: Should the Committee not give serious consideration to this provision in the House bill when we go to conference?

Mr. HATFIELD. I thank the Senator for focusing our attention on this issue. All of us are concerned about auto theft, and we recognize the problems the States face in trying to cope with it. I agree we will thoroughly review the merits of the House initiative during the conference.

Mr. LAUTENBERG. I thank the chairman.

AIP FUNDING

Mr. ROBB. Mr. President, I would pose a question for the distinguished Chairman of the Committee. Would the Senator agree that airports which serve communities with a large number of displaced aerospace workers from defense base closures ought to be given a priority in the receipt of airport improvement grants which would encourage and promote commercial development, through the expansion of taxiways and aircraft parking ramps, which could employ a significant amount of displaced workers?

Mr. HATFIELD. I would agree.

Mr. ROBB. Would the Senator agree that if a more robust funding level for AIP grant funding was possible that these priorities would have been established?

Mr. HATFIELD. I would agree.

Mr. WARNER. Would the Senator agree that the Aviation Research Park at the Newport News/Williamsburg International Airport would qualify as a priority project because of the pending closure of the Naval Aviation Depot, Norfolk.

Mr. HATFIELD. Under the circumstances as the Senator describes them as the Senator knows, I would have provided more AIP funds if the budget would have allowed, and not forced such difficult decisions in allocatting AIP funding. I would agree.

Mr. ROBB. I thank the distinguished Senate.

Mr. WARNER. I thank the distinguished Senator.

Mr. HATFIELD. Mr. President, I believe the Senator from South Dakota wishes to proceed.

Mr. LAUTENBERG. As far as I am concerned, if I may, Mr. President, I am removing the objection that I had put forward before so that the Senator from South Dakota can offer an amendment.

There are a couple of questions that I would like to deal with, so if the Senator would not mind, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. HATFIELD. 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. HATFIELD. Parliamentary inquiry. I believe that the Jeffords amendment has not been disposed of, is that correct?

The PRESIDING OFFICER. The Senator from Oregon is correct.

Mr. HATFIELD. Mr. President, I now move to table the Jeffords amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I inquire once more of the Chair, have all amendments now been disposed of that have been either presented or temporarily laid aside or any other action?

The PRESIDING OFFICER. There are three amendments that have been offered and laid aside. All the other amendments have been disposed of.

Mr. HATFIELD. Would the Chair enumerate the author of those amendments?

The PRESIDING OFFICER. The first amendment is the Burns amendment numbered 2341; the second amendment is the Roth amendment numbered 2340; and the third amendment is the Jeffords amendment numbered 2337.

Mr. HATFIELD. I thank the Chair.

Mr. PRESSLER. The staff are rewriting so that the offsets will be pleasing to the various Members.

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. PRESSLER. 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. PRESSLER. Mr. President, first I ask unanimous consent that Senator Frist be added as original cosponsor for an earlier amendment I offered, No. 2336, regarding a U.S.-Japan bilateral agreement.

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

AMENDMENT NO. 2345

(Purpose: To provide funding for rail freight infrastructure improvements)

Mr. PRESSLER. Mr. President, under an agreement I have reached, I am going to send an amendment to the desk and not debate it or say anything about it and tomorrow morning some of the numbers we are going to modify. This involves the local rail freight assistance. We are finding other offsets that may be acceptable or may not be acceptable to some other Members of the Senate.

Mr. HATFIELD. Mr. President, if the Senator will withhold, I ask unanimous consent that Senator PRESSLER be authorized to offer an amendment tonight and be able to modify that amendment tomorrow in the sequence of the amendments to be taken up tomorrow.

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

Mr. LAUTENBERG. Mr. President, I would like, if we can, to amend that unanimous-consent agreement that was just propounded by asking further under unanimous consent that the 10 minutes that may be available for debate be equally divided.

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

Mr. PRESSLER. Parliamentary inquiry: I would also like to ask unanimous consent that Senator HARKIN be added as an original cosponsor first, after all.

The PRESIDING OFFICER. To this amendment?

Mr. PRESSLER. Yes.

The PRESIDING OFFICER. Will the Senator offer the amendment?

Mr. PRESSER. Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. EXON, and Mr. HARKIN, proposes an amendment numbered 2345.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

On page 26, line 15, strike "1996." and insert "1996, except for not more than 50,000,000 in loan guarantee commitments during such fiscal year (and 5,000,000 is hereby made available for the cost of such loan guarantee commitments).".

On page 26, between lines 15 and 16, insert the following:

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, $12,000,000.

On page 3, line 6 strike "9,710,000" and insert "$6,300,000".

On page 6, line 13, strike "$139,689,000:" and insert "$134,689,000".

On page 54, line 8 strike $99,364,000 and insert $94,364,000.

Mr. PRESSLER. Without making a speech on this amendment, I ask unanimous consent that tomorrow morning I be allowed to modify the amendment after consulting with my cosponsors.

The PRESIDING OFFICER. The Senator from South Dakota should note that that is already part of the agreement. And that we would not ask for the yeas and nays tonight, but I would hope to ask for the yeas and nays tomorrow morning unless we get it agreed to.

The PRESIDING OFFICER. That is part of the agreement.

Does the Senator from South Dakota want to have Mr. HARKIN added as an original cosponsor?

Mr. PRESSLER. Yes.

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

Mr. HATFIELD. I just want to make sure that I have made no commitment about the action tomorrow on this amendment. My unanimous consent did not involve all the procedures that will be open to handle this amendment tomorrow.

The PRESIDING OFFICER. The amendment can be disposed of either with an up-or-down vote or a motion to table.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the voting order for amendments tomorrow morning be as follows: The motion to table the Roth amendment 2340, to be followed by a vote on or in relation to the Burns amendment 2341, to be followed by a vote on or in relation to the Jeffords amendment 2337, to be followed by action on the Pressler amendment.

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

MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

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

AN ILLINOIS HERO AND ILLINOIS LEADER, JUDGE ABRAHAM LINCOLN MAROVITZ CELEBRATES HIS 90TH BIRTHDAY

Ms. MOSELEY-BRAUN. Mr. President, a real Illinois hero, a real Illinois leader, Judge Abraham Lincoln Marovitz, celebrates his 90th birthday on August 10th of this year. Unfortunately, my Senate duties prevent me from being in Illinois with Judge Marovitz tomorrow, so I want to take this opportunity to tell him how much I think of him, how much he has helped me, and how much he means to the people of Illinois.

I am very proud that Judge Marovitz took the time to act as my mentor. He always had time for me. He always made time for me. I feel very fortunate to have had the benefit of his counsel and advice throughout my career.

I first met Judge Marovitz as a young Assistant U.S. attorney. Even though he was a Federal District Judge, he went out of his way to help me become a good trial lawyer. He virtually walked me through my first trial, and the special attention he gave me helped convince me that I had made the right choice in becoming a lawyer.

What is really so remarkable about Judge Marovitz, however, was that the special attention he gave me was an everyday thing for him. He treated everyone as special. He made a major difference in my life, and in my career—I probably would not be in the United States Senate today if not for his help all through my career—I am but one of the many, many people he has helped.

He has always found the time to encourage the good in people. He is never too busy to care, or to give real attention to personal need.

At the outset of my remarks, I stated that Judge Marovitz was a real hero. He was a World War II marine veteran, but his heroism was not limited to his years in military service; it encompasses his entire life. His is a heroism based on commitment to principle, on always living and acting on those principles, and perhaps most of all, on his untiring efforts to make this a better America for every American.

As Steve Neal said in his column entitled "Marovitz: A Legacy of Citizenship" in today's Chicago Sun-Times, "Marovitz is a believer in the American Dream because he has lived it." To that, I would only add, that Judge Marovitz has made it his life's work to try to see that every American can live that dream.

He has had a distinguished career as a jurist. And I have to say that Judge Abraham Lincoln Marovitz is very well named; he has always dispensed justice, as President Lincoln said in his second inaugural address "with malice towards none, with charity for all, with firmness in the right as God gives us to see the right * * *."

Judge Abraham Lincoln Marovitz has been a leader all his life, and has been the best kind of leader, one whose leadership is based on his own life of excellence, of principle, and of commitment to others. He has served as a judge for most of his professional life, and he is

still building on the superb record he has created.

I wish him the happiest of birthdays, and I want him to know that, whether the Senate is in session or not, I intend to be at the party celebrating his 100th birthday.

Mr. President, I ask unanimous consent that a copy of the Steve Neal column on Judge Marovitz be printed at this point in the RECORD.

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

[From the Chicago Sun-Times, Aug. 9, 1995]

MAROVITZ: A LEGACY OF CITIZENSHIP

(By Steve Neal)

The federal courtroom was packed.

Senior Judge Abraham Lincoln Marovitz asked the multiethnic group of men and women, young and old, to stand and take the oath of U.S. citizenship.

Standing behind the bench in the courtroom that bears his name, Marovitz asks the new citizens to renounce in unison their allegiances or loyalty "to any foreign prince, potentate, state or sovereignty," and to defend the Constitution of the United States.

He is a man for all people. Marovitz performs this ceremony twice a month, as he has for more than 30 years. For Marovitz, who celebrates his 90th birthday Thursday, the induction ceremony has a special significance. He is a believer in the American dream because he has lived it. His father, a Lithuanian immigrant, took the same oath of citizenship in 1894.

"Every time I perform the induction ceremony I think of my father," says Marovitz, who is wearing cuff links with portraits of his parents. He talks with love and pride of the legacy of Joseph and Rachel Marovitz. The U.S. Immigration Department has given Marovitz an award for administering the citizenship oath to more naturalized Americans than any other member of the federal bench.

Nearly everywhere Marovitz goes, he is approached by a man or woman who took the citizenship oath in his courtroom. His door is always open to the people whose lives he has touched.

Marovitz talks with nostalgia about the immigrant world in which he grew up. He is a West Sider from the old Maxwell Street neighborhood. His father had a tailor shop, and his mother ran a candy store in front of the family's three-room apartment. "It was a large Jewish community and we learned the importance of hard work, loyalty and fairness," said Marovitz.

His path to prominence wasn't easy. Marovitz still remembers the hurt, anger and humiliation he felt as a teenager when he was fired from his job in a Michigan Avenue clothing store after his employer learned that he was Jewish. "My father told me that anti-Semitism is an old story, but that one day I would do something about it," Marovitz recalled. The elder Marovitz lived to see his son become the youngest assistant state's attorney in Cook County history, and the first Jewish Illinois state senator.

A Marine veteran of World War II, Marovitz has served on the bench for half of his life. In the mid-1950's, he nearly became the Democratic nominee for governor of Illinois. But Marovitz recalled Tuesday that his mother told him not to quit the court because no office is more important than judge. Marovitz took her advice. He has no regrets.

TRIBUTE TO THE LATE ARTHUR MAGILL, AUGUST 9, 1995

Mr. THURMOND. Mr. President, one of the unique aspects of the American business community is the concept of the "corporate neighbor". The belief that business leaders and heads of companies need to be involved in their communities and give something back to the cities, States, and Nation which have allowed their enterprises to prosper. Some of the leading philanthropic and charitable organizations in the Nation were started by the men who made their fortunes in business. Ford, Carnegie, and Rockefeller—among many others—are familiar names gracing endowments and foundations that support the arts and other noble causes. I rise today to pay tribute to a man, who in my home State of South Carolina, was a person who excelled in business and gave generously back to the city and State that he loved—Mr. Arthur Magill.

Born in Philadelphia, Arthur Magill moved to South Carolina in 1954 after inheriting the textile business his father started, Her Majesty Industries. Three of the company's mills were located in South Carolina and Arthur chose to settle in the upstate city of Greenville, a historic community that was at the heart of much of the South's textile manufacturing. In the 41 years between Arthur's arrival in South Carolina and his death earlier this week, he became known as a gifted businessman, a civically concerned individual, and a supporter and pioneer of culture in South Carolina.

Many organizations benefitted from the generosity of Arthur Magill and the foundation he and his wife started, including the Greenville County Library, the Greenville Little Theater, the Greenville Symphony, and the South Carolina State Museum. Perhaps Arthur's most well known contribution to the arts community was his purchase of a large collection of Andrew Wyeth paintings and drawings, which he placed on loan to the Greenville Museum. Though he eventually sold this collection, the display of these items not only brought recognition and acclaim both to the museum and to Mr. Magill, but they served as an impetus to involve others in the arts community.

A man of many talents and much energy, Arthur Magill pursued many interests outside of his company. He was instrumental in starting a Furman University summer program geared toward high school students called "School of the Arts," even serving as its director; he was the author of four books; served as the director of the Friends of the American Art in Religion; and, he was an adjunct professor of economics at Furman University. Truly an impressive set of accomplishments for any one person, let alone a man who had to shoulder the considerable pressures and responsibilities of running a corporation.

Mr. Magill's charitable efforts were not limited to the art world. Through a substantial donation to the Medical University of South Carolina, the Arthur and Holly Magill Refractive and Laser Center was established at the Storm Eye Institute. These facilities greatly enhance the research, treatment, and instruction that is conducted at MUSC and they help to ensure that South Carolinians are able to see to enjoy all that life has to offer, including art.

Mr. President, Arthur Magill passed away this past Sunday at the age of 88, after enduring a lengthy illness. While he will be greatly missed by those who knew him and those who benefitted from his endeavors, his lifelong commitment to improving the quality of life in our State and Nation ensures that his memory and legacy shall live on for generations to come. His wife, Holly, and daughter Holly Melosi, have my deepest sympathies on the occasion of the death of their husband and father.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, more than 3 years ago I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Monday, August 8, the Federal debt stood at exactly $4,945,212,125,332.53. Computed on a per capita basis, every man, woman, and child in America owes $18,772.11 as his or her share of the Federal debt.

It is important to bear in mind, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in its first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a constitutional amendment.

OSEOLA McCARTY

Mr. COCHRAN. Mr. President, the Hattiesburg American newspaper in my State carried two articles earlier this week about a remarkable woman and her generous gift to students in financial need at the University of Southern Mississippi.

Ms. Oseola McCarty, who was born on March 7, 1908, in Mississippi, and saved the money she earned from washing and ironing clothes for others for over 60 years, has decided that the bulk of her estate, $150,000, should be given to the University for scholarship assistance to African-American students.

The story was aired on NBC Nightly News by Tom Brokaw.

The President of the University, Dr. Aubrey K. Lucas, said, "I don't know that I have ever been as touched by a gift to the University as I am by this one."

Ms. McCarty said, "I just want the scholarship to go to some child who needs it, to whoever is not able to help their children."

Mr. President, as we struggle here to rewrite the welfare laws, we can learn, with humility, and deep respect for Ms. Oseola McCarty, that our country would benefit greatly from her example of hard work, frugality, and concern for the needs of others.

I ask unanimous consent that the two articles from the Hattiesburg American be printed in the RECORD.

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

LOCAL WOMAN MAKES EXTRAORDINARY DONATION TO USM

(By Sharon Wertz)

Oseola McCarty's lined, brown hands, now gnarled with arthritis, bear mute testimony to a lifetime spent washing and ironing other people's clothes.

Less evident is how this quiet, 87-year-old woman came to donate $150,000 to the University of Southern Mississippi.

"I want to help somebody's child go to college," McCarty said "I just want it to go to someone who will appreciate it and learn. I'm old and I'm got going to live always."

McCarty's gift establishes an endowed Oseola McCarty Scholarship, with "priority consideration given to those deserving African-American students enrolling at the University of Southern Mississippi who clearly demonstrate a financial need."

"This is just extraordinary," said USM President Aubrey Lucas. "I don't know that I have ever been as touched by a gift to the university as I am by this one. Miss McCarty has shown great unselfishness and sensitivity in making possible for others the education she never had."

Bill Pace, executive director of the USM Foundation, which will administer McCarty's gift, said "This is by far the largest gift ever given to USM by an African American. We are overwhelmed and humbled by what she has done."

McCarty's gift has astounded even those who believe they know her well. The customers who have brought their washing and ironing to her modest frame home for more than 75 years read like the social register of Hattiesburg. She has done laundry for three generations of some families. In the beginning, she said, she charged $1.50 to $2 a bundle but, with inflation, the price rose.

"When I started making $10 a bundle—I don't remember when—sometimes after the war—I commenced to save money," she recalled. "I put it in savings. I never would take any of it out. I just put it in. It just accumulated."

Actually, she started saving much earlier. McCarty, seated in her small, neat living room—the linoleum floor gleaming, a spotless pink bedspread pinned carefully over the sofa—related her story quietly and matter-of-factly.

Born in Wayne County on March 7, 1908, she was raised by her mother, Lucy, who moved to Hattiesburg when Oseola was very very young. Her mother, she recalls, worked hard to support her young daughter.

"She cooked for Mr. J.S. Garraway, who was Forrest County Circuit Clerk, and—she would go to the schoolhouse and sell candy to make money. She would leave me alone. I was scared, but she didn't have no choice. I said then that when I could, I would save money so I could take care of my grandmother."

Young Oseola went to school at Eureka Elementary School. Even as a young child, she worked, though, and her savings habit started early.

"I would go to school and come home and iron. I'd put money away and save it. When I got enough, I went to First Mississippi National Bank and put it in. The teller told me it would be best to put it in a savings account. I didn't know. I just kept on saving."

When Oseola was in the sixth grade, her childless aunt had to go the hospital, and McCarty said, "I had to go and wait on her. When she came out of the hospital, she couldn't walk, and she needed me."

McCarty never returned to school. "All my classmates had gone off and left me," she said, "so I didn't go back. I just washed and ironed."

Over the years, she put money into several local banks. While banks merged and changed names and management, McCarty's savings grew.

Her grandmother died in 1944, her mother dies in 1964, her aunt died in 1967, "and I've been havin' it by myself since then," she said. Her mother and her aunt each left her some money, which she added to her savings. In 1947 her uncle gave her the house in which she still lives.

Bank personnel, realizing that McCarty was accumulating sizable savings, advised her to put her money into CD's, conservative mutual funds and other accounts where it would work for her.

Meanwhile, McCarty washed and ironed and lived frugally. She never had a car and still walks everywhere she goes. She shows a visitor the shopping cart she pushes to Big Star, more than a mile away, to get groceries. For the visitor's benefit, she turns on the window air conditioner bank personnel only recently persuaded her to get.

Nancy Odman and Ellen Vinzant of Trustmark Bank have worked with McCarty for several years, not only helping her manage her money but helping look after her personally. It was they who helped her get the air conditioner. They also were concerned about what the future held for her.

"We both talked with her about her funds and what would happen to her if something happened," said Odam. "She knew she needed someone to take care of her."

McCarty, who never married, said, "After my aunt died, I began to think, I didn't have nobody. I began to think about what to do with what little I had. I wanted to leave some to some cousins and my church. But I had been thinking for a long time . . . since I was in school . . . I didn't know how to fix it, but I wanted to give it to the college (USM). They used to not let colored people go out there, but now they do, and I think they should have it."

Odom and Vinzant referred McCarty to Paul Laughlin, Trustmark's assistant vice president and trust officer.

"In one of our earliest meetings, I talked about what we could do for her," Laughlin said. "We talked about providing for her if she's not able. Then we turned naturally to what happens to her estate after she dies.

"She said she wanted to leave the bulk of her money to USM, and she didn't want (anybody) to come in and change her mind. I called Jimmy Frank McKenzie, her attorney—she's done laundry for him for years—and he talked to her. He made sure it was her idea. Then I met with her to let her decide how to divide her money up."

Mr. Paul laid out dimes on the table to explain how to divide it up," McCarty said.

Laughlin said, "I got 10 dimes (to represent percentages). I wrote on pieces of paper the parties she wanted to leave her money to and put them on the table. Then I asked how she wanted her money to be split up. She put one dime on her church and one each for several relatives. Then she said she wanted the rest—six dimes—to go to the college. She was quite definite about wanting to give 60 percent to USM. To my knowledge, she has never been out there, but she seems to have the best of the students in mind. The decision was entirely hers."

"I just want the scholarship to go to some child who needs it, to whoever is not able to help their children," McCarty said. "I too old to get an education, but they can."

McCarty signed an irrevocable trust agreement stating her wishes for her estate and giving the bank the responsibility for managing her funds.

"Mr. Paul gives me a check, and I can go get money anytime I need it. My lawyer gave them permission to take care of me if something happens to me."

Laughlin said the bank normally keeps such transactions in strictest confidence, but because of the uniqueness of McCarty's story, he asked for her permission to make it public.

"Well, I guess that would be all right," she said with her typical calm acceptance.

"She seems wonderfully at peace with where she is and who she is," Laughlin said.

McCarty's arthritis in her hands forced her to retire from washing and ironing in December 1994, at the age of 86. Now she spends her days cleaning house, and she still walks everywhere she goes. But she said, "If I ever get able to, I want to go back to work."

She is taking others' excitement over her gift with the same quiet grace that she has taken all the bad and good that have come into her life.

"I can't do everything," she said, "but I can do something to help. And what I can do I will do. I wish I could do more."

HEARTFELT GIFT TO STUDENTS MOTIVATES PUBLIC

(By Ronnie Agnew)

The way Oseola McCarty figures it, her best years are behind her.

The 86-year-old Hattiesburg woman doesn't get around like she used to. The hands that once washed and ironed millions of pieces of clothing are now failing her.

The desire to get up in the morning and begin another 12-hour day has subsided. McCarty is slowly getting used to her new life, even if it comes without the endless line of customers knocking at her door. Even if it comes without the work that has consumed most of her 86 years.

She is a woman who believes that she has served her time. She has worked hard, she will tell you. But she also flashes a smile that says she enjoyed every minute of it.

McCarty's recent donation of $150,000 to the University of Southern Mississippi is but a small part of a fascinating life, a life without frills and perks. A life painfully primitive to most people—she still washes clothes by hand—but a satisfying life to McCarty.

Her donation continues to both shock and motivate people.

In fact, there is a move within the Hattiesburg area business community to donate

$150,000 to USM to match McCarty's gift, which will provide scholarships after her death.

Bill Pace, executive director of the USM foundation, said the university is putting together a plan so the public may match McCarty's gift. Moneys donated by the public would be put into the Osecola McCarty Scholarship fund and used for scholarships now.

The rest of the money, the $150,000 McCarty donated, would be available to the university upon her death, as stated in an irrevocable trust.

USM President Ambrey Lucas calls it the most heart-rendering donation the school has ever received. He marveled at how a woman whose sole income was washing and ironing clothes could amass a small fortune and then give it all away.

It was only in December that McCarty closed her business. There is crippling arthritis in her right hand now. Years of ironing has nearly rendered useless the hand that literally fed her. "It's gone dead on me," she says.

I would be working now if my hand hadn't started hurting. Some people thought I stopped a long time ago," she said.

So difficult are some tasks, that she now washes her laundry in her bathtub, using a plunger to clean soiled clothing.

But because of her donation, scores of needy black students will be able to go to college because of the hours she spent washing and ironing other people's clothes. Not for a moment does she covet the tens of thousands she earned as a laundress. She doesn't know what's in her bank account—doesn't know, doesn't care. It's estimated her donation is about 60 percent of what she has in the bank.

"The bank people take care of all my business," she says, "my bills, my groceries, everything."

She is a simple woman with simple values and a simple lifestyle.

She's lived in the same house for 70 years. She only recently was persuaded to buy two air conditioners for her small wood frame home. A 12-inch black and white TV sits virtually unused in a corner of her living room. The Bible that she reads daily is tattered and held together with scotch tape. She doesn't have a favorite verse, she says, she just opens the good book and lets the Lord have his way.

Such simplicity comes from a woman born before World War I, a woman who lived through the Great Depression, and who has seen the administrations of 17 U.S. presidents. McCarty is tiny—she stands about five feet tall and weighs little more than 100 pounds—and until last week, she lived in relative obscurity. Only regular customers of her wash-and-iron business were privy to the small details that are locked up inside her.

She doesn't mind talking about details. She's just a little surprised that anyone would care to know. Once they do, she shares her story, little by little, in a voice as soft as a whisper. It is a story about a woman who was introduced to work when she was a toddler.

It is a story about a woman who quit school three months shy of finishing the sixth grade to help take care of an ailing grandmother. It is the story of a woman who never married because there was simply too much work to do and not enough time. It is the story of a woman who has lived alone since 1967 when her aunt died.

It is also a story of a person who believes life should be lived at its most basic level. The air conditioning, or "fan" as she calls it, is only turned on when a visitor is present. The shoes she wears around the house have been cut out to give her toes more breathing room. The 12-inch black and white TV that she seldom watches only picks up one channel.

But McCarty isn't looking for sympathy. In her view, she lives a full and prosperous life. Never mind that she could purchase a new car and home without even a hint of a financial strain. She never learned to drive so what good would a new car do any way, she reasons. She wouldn't dream of leaving the home she has lived in since she was a young girl.

She wants the money she has earned to educate children, "so that they won't have to work as hard as I did. I just worked and worked and worked and worked. That's all I ever knew.

Each week, McCarty would take her earnings from her laundry business to what is now Trustmark Bank. During the early years, she would charge customers $2 a bundle. But in later years, the bill was $10 and up. Every penny went to the bank. That's where it went and that's where it still sits.

The teller asked me about 3 years ago, "Miss McCarty, anybody ever talk to you about investing?" I told her I didn't know how to do it. I didn't understand it. I don't understand it now."

Paul Laughlin, an assistant vice president and trust officer at Trustmark Bank, has been one of several bank representatives to advise Miss McCarty. He fondly recalls his conversation with her when she decided to let the bank set up a trust account.

"I said, 'Miss McCarty, where do you want the money to go after you pass on?' She said, 'Well, I want most of it to go to the college.' Since we have two and I wanted to be absolutely sure, I asked her which college. She said, 'Mississippi Southern.'"

"All her life she put her money away," Laughlin said. "It's now such a large amount, she really doesn't appreciate how much money that is."

Since her money is being invested, McCarty can now talk a little about maturing CD accounts. She has no idea that she has enough saved to buy her way out of the low-income neighborhood where she resides. The power of money alludes her. In her mind, cab fares are still too expensive and the bus just doesn't run often enough.

But she does know that the amount of money she saved "just popped up" and she wants it to help somebody. "I just don't know how it happened," she says, shaking her head. "I was trying to save for my old days when I wouldn't have to work so hard."

She made her money from loyal customers—lawyers, doctors, teachers, police and military personnel. It was the only business she knew. Her mother, grandmother and aunt all were a part of it. But after each of their deaths, more of the work fell to her. She comes from a farming family from Shubata, Miss., a small town outside of Meridian.

Her family left the farm and moved to Hattiesburg when they grew tired of farming. It was then that the laundry business was born. McCarty says no one really taught her how to work. But being an only child around "grown folk all the time" forced her to grow up fast.

"I didn't have no brothers or no sisters. Whatever I saw the grown people do, I tried to do myself. You don't know what you can do until you try," she said.

Now all she wants is to give young black students a chance; a chance she says she didn't have. She has no ties to USM. She has never visited the campus, only passed by it on occasion. But her demeanor turns serious when she thinks about what her donation might do.

"Our race goes to that school," she says. "Used to be that we couldn't. I want to do the children some good. It won't do me no good because I'm old."

USM's Lucas knows the many students that McCarty's gift will reach. But he said he is as touched by the person as he is by her gift.

"She lives a simple life," he said. "Her enjoyment comes from being independent, saving her resources and not wasting them. She enjoys the simple things in life, going to church, talking to friends. She feels very fulfilled."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 883. A bill to amend the Federal Credit Union Act to enhance the safety and soundness of federally insured credit unions, to protect the National Credit Union Share Insurance Fund, and for other purposes (Rept. No. 104-133).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. FAIRCLOTH (for himself, Mr. FRIST, Mr. BENNETT, and Mr. SHELBY):

S. 1132. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself, Mr. HARKIN, and Mr. HATCH):

S. 1133. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NICKLES (for himself, Mr. GRAMS, Mr. DOLE, Mr. COATS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. SHELBY, Mr. MACK, Mr. THURMOND, Mr. GRAMM, Mr. SANTORUM, Mr. SMITH, Mr. KYL, Mr. THOMPSON, Mr. INHOFE, Mr. CRAIG, Mr. BENNETT, Mr. BROWN, and Mr. LOTT):

S. 1134. A bill to provide family tax relief; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1135. A bill to amend the Federal Crop Insurance Act to include seed crops among the list of crops specifically covered under the noninsured crop disaster assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. THURMOND, Mr. BROWN, Mr. KYL, Mr. ABRAHAM, and Mrs. FEINSTEIN):

S. 1136. A bill to control and prevent commercial counterfeiting, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. BROWN):

S. 1137. A bill to amend title 17, United States Code, with respect to the licensing of music, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1138. A bill to amend title XVIII of the Social Security Act to provide that certain health insurance policies are not duplicative, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. STEVENS, Mrs. HUTCHISON, Ms. SNOWE, Mr. HOLLINGS, Mr. INOUYE, Mr. BREAUX, and Ms. MIKULSKI):

S. 1139. A bill to amend the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. EXON (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 1140. A bill to amend title 49, United States Code, to terminate the Interstate Commerce Commission and establish the United States Transportation Board within the Department of Transportation, and to redistribute necessary functions within the Federal Government, reduce legislation, achieve budgetary savings, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1141. A bill to authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for Scientific Research Services and Construction of Research Facilities activites of the National Institute of Standards and Technology, for fiscal years 1996, 1997, and 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. BURNS, and Mr. BREAUX):

S. 1142. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1143. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH (for himself, Mr. FRIST, Mr. BENNETT, and Mr. SHELBY):

S. 1132. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR HOUSING REFORM AND FREEDOM OF SPEECH ACT OF 1995

• Mr. FAIRCLOTH. Mr. President, today I am introducing the Fair Housing Reform and Freedom of Speech Act of 1995.

Mr. President when I ran for the Senate in 1992, one of the themes of my campaign was that I wanted a return to common sense in Washington, DC. The purpose of the bill I am introducing today is to bring a little common sense to our nation's housing policy, and particularly the way the Clinton administration has conducted housing policy.

First, this bill would overturn the recent Supreme Court ruling in City of Edmonds versus Oxford House. In that case, a home for 10 to 12 recovering drug addicts and alcoholics was located in a single family neighborhood. The city tried to have the house removed because it violated the city's local zoning code that placed limits on the number of unrelated persons living together. the Supreme Court ruled that the Fair Housing Act was violated by this zoning law.

I think the Supreme Court ruled incorrectly in this case. The Congress clearly intended an exemption from the Fair Housing Act regarding the number of unrelated occupants living together. My bill would clarify that localities can continue to zone certain areas as single family neighborhoods, by limiting the number of unrelated occupants living together. In my opinion, I think families should be able to live in neighborhoods without the threat that groups homes—unsuitable for single family neighborhoods—can move in next door and receive the protection of the Fair Housing Act.

But the most important point is this one; decisions about zoning should be made in cities and towns and not in Washington. If a locality wants to permit groups homes in a certain area—it can do so without HUD interfering in the decision.

Mr. President, my bill would also correct the abuses of the Fair Housing Act by the Clinton administration. In the past year, HUD has taken to suing people under the Fair Housing Act who have protested group homes coming into their neighborhoods. The most well known of these cases was the incident involving three residents in Berkeley, CA. HUD's actions were a blatant violation of their right to freedom of speech. HUD's abuse was so bad, that they dropped the suit and promised they wouldn't do it again. HUD even issued new guidelines on the subject so it couldn't happen again.

But, just recently—HUD has done it again. This time HUD is suing five Californians who went to court to get a restraining order against a group home for the developmentally disabled that was planned for their neighborhood.

Mr. President, the issue is not whether the location for this group home is proper, that issue can be decided by the courts. The issue is freedom of speech. I believe anybody has the right to speak their mind and to take legal action against what they think is an injustice. HUD won't even let them do that.

HUD takes the opposite view. They want to intimidate people into submission. They want to use the Fair Housing Act as a weapon to silence legitimate speech, not discrimination. In the process, they have trivialized real discrimination. They have made a laughing stock of the Fair Housing Act—that it could actually be used to silence legal protest. This is wrong and it has to stop.

Mr. President, I hope that we can make these reforms to the Fair Housing Act. We need to preserve this act to prevent real discrimination, but we do not need to use the act to pursue a far, far left agenda that defies common sense, and silences free speech.•

By Mr. MCCONNELL (for himself, Mr. HARKIN, and Mr. HATCH):

S. 1133. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP LEGISLATION

• Mr. MCCONNELL. Mr. President, today I am introducing legislation that would give food stamp recipients greater flexibility to balance their diets by permitting food stamp purchases of vitamins and mineral supplements.

The Food Stamp Program is the U.S. Department of Agriculture's largest income security program. Its goal of providing all Americans access to healthy, nutritious diets is pursued by increasing the food purchasing power of more than 27 million low-income Americans in 11 million households each day.

While it is possible to receive optimum levels of nutrients through a careful selection of foods, the fact is that most people do not. A government survey of 21,000 Americans showed that not a single person surveyed obtained 100 percent of the recommended daily allowance [RDA] for all of the essential vitamins and minerals. Scientific research shows that many nutrients play an important role in reducing the risk of various common and chronic diseases. So, it is no surprise that millions of Americans regularly take vitamin and mineral supplements to assure that they receive appropriate levels of these essential nutrients.

Unfortunately, food stamp recipients have not been permitted to use their food stamps to purchase vitamin and mineral supplements. Therefore, the legislation I am proposing would permit Food Stamp Program recipients the option of spending the few pennies a day it costs to purchase vitamin and mineral supplements.

Mr. President, this legislation would help the people who need nutritional help the most—the poor—especially women of childbearing age, young children, and the elderly. Their access to vitamin and mineral supplements can help them assure they are receiving a nutritious diet. I urge my colleagues to consider the positive contribution to public health that can be achieved

through permitting low-income Americans access to vitamin and mineral supplements.

My legislation is simple, it permits vitamin and mineral supplements to be purchased with food stamp coupons. It helps the people who need nutritional food the most, the poor and elderly. If food stamp recipients are permitted to use their food stamps to buy nutritional supplements, everybody will be helped. Vitamin and mineral supplements are considered an accessory food and therefore would have no effect on the number of stores participating in the Food Stamp Program. I urge all of my colleagues to take a look at this legislation and consider the positive health benefits that vitamin and mineral supplements can add to a healthy diet.•

• Mr. HARKIN. Mr. President, I am pleased to join Senator MCCONNELL and Senator HATCH in introducing legislation today that will allow the use of food stamps for the purchase of nutritional supplements. I believe this important legislation can contribute substantially to improving the nutrition and health of a segment of our society that too often falls below adequate levels of nutrient consumption.

Scientific evidence continues to mount showing that good nutrition is essential for normal growth and cognitive development in children, and for improved health and the prevention of a variety of conditions and illnesses. That knowledge is the underlying basis for our Federal nutrition assistance programs.

Studies have also shown, unfortunately, that many Americans do not have sufficient dietary intakes of a number of important nutrients. Insufficient dietary intakes are especially critical for children, pregnant women, and the elderly.

A recent study conducted by the Tufts University School of Nutrition, and based on government data, showed that millions of poor children in the United States have dietary intakes that are well below the Government's recommended daily allowance for a number of important nutrients. The study found that major differences exist in the intakes of poor versus nonpoor children for 10 out of 16 nutrients—food energy, folate, iron, magnesium, thiamin, vitamin A, vitamin B6, vitamin C, Vitamin E, and zinc. Moreover, the proportion of poor children with inadequate intakes of zinc is over 50 percent; for iron, over 40 percent; and for vitamin E, over 33 percent. For some nutrients, such as vitamin A and magnesium, the proportion of poor children with inadequate intakes is nearly six times as large as for nonpoor children.

Pregnant women also have high nutritional needs. For example, after years of concern about inadequate folate intake by pregnant women, the Public Health Service has issued a recommendation regarding consumption of folic acid by all women of childbearing age who are capable of becoming pregnant for the purpose of reducing the incidence of spina bifida or other neural tube defects.

Millions of Americans, including myself, take dietary supplements to improve their health, prevent illness, and ensure that they and their families are consuming sufficient levels of key nutrients.

This legislation would enable low-income people to have greater access to nutritional supplements to improve their diet. Currently, recipients of food stamps are not allowed to use those resources to purchase nutritional supplements. This restriction clearly serves as an impediment to adequate nutrition for low-income people who may need supplements to ensure they are consuming sufficient levels of nutrients.

The current restriction also prevents food stamp recipients from exercising their own responsibility and choice to use food stamps for purchasing nutritional supplements that they determine are important for the health of their children or themselves. It is a glaring inconsistency that food stamps may currently be used to purchase a variety of non-nutritious or minimally nutritious foods but not to purchase nutritional supplements—to purchase diet soft drinks having no nutritive value, but not to purchase folic acid which may prevent a fatal birth defect.

Opponents of this legislation will argue that food stamps are most effectively used to improve nutrition through purchasing food rather than nutritional supplements, and that if food stamps may be used for nutritional supplements, households will be less able to stretch their resources to purchase sufficient quantities of food. The available evidence indicates, however, that food stamp households actually make more careful and effective use of their resources in purchasing nutritious foods than consumers in general. Since food stamp households necessarily have a limited amount of money to spend on food—and generally already find it difficult to meet their food needs—they simply cannot afford to make unwise or unnecessary purchases of nutritional supplements using food stamps which would otherwise be used for food. So I believe the concerns that food stamps will be wasted or unwisely used for nutritional supplements is unfounded.

Mr. President, I hope that my colleagues will join in supporting this legislation designed to improve opportunities for low-income Americans to ensure adequate nutrition and improved health for their families and themselves.•

By Mr. NICKLES (for himself, Mr. GRAMS, Mr. DOLE, Mr. COATS, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. SHELBY, Mr. MACK, Mr. THURMOND, Mr. GRAMM, Mr. SANTORUM, Mr. SMITH, Mr. KYL, Mr. THOMPSON, Mr. INHOFE, Mr. CRAIG, Mr. LOTT, and Mr. BENNETT):

S. 1134. A bill to provide family tax relief; to the Committee on Finance.

THE AMERICAN FAMILY TAX RELIEF ACT OF 1995

• Mr. NICKLES. Mr. President, when the Senate returns from the August recess we will begin the long, hard budget reconciliation process. We have already come a long way toward our goal of balancing the Federal budget, but reconciliation is the real test of our leadership and our commitment. The spending cuts we will enact will not come without sacrifice from many people. Fortunately, that sacrifice will not go unrewarded, because we intend to cut spending enough to balance the budget, plus provide tax relief to Americans.

Today I am pleased to introduce legislation which represents a key portion of our promise to reduce taxes on American families. The American Family Tax Relief Act will provide a $500 per child tax credit to benefit 52 million children in 35 million families nationwide.

I am also pleased to say that my legislation is being cosponsored by many of my colleagues, several of which have worked for years to enact a family tax credit. My cosponsors include longtime family credit sponsors Senator GRAMS and Senator COATS, the Majority Leader Senator DOLE, Senator FAIRCLOTH, Senator KEMPTHORNE, Senator COVERDELL, Senator MACK, Senator THURMOND, Senator GRAMM, Senator SANTORUM, Senator SMITH, Senator KYL, Senator THOMPSON, and Senator INHOFE.

Mr. President, the Balanced Budget Resolution we passed earlier this year promised that if we do our job, that is if we enact spending cuts sufficient to balance the budget by fiscal year 2002, the economy will reward us with a fiscal dividend sufficient to reduce the tax burden on our citizens by up to $245 billion over 7 years. While many critics have complained that a tax cut of that magnitude is too generous, consider the following facts. Over the next 7 years the Federal Government will take more than $11.4 trillion out of the pockets of American families and businesses. A tax cut of $245 billion is barely 2 percent of that amount.

With that $245 billion, we are going to reverse the trend of tax increases which have marked the past several years, reduce taxes on families and businesses, and increase savings and investment. I firmly believe, however, that the priority should be on families. At least 60 to 70 percent of our fiscal dividend should be family friendly, and that is why I am introducing this legislation.

Why is family tax relief important, Mr. President? Primarily because today's families with children are overtaxed. In 1948, the average American family paid only 3 percent of its income in Federal taxes. Today, the same family pays over 25 percent. This mounting tax burden is caused by many factors, but particularly damaging are heavy payroll taxes and the eroding value of the personal and dependent exemption. In 1948, the dependent exemption equaled 42.1 percent of per capita personal income, effectively shielding that income from taxation. Today's dependent exemption of $2,500 equals only 10.9 percent of per capita personal income. Congress would have raise the exemption to $9,657 to provide the same benefit as 1948. Payroll taxes hit families with children particularly hard because most of their income comes in the form of wages. Nearly three-fourths of all taxpayers now pay more in payroll taxes than income taxes.

Another reason to enact family tax relief is that it can make our tax system more progressive and literally remove the IRS from the lives of millions of families. A study by the Heritage Foundation based on IRS and Bureau of the Census data estimates that a $500 per child tax credit would: eliminate all Federal income tax liability for families of four earning between $17,000 and $24,000 per year, cut by 50 percent the income tax burden of a family earning $30,000 per year, cut by 30 percent the income tax burden of a family earning $40,000 per year, cut by 6.8 percent the income tax burden of a family earning $100,000 per year, and cut by 2.6 percent the income tax burden of a family earning $200,000 per year.

Heritage further estimates that the typical congressional district has 117,000 children in families eligible for a $500 credit, meaning $59 million per year in lower taxes which families can spend on their own priorities. Families in the state of Oklahoma stand to gain over $322 million. I have no doubt that those Oklahoma parents can spend that money much more wisely than the Federal bureaucracy.

Mr. President, the American Family Tax Relief Act is nearly identical to the family tax credit passed by the House earlier this year as part of the Contract with America. The only difference between our proposals is that my bill has no income limit. Because the President and our Democrat colleagues have shown a near rabid desire to turn any tax cut initiative into a class war, I have no doubt that we will discuss this issue at length in the Senate Finance Committee and on the Senate floor. However, there is absolutely no economic or tax policy justification to limit the family tax credit to certain income levels. The only reasons are political, ones, and even those pale when you realize that almost all children, 94 percent, live in families with incomes below $100,000.

I thank my colleagues, and I encourage those who have not already done so to join me in this important initiative.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Tax Relief Act of 1995".

SEC. 2. FAMILY TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 22 the following new section:

"SEC. 23. FAMILY TAX CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $500 multiplied by the number of qualifying children of the taxpayer.

"(b) QUALIFYING CHILD.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying child' means any individual if—

"(A) the taxpayer is allowed a deduction under section 151 with respect to such individual for such taxable year,

"(B) such individual has not attained the age of 18 as of the close of the calendar year in which the taxable year of the taxpayer begins, and

"(C) such individual bears a relationship to the taxpayer described in section 32(c)(3)(B) (determined without regard to clause (ii) thereof).

"(2) EXCEPTION FOR CERTAIN NONCITIZENS.—The term 'qualifying child' shall not include any individual who would not be a dependent if the first sentence of section 152(b)(3) were applied without regard to all that follows 'resident of the United States'.

"(c) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of a taxable year beginning in a calendar year after 1996, the $500 amount contained in subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)3 for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(d) CERTAIN OTHER RULES APPLY.—Rules similar to the rules of subsections (d) and (e) of section 32 shall apply for purposes of this section."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Family tax credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

THE AMERICAN FAMILY TAX RELIEF ACT—TECHNICAL DESCRIPTION

FAMILY CREDIT

The American Family Tax Relief Act would provide a maximum, non-refundable credit against income tax liability of $500 for each qualifying child.

In calendar years after 1996, the maximum credit amount is indexed annually for inflation, with rounding to the nearest multiple of $50.

QUALIFYING CHILD

A qualifying child must satisfy the following tests:

Relationship test: the child must be a son, stepson, daughter, or stepdaughter of the taxpayer, a descendent of a son or daughter of the taxpayer, or a foster or adopted child of the taxpayer.

Dependency test: the child must be a dependent of the taxpayer with respect to whom the taxpayer is entitled to claim a dependency deduction. The child must also be a resident of the United States, except that a non-resident adopted child who lived with the taxpayer for the entire taxable year would satisfy this test.

Age test: the child must be under age 18 at the end of the calendar year in which the taxpayer's taxable year begins.

FILING STATUS

Married individuals must file a joint return to claim the credit, unless they lived apart from their spouse for the last six months of the taxable year and the individual claiming the credit (1) maintains the household for the qualifying child for more than half of the year and (2) furnishes over half of the cost of maintaining that household.

EFFECTIVE DATE

These provisions are effective for taxable years beginning after December 31, 1995.

• Mr. COATS. Mr. President, I am pleased that Majority Leader DOLE and Senator ROD GRAMS and myself to ensure the passage of a $500 per child tax credit by introducing the American Family Tax Relief Act of 1995. Many of my colleagues are already familiar with the Family's First legislation that I introduced earlier this year. The centerpiece of this legislation is the $500 per child tax credit which I have been proposing for the last 3 years.

The $500 per child tax credit already has cleared the House. The introduction of this legislation with strong leadership support is great news for the hard working families of America. With Majority Leader DOLE's support and leadership on this issue, I am now confident that the Senate will include a $500 per child tax credit in the reconciliation bill later this year.

The time has come to show families that they are a priority—for too long we have ignored their cries of help. The federal tax burden on the typical American family has become overwhelming. In 1948, the average American family of four paid just 3 percent of its income to the Federal Government. By 1992, that tax bill has skyrocketed to 24.5 percent of family earnings.

This dramatically increased tax burden complicates the family's role—to

provide for the social and moral education of children. Family tax reform is more than a matter of money. It will help restore the family to an economic position that allows it to fulfill its most vital responsibilities.

In 1993, the bipartisan Commission on America's Urban Families found that "the trend of family fragmentation drives the nation's most pressing social problems: crime, educational failure, declining mental health, drug abuse, and poverty. These, in turn, further fragment families."

The Commission continued, "To date, the nation's basic response has been policies that attempt to address the negative consequences of this trend. This response has been insufficient. Our principal national goal must be to reverse the trend of family fragmentation."

One of the key policy recommendations of the commission was to "increase the self-sufficiency and economic well-being of families by either significantly increasing the personal exemption * * * or a child tax credit for all children through age 18."

The findings of the National Commission on Urban Families were remarkably similar to those advocated 3 years earlier by the Democratic Progressive Policy Institute. In an impressive report entitled "Putting Children First: A Progressive Family Policy for the 1990s", this group found:

> America is the only country among the eighteen rich democracies in the world that does not have a family allowance or some other sort of government subsidy per child. Western European countries recognize that nurturance has a great societal value. . . [T]hese societies have acknowledged that there are some things that only families can do and that if families are placed under so much stress that they cannot raise children effectively, the rest of society cannot make up the difference in later years.
>
> The United States used to have a form of family allowance; we just did not call it that. In 1948 there was a pro-family government policy based on a simple notion: the government should not tax away that portion of a family's income that is needed to raise children.

The Progressive Policy Institute concluded, "We believe that a primary goal of our tax policy should be to bolster families who are raising children."

When families fail, the cost to society is enormous. As we have learned in the past decades, programs aimed at fixing the failures are not only expensive, they are often ineffective.

I believe that it is time to reassess our priorities. We need to direct our focus, and our funds, to strengthen the family. I believe this legislation takes us on the right course.

Obviously, government's role in preserving the family is limited but it is not insignificant. Perhaps the single most important thing government can accomplish is to alleviate the economic stress on the family.

Economist Eugene Steurle noted that in 1948 the personal exemption was $600 and the median family income was $3,187. This meant that a family of four paid only 3 percent of its income in federal income taxes. He noted that the net result of the ensuing erosion of the personal exemption has been that "tax-exempt levels for households without dependents have been moving closer and closer to tax-exempt levels for households with dependents."

In 1948, the personal exemption shielded 42 percent of family income from taxes. By 1992, that tax bill had skyrocketed to 24.5 percent of family earnings, and the value of that exemption has eroded to 11 percent of income. In order for the personal exemption to provide the same benefit as it did in 1948 it would have to be raised from $2,500 to $9,657.

With rising costs and the seemingly never-ending tax burden, it is nearly impossible for American families to get ahead today. Families are working harder today than ever before. Many Hoosiers continually tell me that its just harder and harder to make ends meet. Sometimes one or both parents are working two jobs which takes more time away from the family just to pay the tax man.

In my home state of Indiana the median income for a family of four is $34,082. Of that, nearly $11,000 is devoted to federal, state, and local taxes. The average family in Indiana pays more in taxes than it does in housing, food, and clothing expenses combined. The Tax Foundation has stated that Indiana families worked 117 days this year until April 27 to pay Uncle Sam.

Some have said that $500 will not go far. To them I say, you have been inside the beltway for too long. Economists have noted, that invested over the life of the child, it is enough today for a state college education. It means $80 of grocery money each month. And it may buy time for parents to spend with their children, time to instill the values of love and discipline that are critical in the formation of citizens of character.

Fifty-two million children are eligible for this credit, and 86 percent of this tax relief would go to families making less than $75,000 per year.

The American social fabric is seriously strained. When families fail, the cost to society is enormous. That failure is measured in lost dollars and in lost lives, the lessons learned from decades of social spending are clear. Government cannot effectively stay the hand of despair and destruction. Strong families can. We simply cannot afford to ignore the evidence before us. Family preservation must be paramount in our Federal policy. I am pleased that the Majority Leader and Senator NICKLES have joined the family tax relief effort. I look forward to working with them this fall to enact the $500 per child tax credit this year.●

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1135. A bill to amend the Federal Crop Insurance Act to include seed crops among the list of crops specifically covered under the noninsured crop disaster assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SEED CROPS LEGISLATION

● Mr. CRAIG. Mr. President, my purpose here today is to introduce a bill that would amend the Federal Crop Insurance Act to include seed crops among the list of crops specifically covered under the noninsured crop disaster assistance program.

It was my understanding that seed crops were to be covered under the Federal Crop Insurance Corporation [FCIC] changes that were implemented as part of the USDA reorganization in the 103d Congress. Since my understanding differs from the current implementation, I urge my colleagues to accept this amendment and rectify the situation.

As the origin of all crop production, a stable supply of seeds is an absolute necessity. If seed producers are to continue supplying a valuable product, they must have access to risk management tools, which includes insurance coverage. In my State of Idaho, we are proud to produce the Nation's largest supply of seed for sweet corn, field beans, garden beans, and teff. In addition, Idaho is among the top producers of alfalfa, popcorn, and turf grasses.

Mr. Chair, I urge my colleagues to join me in enabling this industry to utilize the insurance coverage that is provided to other agricultural commodities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONINSURED CROP DISASTER ASSISTANCE COVERAGE OF SEED CROPS.

Section 519(a)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1519(a)(2)(B)) is amended by inserting "seed crops," after "turfgrass sod,". ●

● Mr. KEMPTHORNE. Mr. President, the Idaho delegation today is taking steps to right a wrong. Senator CRAIG and I are joining our colleagues in the House, Representatives CRAPO and CHENOWETH in introducing legislation to clarify congressional intent regarding the Federal crop insurance program reform that the 103d Congress completed.

Implementing crop insurance reform has not always been the smoothest process, as Idaho's agriculture producers can attest. While that reform was a

much needed step forward in streamlining the Federal crop insurance program, there is still work to be done. This bill tackles one part of that remaining effort.

When the Federal crop insurance reforms were implemented last year, the agency interpreted the law to be strictly limited to commodities that are consumed directly as foodstuffs. Such an interpretation ignores some crops which had traditionally been covered under the crop insurance umbrella. Among those are seed crops.

I am here today as someone who supported Federal crop insurance reform, to say that such an exclusion was not the intent of Congress. The bill Senator CRAIG and I are introducing today will set the record straight.●

By Mr. HATCH (for himself, Mr. LEAHY, Mr. THURMOND, Mr. BROWN, Mr. KYL, Mr. ABRAHAM, and Mrs. FEINSTEIN):

S. 1136. A bill to control and prevent commercial counterfeiting, and for other purposes; to the Committee on the Judiciary.

THE ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to be joined today by my colleagues, Senators LEAHY, THURMOND, BROWN, KYL, ABRAHAM, and FEINSTEIN, in introducing legislation to confront a rapidly growing threat to American industry and to the public: trademark counterfeiting. Stated simply, it is time we knock-out the knock-off industry.

We contacted some selected U.S. industries and found that the impact of counterfeiting losses are substantial. Companies invest heavily in developing and maintaining their reputations. And, the jobs of millions of American workers depend on the competitiveness of their employers.

Sales of pirated motion pictures cause losses equal to 8 percent of all movie sales revenue. The pirates are so efficient that tapes of the recently released "Apollo 13" were available the day after the movie's release in theaters. And tapes of the much-hyped "Waterworld", composed mainly of outtakes, was available before the movie's theatrical release.

The software industry is particularly affected, with sales of pirated software accounting for more than 40 percent of total revenues. Some analysts suggest that is more than the industry's total profits.

Perhaps most troubling, however, is the widespread threat counterfeiting poses to public health and safety. Automobile parts are commonly made of substandard material and pose serious risks to consumers. The San Francisco Chronicle reported that a counterfeit GM brake lining composed of wood chips was responsible for an accident that claimed the life of a mother and her child.

Media reports on the seizures in 16 States of a counterfeit version of the popular infant formula Similac underscore our vulnerability. This bogus formula could kill children who may be allergic to it.

Unfortunately, few Americans truly appreciate the significance, scope, or consequences of this crime. Only yesterday, Committee investigators purchased a fake Cartier watch and bogus Ray Ban sunglasses one block from the Capitol. It is hard to perceive the relationship between a cheap, fake watch or handbag and public health risks, money laundering, murder, and—if media reports are true—terrorism. But it is there.

Those who traffic in counterfeit goods can be ruthless members of dangerous businesses, and organized crime is increasingly involved. The leader of the "Born to Kill" crime gang in New York City made an estimated $13 million a year selling fake Cartier and Rolex watches. This revenue stream was probably useful in financing other nefarious business, as well as being profitable in itself. For the criminal, the lure of counterfeiting is not just the billions of dollars in illegal profit. It is the fact that the risk of being caught, prosecuted, and imprisoned is not high.

The time has come to make sure that the law provides the tools necessary to fight today's sophisticated counterfeiters. Our bill will do just that. It is called the "Anticounterfeiting Consumer Protection Act of 1995." I like to call it the "Knock-Out the Knock-Offs" bill.

First, it increases criminal penalties by making trafficking in counterfeit goods or services a RICO offense, thereby providing for increased jail time, criminal fines, and asset forfeiture.

Second, our bill allows greater involvement by all Federal law enforcement in fighting counterfeiting, including enhanced authority to seize counterfeit goods and the tools of the counterfeiter's trade.

Third, it makes it more difficult for these goods to reenter the stream of commerce once they have been seized.

Fourth, our bill also adds teeth to existing statutes by providing for further civil remedies, including civil fines pegged to the value of genuine goods and statutory damage awards of up to $1,000,000 per mark.

The time has come for us to send the message to the public that counterfeiting is a serious crime that involves domestic and international organized crime rings. It is a crime that robs all Americans. It is time to knock-out the knock-offs.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property),".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under section 2318, 2319, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is

amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or is in any way concerned in the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be equal to the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be equal to twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1995—SECTION-BY-SECTION ANALYSIS

The Anticounterfeiting Consumer Protection Act of 1995 proposes a number of statutory amendments to strengthen this country's anticounterfeiting laws in three important areas: criminal law enforcement, civil lawsuits, and Customs Service interdiction. A brief section-by-section analysis of the Act follows.

Section 1. Short title.—The proposed legislation is entitled the "Anticounterfeiting Consumer Protection Act of 1995."

Section 2. Findings.—Section 2 summarizes the significant harms associated with counterfeiting, including the link between counterfeiting and organized crime, the resulting losses in revenues and goodwill to U.S. copyright and trademark owners, the threat to consumer health and safety, the loss of American jobs, and the overall drain on the U.S. economy.

Section 3. Counterfeiting as racketeering.—Section 3 would make the following crimes "predicate acts" for purposes of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §1961: (i) trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works, as defined in 18 U.S.C. §2318[1]; (ii) criminal infringement of a copyright in violation of 18 U.S.C. §2319; and (iii) trafficking in counterfeit goods or services, as defined in 18 U.S.C. §2320. This amendment to the RICO statute would allow law enforcement officials in appropriate cases to seize not only counterfeit goods, but also the nonmonetary assets, including both personal and real property (*e.g.*, raw materials, tools, equipment, and manufacturing or storage facilities), associated with the criminal counterfeiting enterprise, just as they now can do for a host of other criminal enterprises. *See* 18 U.S.C. §1963.

Section 4. Application to computer programs, computer program documentation, or packaging.—Section 4 would extend the criminal prohibitions and penalties of 18 U.S.C. §2318 to trafficking in counterfeit labels affixed or designed to be affixed to copies of a computer program or computer program documentation or packaging. This amendment would recognize and address the widespread counterfeiting of computer software and international trafficking in counterfeit labels, holograms and other computer software documentation and packaging. Moreover, the amendment would update existing criminal counterfeiting provisions directed at labels for phonorecords and videos to take into account the significant advancements in technology and thereby empower federal law enforcement agencies to combat the growing counterfeiting trade in computer programs.

Section 5. Trafficking in counterfeit goods or services.—Section 5 would amend 18 U.S.C. §2320, the statute govering trafficking in counterfeit goods or services, to require the Attorney General to obtain from all United States Attorney's Offices certain statistical information relating to all criminal counterfeiting actions involving (i) trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works; (ii) criminal infringement of copyrights; or (iii) trafficking in goods or services bearing counterfeit marks. The information must then be incorporated into the Attorney General's annual report to Congress mandated by Section 522 of Title 28. This reporting requirement will enable Congress and the American public to assess the extent to which commercial counterfeiting is being vigilantly investigated and prosecuted by our nation's U.S. Attorneys.

Section 6. Seizure of counterfeit goods.—Section 6 would amend 15 U.S.C. §1116 to make clear that, in addition to U.S. marshals and state and local law enforcement officers, *any* federal law enforcement officer may assist in conducting an *ex parte* seizure of counterfeit trademarked merchandise (including, by way of example, an officer or agent of the U.S. Customs Service, Secret Service, Federal Bureau of Investigation, or

[1] Section 4 would amend 18 U.S.C. §2318 to prohibit trafficking in counterfeit labels affixed to copies of computer programs or computer program documentation or packaging.

Post Office). The present statute provides that seizures of counterfeit merchandise may be conducted by "a United States marshal or other law enforcement officer." 15 U.S.C. §1116(d)(9). Clarification of this provision to include other federal law enforcement officers is necessary to ensure that *ex parte* seizure orders are executed in a timely manner. At present, significant delays often occur because the Marshal's Service often lacks the manpower to promptly conduct an *ex parte* seizure. Moreover, the language "other law enforcement officer" has been interpreted to mean only state and local police officers, who are not subject to federal judicial mandate and thus cannot be compelled to execute seizure orders granted under federal trademark law. The amendment would avoid this delay by expressly extending seizure authority to any other federal law enforcement officer.

Section 7. Recovery for violation of rights.—Section 7 would amend 15 U.S.C. §1117 to provide statutory damages as an alternative to actual damages in cases involving the use of counterfeit trademarks. The option to elect statutory damages in counterfeit cases ensures that trademark owners are adequately compensated and that counterfeiters are justly punished, even in cases where the plaintiff is unable to prove actual damages because, for example, the defendant engages in deceptive record-keeping. Section 7 provides that a plaintiff may elect, and a court may approve, statutory damages ranging from $500 to $100,000 per mark for each type of merchandise involved, or up to $1,000,000 per mark for each type of merchandise if the violation is willful.

Section 8. Disposition of excluded articles.—Section 8 would amend 17 U.S.C. §603(c) to eliminate the provision allowing the U.S. Customs Service to re-export piratical merchandise, thus ensuring that such goods are not allowed back into the global marketplace where they continue to violate the rights of American copyright owners and endanger American consumers.

Section 9. Disposition of merchandise bearing American trademark.—Section 9 would amend 19 U.S.C. §1526(e) to require the U.S. Customs Service to destroy all counterfeit merchandise that it seizes, unless the trademark owner consents to some other disposition of the merchandise and the merchandise is not a threat to consumer health or safety.

Section 10. Civil penalties.—Section 10 would add a new subsection to 19 U.S.C. §1526 authorizing the U.S. Customs Service to impose a civil fine on persons who are in any way involved in the importation of counterfeit goods for sale or public distribution. For first offenses, the fine would be equal to the market value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price. For repeat offenses, the fine would be double that value. The imposition of the fine would be subject to the discretion of the U.S. Customs Service, and would be in addition to any other civil or criminal penalty or other remedy authorized by law.

Section 11. Public disclosure of aircraft manifests.—Section 11 would amend section 431(c)(1) of the Tariff Act, 19 U.S.C. §1431(c)(1), to make clear that existing manifest disclosure requirements also extend to information found in aircraft manifests. Under existing regulations, the U.S. Customs Service discloses on a routine basis information relating to shipments by sea, but is not required to disclose information within its possession concerning shipments by air. As a result of this distinction between sea and air information, an entire category of shipping information is shielded from public scrutiny, making it much more difficult to detect and stop numerous counterfeiters and other infringers who ship their merchandise by air. In order to close this informational gap, this amendment would expressly extend these manifest disclosure requirements to aircraft manifests and thus require the Customs Service to amend its regulations accordingly.

Section 12. Customs entry documentation.—Section 12 would amend 19 U.S.C. §1484(d) to require the Secretary of the Treasury, in prescribing regulations governing customs entry documentation, to require importers to disclose on that documentation such information as may be necessary to determine whether the imported merchandise bears an infringing trademark, including, for example, any trademarks appearing on the goods or their packaging. Presently, importers have no obligation to disclose to the Customs Service the identity of any trademark appearing on imported merchandise. By requiring the disclosure of any such trademark or related information, this amendment would facilitate the identification of infringing goods by Customs officials and trademark owners and thus enhance border enforcement of intellectual property rights.

Section 13. Unlawful use of vessels, vehicles, and aircraft in aid of commercial counterfeiting.—Section 13 would amend the definition of "contraband" in 49 U.S.C. App. §781 to include (i) a counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work, as defined in 18 U.S.C. §2318; (ii) a phonorecord or copy in violation of 18 U.S.C. §2319; or (iii) goods bearing counterfeit marks, as defined in 18 U.S.C. §2320. This amendment would allow law enforcement officials to seize the vehicles used by counterfeiters in transporting counterfeit merchandise, just as they are currently allowed to do with respect to counterfeit currency and government securities.

Section 14. Regulations.—Section 14 would require the Secretary of the Treasury to prescribe, within six months after the date of enactment, such regulations or amendments to existing regulations as may be necessary to implement and enforce the provisions of the Act.

By Mr. THOMAS (for himself and Mr. BROWN):

S. 1137. A bill to amend title 17, United States Code, with respect to the licensing of music, and for other purposes; to the Committee on the Judiciary.

SMALL BUSINESS LEGISLATION

• Mr. THOMAS. Mr. President, I introduce legislation designed to help small business owners by exempting them from paying licensing fees for music copyrights relating to radios and televisions used in their establishments. This bill is common-sense approach which would level the playing field for business owners who currently are faced with having to pay huge fees for the incidental broadcast of music played in their business.

The issue of licensing fees for copywritten music is extremely complex. No one disputes the right of performers to be properly compensated for their music or compositions. However, the current law regarding music licensing causes confusion and hardship for many business owners in my State and across the country. Every year, thousands of business owners are charged fees by the performing rights societies for the television and radio programming they present in their establishments. Unfortunately, many times these fees are charged in a confusing or ambiguous manner, without any oversight or controls.

I have heard for folks across Wyoming and the Nation who have experienced trouble with the music licensing organizations. Often the fees charged by the organizations for playing radios or televisions vary greatly from year to year. In addition, businesses are often threatened with legal action or harassed for doing something they did not realize was against the law.

The legislation I am introducing today would exempt these small business operators from being charged fees for playing radios and televisions in their establishments. The bill is designed to address a unique problem these folks are experiencing. It clarifies the law so these individuals can operate their businesses without fear of costly litigation. It is also important to note this bill only deals with performances which are incidental to the main purpose of the establishment. Records, tapes jukeboxes or video recordings are not covered by my bill.

Finally, this legislation would also require the performing rights societies to offer radio broadcasters a per programming period license to perform nondramatic musical works in the repertoire of the performing rights society. Currently, many specialty radio broadcasters such as religious and classical stations are forced to purchase a blanket license for radio broadcasts although they only play a small portion of the repertoire of the performing rights society. My bill would solve this problem and allow these broadcasters to pay for the copywritten music that is actually played, rather than a broad blanket fee which is unnecessary.

Mr. President, the bottom line is this legislation is designed to help small business owners solve a very difficult and confusing problem. This bill will help clarify the law and make it understandable for everyone across the Nation. The time has come to address this confusing issue and solve this problem for thousands of folks across the country.•

By Mr. GRASSLEY:

S. 1138. A bill to amend title XVIII of the Social Security Act to provide that certain health insurance policies are not duplicative, and for other purposes; to the Committee on Finance.

THE MEDICARE CONSUMER PROTECTION ACT OF 1995

• Mr. GRASSLEY. Mr. President, today I am introducing a bill which, if

enacted, would correct a serious problem created by the Medicare anti-duplication provisions contained in the Social Security Act Amendments of 1994 (P.L. 103-432) and by subsequent interpretations of those provisions by the Health Care Financing Administration.

The genesis of this problem is to be found in provisions included in OBRA 1990. Those provisions were designed to prohibit the sale of Medicare Supplemental Insurance Policies [Medigap policies] to Medicare beneficiaries already covered by another Medigap policy. Even though those provisions were clearly designed to apply only to duplicative Medigap policies, they could be interpreted, and were interpreted by many, as prohibiting the sale of any other health insurance product that might duplicate benefits available under Medicare to Medicare beneficiaries.

The Social Security Act Amendments of 1994 contained provisions designed to clarify the intent of the OBRA 1990 provisions. Unfortunately, the statute, and recent interpretations of it by the Health Care Financing Administration, have led to further confusion and potential disruption of the long term care insurance market as well as the market for other private, non-Medigap, health insurance sold to Medicare beneficiaries.

Rather than determine the extent of actual duplication, HCFA has arbitrarily deemed all private insurance to be duplicative without actual findings of Medicare duplication. A legislative correction is necessary because HCFA was fully aware of the legislative history and nevertheless issued a notice clearly in conflict with the legislative intent.

For private long term care policies, HCFA's interpretation implies that those which coordinate with Medicare are not permitted. Ironically, coordination of private long term care insurance with Medicare is consistent with an emerging national policy that duplicative coverages should be discouraged. Most of the health care reform bills that addressed long term care required such coordination. And almost all the congressional proposals that would clarify the tax treatment of long term care insurance have consistently required coordination with Medicare.

Under the 1994 amendments, hospital indemnity policies, or policies that pay benefits to policy holders upon the occurrence of a specific disease, may be sold to Medicare beneficiaries only if they contain a statement to the effect that they duplicate Medicare. However, such policies do not duplicate Medicare. State insurance commissioners have for years advised that consumers be told that such policies are not broad-based health insurance like Medicare or MediGap policies. That is, that they are not, by their very nature, a type of policy that duplicates Medicare. Furthermore, they pay a cash benefit when triggered by a specific event, such as hospitalization, or treatment for a particular disease, regardless of other coverage. Thus, the policy holder receives a direct cash payment even when the medical services received were paid by Medicare. The direct cash payment is not a payment for those medical services and may be used by the recipient for any purpose.

Any number of circumstances would lead an individual to desire such additional coverage. For instance, it is frequently the case that treatment of serious diseases generate other, out-of-pocket, expenses not covered by Medicare against which a Medicare beneficiary may wish to be protected. Or, an individual may lose wages due to hospitalization and wish to be protected against that loss.

Requiring confusing disclosure statements may discourage the sale of such policies to Medicare beneficiaries. This despite the fact that the beneficiary may be inclined to purchase such a policy, and despite the fact that the individual may clearly ultimately benefit from holding such a policy.

The bill I am introducing today to correct these problems follows a bill sponsored by Senators PACKWOOD and Bentsen (S. 2318) which passed the Senate but was vetoed as part of H.R. 11, the 1992 tax bill. And last year the Ways and Means Committee included in their version of the Health Security Act a similar "safe harbor" for policies that always pay benefits. My bill would:

Restore a "safe harbor" for those policies that always pay benefits regardless of other coverage; and

Provide a "safe harbor" for long term care and similar policies that coordinate benefits to prevent Medicare duplication.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF MEDICARE CONSUMER PROTECTION ACT OF 1995

1. Continues current Medigap rules.—Prohibits the sale of more than one Medigap policy (unless replacement). Continues current law provisions that also require signed statements from Medicare consumers before replacing Medigap policies.

2. Continues anti-duplication rules.—Prohibits "duplication" of Medicare benefits by private insurance. Continues current law provision intended to protect Medicare consumers from purchasing private insurance that duplicates Medicare.

3. Safeharbor for policies that always pay.—Continues the original 1980 safeharbor for policies that "always pay" (also follows the 1992 Bentsen-Packwood proposal, and the 1994 Rangel proposal to H.R. 3600). Permits the sale of private health insurance policies that pay benefits regardless of other coverage so Medicare consumers always receive benefits for premiums paid.

4. Safeharbor for LTC, home health, other policies.—Establishes a new safeharbor for long-term care, home-health, other similar policies that "coordinate" or offset with Medicare to prevent duplication (also requires "notice" in outline of coverage). Permits the sale of private health insurance policies covering benefits for only long-term care, nursing home, home health, community-based care, or a combination. Permits continuation of Robert Wood Johnson Partnership plans.

5. Clarifies confusing, wrong interpretation.—Removes misleading HCFA disclosure statements published in a June 12 "notice" that declares all private insurance to be "duplicative" of Medicare. The statements were established without factual findings of duplication and outside federal rulemaking requirements; will confuse beneficiaries over what really "duplicates" Medicare; will conflict with current state/NAIC disclosure rules that such policies do not supplement Medicare; and needlessly discourage choice and purchase of private health insurance supplements.

6. Clarifies Federal-State role.—Establishes duplication of Medicare as a federal issue. Provides federal penalties to be the exclusive remedy; provides exclusive federal interest in preventing Medicare duplication; and continues State regulation of all other matters relating to health insurance policies under current State law.

7. Clarifies effective date.—Establishes safeharbor (only for policies meeting standards) from legal action based on "unsettled," unintended law prior to 1995 and after 1990 drafting "error." This also: prevents frivolous lawsuits that will cost consumers and benefit only lawyers; and provides needed certainty in the marketplace due to misinterpretations of intent and law.●

By Mr. LOTT (for himself, Mr. STEVENS, Mrs. HUTCHISON, Ms. SNOWE, Mr. HOLLINGS, Mr. INOUYE, Mr. BREAUX, and Ms. MIKULSKI):

S. 1139. A bill to amend the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MARITIME REFORM AND SECURITY ACT OF 1995

Mr. LOTT. Mr. President, I am pleased to introduce the Maritime Reform and Security Act of 1995.

Maritime reform is vital to our Nation's national and economic security. From our beginning history, America has been a maritime nation reliant on secure ocean passage and transport for commerce and military strength.

From the sea battles of the American Revolution through the Persian Gulf, our seafarers and merchant marine courageously supplied and sustained our troops in combat and conflict.

The U.S. flag fleet and merchant marine carried our troops and cargo through World War I, II, Korea, Vietnam, and the Persian Gulf.

In World War II, more than 6,000 merchant mariners were killed and thousands more were wounded.

After World War II, the Supreme Allied Commander, Dwight D. Eisenhower, declared:

The officers and men of the merchant marine, by their devotion to duty in the face of enemy action, as well as the material dangers of the sea, have brought to us the tools

to finish the job. Their contribution to final victory will long be remembered.

Following the Persian Gulf, Chairman of the Joint Chiefs of Staff, Colin Powell, stated:

Since I became Chairman of the Joint Chiefs of Staff, I have to appreciate firsthand why our merchant marine has long been called the Nation's fourth arm of defense. The American seafarer provides an essential service to the well-being of the Nation, as was demonstrated so clearly during Operations Desert Shield and Desert Storm.

In relation to our Nation's economic security, Rear Adm. (Ret.) Tom Patterson recently wrote in the Journal of Commerce:

Throughout history, the Nation that ruled the seas controlled the world's economy. In their time, Egypt, Greece, Phoenicia, Carthage, and Rome, then Spain, Portugal, and Great Britain came and went as the leading naval and commercial powers. When they lost their maritime dominance, they quickly became second rate in terms of economic success and political influence.

The United States is in grave danger of going down that same road if it has not done so already. Our perceived economic decline in recent years has been accompanied by an almost suicidal approach to our maritime policy—and specifically to the future of merchant shipping under the American flag . . .

Over the last 20 years, Congress has failed to pass an effective maritime policy. As a result, we have seen a dangerous decline of the U.S. flag fleet, merchant marine, and shipbuilding.

Now, we face a situation where if we fail to act in this Congress, our national security and international competitiveness will be seriously and irreversibly harmed.

We could easily lose our U.S.-flag fleet and with it our merchant marine.

If that occurs, our military readiness and our sealift capacity will be dealt a blow.

Numerous jobs would be lost related to the maritime industry and our balance of payments and international competitiveness will suffer.

In times of international crisis or war, our historical and successful reliance on the U.S. Flag Fleet and merchant marine would come to an end.

Personally, I do not want to be a part of that. We have a sobering opportunity to do something about it. In introducing this legislation, I believe that this Congress and this administration will successfully enact maritime reform legislation.

Secretary Peña, on behalf of the administration, early this year introduced the Maritime Security Act of 1995. He continues to advocate and express the high priority that the administration places on maritime reform.

The House National Security Committee has already reported out, H.R. 1350, The Maritime Security Act of 1995.

I look forward to working with the Members of the Senate, the House, the administration as well as the carriers, shipbuilders, and labor in working to enact maritime reform in this Congress.

As I introduce this legislation, I would like to state as simply as possible what my objectives are.

I want to maintain and promote a U.S. flag fleet, built in U.S. shipyards and manned by U.S. crews in the most cost effective and flexible manner possible.

When I go home to Pascagoula, I want to see the greatest amount possible of Mississippi agricultural products—rice, cotton, soybeans, catfish, chicken and forest products and other exports moving on U.S.-flagged ships built in America.

In times of national emergency or war, I want to know that we will continue the finest tradition of the U.S. flag fleet and merchant marine—secure in the knowledge that our sealift capability is assured and confident that our troops will be supplied.

The Maritime Reform and Security Act of 1995 will help achieve these objectives by establishing a new maritime security program. The bill terminates the previous program, reducing costs by 50 percent. In its place, a more efficient and flexible program will continue the successful private commercial partnership with the Departments of Transportation and Defense. A partnership which will help promote and preserve a modern U.S. flag fleet and merchant marine and one that will serve our national security in time of war or emergency.

To promote our Nation's underlying shipbuilding infrastructure and capacity, this legislation reforms the title XI loan guarantee program. A program which effectively stimulates U.S. shipbuilding, competitiveness, and jobs.

This maritime reform legislation will promote our Nation's national and economic security. I thank my colleagues who have joined as cosponsors and look forward to working with the full Senate on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Reform and Security Act of 1995".

TITLE I—MARITIME SECURITY

SEC. 101. MARITIME SECURITY PROGRAM.

Title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1171 et seq.) is amended—

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

"TITLE VI—VESSEL OPERATING ASSISTANCE PROGRAMS

"Subtitle A—Operating-Differential Subsidy Program";

and

(2) by adding at the end the following new subtitle:

"Subtitle B—Maritime Security Fleet Program

"ESTABLISHMENT OF FLEET

"SEC. 651. (a) IN GENERAL.—The Secretary of Transportation shall establish a fleet of active, militarily useful, privately-owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The Fleet shall consist of privately owned, United States-flag vessels for which there are in effect operating agreements under this subtitle, and shall be known as the Maritime Security Fleet.

"(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if the vessel is self-propelled and—

"(1)(A) is operated by a person in that person's capacity as an ocean common carrier (as that term is used in the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.));

"(B) whether in commercial service, on charter to the Department of Defense, or in other employment, is either—

"(i) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 twenty-foot equivalent units; or

"(ii) a LASH vessel with a barge capacity of at least 75 barges; or

"(C) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency;

"(2)(A)(i) is a United States-documented vessel; and

"(ii) on the date an operating agreement covering the vessel is first entered into under this subtitle, is—

"(I) a LASH vessel that is 25 years of age or less; or

"(II) any other type of vessel that is 15 years of age or less;

except that the Secretary of Transportation may waive the application of clause (ii) if the Secretary, in consultation with the Secretary of Defense, determines that the waiver is in the national interest; or

"(B) it is not a United States-documented vessel, but the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of title 46, United States Code, if it is included in the Fleet, and the vessel will be less than 10 years of age on the date of that documentation; and

"(3) the Secretary of Transportation determines that the vessel is necessary to maintain a United States presence in international commercial shipping or, after consultation with the Secretary of Defense, determines that the vessel is militarily useful for meeting the sealift needs of the United States with respect to national emergencies.

"OPERATING AGREEMENTS

"SEC. 652. (a) IN GENERAL.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the owner or operator of the vessel enter into an operating agreement with the Secretary under this section. Notwithstanding subsection (g), the Secretary may enter into an operating agreement for, among other vessels that are eligible to be included in the Fleet, any vessel which continues to operate under an operating-differential subsidy contract under subtitle A or which is under charter to the Department of Defense.

"(b) REQUIREMENTS FOR OPERATION.—An operating agreement under this section shall require that, during the period a vessel is included in the agreement—

"(1) the vessel—

"(A) shall be operated exclusively in the foreign trade or in mixed foreign and domestic trade allowed under a registry endorsement issued under section 12105 of title 46, United States Code, and

"(B) shall not otherwise be operated in the coastwise trade; and

"(2) the vessel shall be documented under chapter 121 of title 46, United States Code.

"(c) REGULATORY RELIEF.—A contractor of a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction, and shall not be subject to any requirement under section 801, 808, 809, or 810 of this Act. Participation in the program established by this subtitle shall not subject a contractor to section 805 or to any provision of subtitle A of title VI of this Act.

"(d) EFFECTIVENESS AND ANNUAL PAYMENT REQUIREMENTS OF OPERATING AGREEMENTS.—

"(1) EFFECTIVENESS.—The Secretary of Transportation may enter into an operating agreement under this subtitle for fiscal year 1996. The agreement shall be effective only for 1 fiscal year, but shall be renewable, subject to the availability of appropriations or amounts otherwise made available, for each subsequent fiscal year through the end of fiscal year 2005. The Secretary shall renew an operating agreement under this subtitle if sufficient amounts are appropriated or otherwise made available to fund that agreement.

"(2) ANNUAL PAYMENT.—An operating agreement under this subtitle shall require, subject to the availability of appropriations and the other provisions of this section, that the Secretary of Transportation pay each fiscal year to the contractor, for each vessel that is covered by the operating agreement, an amount equal to $2,300,000 for fiscal year 1996 and $2,100,000 for each fiscal year thereafter in which the agreement is in effect. The amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

"(e) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the owner or operator of the vessel shall certify, in accordance with regulations issued by the Secretary of Transportation, that the vessel has been and will be operated in accordance with subsection (b)(1) for at least 320 days in the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

"(f) OPERATING AGREEMENT IS OBLIGATION OF UNITED STATES GOVERNMENT.—An operating agreement under this subtitle constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

"(g) LIMITATIONS.—The Secretary of Transportation shall not make any payment under this subtitle for a vessel with respect to any days for which the vessel is—

"(1) subject to an operating-differential subsidy contract under subtitle A or under a charter to the United States Government, other than a charter pursuant to section 653;

"(2) not operated or maintained in accordance with an operating agreement under this subtitle; or

"(3) more than 25 years of age, except that the Secretary may make such payments for a LASH vessel for any day for which the vessel is more than 25 years of age if that vessel—

"(A) is modernized after January 1, 1994,

"(B) is modernized before it is 25 years of age, and

"(C) is not more than 30 years of age.

"(h) PAYMENTS.—With respect to payments under this subtitle for a vessel included in an operating agreement, the Secretary of Transportation—

"(1) except as provided in paragraph (2), shall not reduce any payment for the operation of a vessel to carry military or other preference cargoes under section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 U.S.C. App. 1241-1), section 901(a), 901(b), or 901b of this Act, or any other cargo preference law of the United States;

"(2) shall not make any payment for any day that a vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 901(a), 901(b), or 901b that is bulk cargo; and

"(3) shall make a pro rata reduction in payment for each day less than 320 in a fiscal year that a vessel covered by an operating agreement is not operated in accordance with subsection (b)(1), with days during which the vessel is drydocked or under-going survey, inspection, or repair considered to be days on which the vessel is operated.

"(i) PRIORITY FOR AWARDING AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

"(1) VESSELS OWNED BY CITIZENS.—

"(A) PRIORITY.—First, for any vessel that is—

"(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

"(ii) less than 10 years of age and owned and operated by a corporation that is—

"(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing for the Secretary of Defense other vessels documented under the chapter, or chartering other vessels to the Secretary of Defense.

"(B) LIMITATION OF NUMBER OF OPERATING AGREEMENTS.—The number of vessels for which operating agreements may be entered into by the Secretary under the priority in subparagraph (A)—

"(i) for vessels described in subparagraph (A)(i), may not, for a person, exceed the sum of—

"(I) the number of United States-documented vessels the person operated in the trade described by subsection (b)(1)(A) of this section on May 17, 1995; and

"(II) the number of United States-documented vessels the person chartered to the Secretary of Defense on that date; and

"(ii) for vessels described in subparagraph (A)(ii), may not exceed 5 vessels.

"(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

"(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent that amounts are available after applying paragraph (1), any vessel that is owned and operated by a person who is—

"(A) a citizen of the United States under section 2 of the Shipping Act, 1916, that has not been awarded an operating agreement under the priority established under paragraph (1); or

"(B)(i) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(ii) affiliated with a corporation operating or managing other United States-documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

"(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any other eligible vessel.

"(j) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that operating agreement under this subtitle after notification of the Secretary, unless the transfer is disapproved by the Secretary within 90 days that the date of that notification. A person to whom an operating agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be included in the agreement after the transfer is an eligible vessel under section 651(b).

"(k) REVERSION OF UNUSED AUTHORITY.—The obligation of the Secretary to make payments under an operating agreement under this subtitle shall terminate with respect to a vessel if the contractor fails to engage in operation of the vessel for which such payment is required—

"(1) within one year after the effective date of the operating agreement, in the case of a vessel in existence on the effective date of the agreement, or

"(2) within 30 months after the effective date of the operating agreement, in the case of a vessel to be constructed after that effective date.

"(l) PROCEDURE FOR CONSIDERING APPLICATION; EFFECTIVE DATE FOR CERTAIN VESSELS.—

"(1) PROCEDURES.—No later than 30 days after the date of enactment of the Maritime Reform and Security Act of 1995, the Secretary shall accept applications for enrollment of vessels in the Fleet and, within 90 days after receipt of an application for enrollment of a vessel in the Fleet, the Secretary shall enter into an operating agreement with the applicant or provide in writing the reason for denial of that application.

"(2) EFFECTIVE DATE.—Unless an earlier date is requested by the applicant, the effective date for an operating agreement with respect to a vessel which is, on the date of entry into an operating agreement, either subject to a contract under subtitle A or on charter to the United States Government, other than a charter under section 653, shall be the expiration or termination date of the contract under subtitle A or of the Government charter covering the vessel, respectively, or any earlier date the vessel is withdrawn from that contract or charter.

"(m) EARLY TERMINATION.—An operating agreement under this subtitle shall terminate on a date specified by the contractor if the contractor notifies the Secretary, by not later than 60 days before the effective date of the termination, that the contractor intends to terminate the agreement. Vessels included in an operating agreement terminated under this subsection shall remain documented under chapter 121 of title 46, United States Code, until the date the operating agreement would have terminated according to its terms. A contractor who terminates an operating agreement pursuant to this subsection shall continue to be bound by the provisions of section 653 until the date the operating agreement would have terminated according to its terms. All terms and conditions of an Emergency Preparedness Agreement entered into under section 653

shall remain in effect until the date the operating agreement would have terminated according to its terms, except that the terms of such Emergency Preparedness Agreement may be modified by the mutual consent of the contractor and the Secretary of Transportation, in consultation with the Secretary of Defense.

"(n) TERMINATION FOR LACK OF FUNDS.—If, by the first day of a fiscal year, insufficient funds have been appropriated under the authority provided by section 655 for that fiscal year, the Secretary of Transportation shall notify the Congress that operating agreements authorized under this subtitle for which insufficient funds are available will be terminated on the 60th day of that fiscal year if sufficient funds are not appropriated or otherwise made available by that date. If funds are not appropriated under the authority provided by section 655 or otherwise made available for any fiscal year by the 60th day of that fiscal year, then each vessel included in an operating agreement under this subtitle for which funds are not available is thereby released from any further obligation under the operating agreement, the operating agreement shall terminate, and the vessel owner or operator may transfer and register such vessel under a foreign registry deemed acceptable by the Secretary of Transportation, notwithstanding any other provision of law. If section 902 is applicable to such vessel after registry under such a registry, the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902.

"(o) AWARD OF OPERATING AGREEMENTS.—

"(1) IN GENERAL.—The Secretary of Transportation, subject to paragraph (4), shall award operating agreements within each priority under subsection (i) (1), (2), and (3) under such regulations as may be prescribed by the Secretary, but the failure to promulgate such regulations shall not provide a basis for denial of an application for enrollment of a vessel in the Fleet.

"(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for operating agreements for eligible vessels within a priority under subsection (i) (1), (2), or (3), the Secretary shall award to each person, with respect to eligible vessels within such priority for which such person has submitted an application for an operating agreement, a number of operating agreements that bears approximately the same ratio to the total number of eligible vessels in the priority for which timely applications have been made as the amount of appropriations available for operating agreements for eligible vessels in the priority bears to the amount of appropriations necessary for operating agreements for all eligible vessels in the priority.

"(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

"(4) PREFERENCE FOR U.S.-BUILT VESSELS.—In awarding operating agreements for vessels within a priority under subsection (i) (1), (2), or (3), the Secretary shall give preference to a vessel that was constructed in the United States, to the extent such preference is consistent with establishment of a fleet described in the first sentence of section 651(a) (taking into account the age of the vessel, the nature of services provided by the vessel, and the commercial viability of the vessel).

"(p) NOTICE TO U.S. SHIPBUILDERS REQUIRED.—The Secretary shall include in any operating agreement under this subtitle a requirement that the contractor under the agreement shall, by not later than 30 days after soliciting any bid or offer for the construction of any vessel in a foreign shipyard and before entering into a contract for construction of a vessel in a foreign shipyard, provide notice of the intent of the contractor to enter into such a contract to the Secretary of Transportation. The Secretary shall, by appropriate means, inform shipyards in the United States capable of constructing the vessel of such notice.

"NATIONAL SECURITY REQUIREMENTS

"SEC. 653. (a) EMERGENCY PREPAREDNESS AGREEMENT.—

"(1) REQUIREMENT TO ENTER AGREEMENT.—The Secretary of Transportation shall establish an Emergency Preparedness Program under this section that is approved by the Secretary of Defense. Under the program, the Secretary of Transportation shall include in each operating agreement under this subtitle a requirement that the contractor enter into an Emergency Preparedness Agreement under this section with the Secretary. The Secretary shall negotiate and enter into an Emergency Preparedness Agreement with each contractor as promptly as practicable after the contractor has entered into an operating agreement under this subtitle.

"(2) TERMS OF AGREEMENT.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, an owner or operator of a vessel included in an operating agreement under this subtitle shall make available commercial transportation resources (including services). The basic terms of the Emergency Preparedness Agreement shall be established pursuant to consultations among the Secretary, the Secretary of Defense, and Maritime Security Program contractors. In any Emergency Preparedness Agreement, the Secretary of Transportation, in consultation with the Secretary of Defense, and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances.

"(b) RESOURCES MADE AVAILABLE.—The commercial transportation resources, including services, to be made available under an Emergency Preparedness Agreement shall include vessels or capacity in vessels, intermodal systems and equipment, terminal facilities, inter modal and management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary may determine to be necessary, seeking to minimize disruption of the contractor's service to commercial shippers.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Defense, shall provide in each Emergency Preparedness Agreement for fair and reasonable compensation for all commercial transportation resources, including services, provided pursuant to this section.

"(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

"(A) shall not be less than the contractor's commercial market charges for like transportation resources, including services;

"(B) shall include all the contractor's costs associated with provision and use of the contractor's commercial resources, including services to meet emergency requirements;

"(C) in the case of a charter of an entire vessel, shall be fair and reasonable;

"(D) shall be in addition to and shall not in any way reflect amounts payable under section 652; and

"(E) shall be provided from the time that a vessel or resource is diverted from commercial service until the time that it reenters commercial service.

"(d) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding any other provision of this subtitle or of other law to the contrary—

"(1) a contractor may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity, as a temporary replacement for a United States-documented vessel or United States-documented vessel capacity that is activated under an Emergency Preparedness Agreement; and

"(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to section 2631 of title 10 United States Code, the Act of March 26, 1934 (46 U.S.C. App. 1241-1), and sections 901(a), 901(b), and 901b of this Act to the same extent as the eligibility of the vessel or vessel capacity replaced.

"(3) REDELIVERY AND LIABILITY OF U.S. FOR DAMAGES.—

"(1) IN GENERAL.—All commercial transportation resources activated under an Emergency Preparedness Agreement shall, upon termination of the period of activation, be redelivered to the contractor in the same good order and condition as when received, less ordinary wear and tear, or the Government shall fully compensate the contractor for any necessary repair or replacement.

"(2) LIMITATION ON LIABILITY OF UNITED STATES.—Except as may be expressly agreed to in an Emergency Preparedness Agreement, or as otherwise provided by law, the Government shall not be liable for disruption of a contractor's commercial business or other consequential damages to a contractor arising from activation of commercial transportation resources, including services, under an Emergency Preparedness Agreement.

"(3) LIMITATION ON APPLICATION OF OTHER REQUIREMENTS.—Sections 902 and 909 of this Act shall not apply to a vessel while it is included in an Emergency Preparedness Agreement under this subtitle. Any Emergency Preparedness Agreement entered into by a contractor shall supersede any other agreement between that contractor and the Government for vessel availability in time of war or national emergency.

"DEFINITIONS

"SEC. 654. In this subtitle:

"(1) FLEET.—The term 'Fleet' means the Maritime Security Fleet established pursuant to section 651(a).

"(2) LASH VESSEL.—The term 'LASH vessel' means a lighter aboard ship vessel.

"(3) UNITED STATES-DOCUMENTED VESSEL.—The term 'United States-documented vessel' means a vessel documented under chapter 121 of title 46, United States Code.

"(4) BULK CARGO.—The term 'bulk cargo' means cargo that is loaded and carried in bulk without mark or count.

"(5) CONTRACTOR.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary of Transportation under section 652.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 655. There are authorized to be appropriated for operating agreements under this subtitle, to remain available until expended, $100,000,000 for fiscal year 1996 and such sums as may be necessary, not to exceed $100,000,000, for each fiscal year thereafter through fiscal year 2005.".

SEC. 102. TERMINATION OF OPERATING-DIFFERENTIAL SUBSIDY PROGRAM.

(a) LIMITATION ON PAYMENTS FOR OLDER VESSELS.—Section 605(b) of the Merchant

Marine Act, 1936 (46 U.S.C. App. 1175(b)), is amended to read as follows:

"(b) No operating-differential subsidy shall be paid for the operation of a vessel after the calendar year the vessel becomes 25 years of age, unless the Secretary of Transportation has determined, before the date of enactment of the Maritime Reform and Security Act of 1995, that it is in the public interest to grant such financial aid for the operation of such vessel.".

(b) WIND-UP OF PROGRAM.—Subtitle A of such Act (46 U.S.C. App. 1171 et seq.), as designated by the amendment made by section 2(1), is further amended by adding at the end the following new section:

"SEC. 616. (a) After the date of enactment of the Maritime Reform and Security Act of 1995, the Secretary of Transportation shall not enter into any new contract for operating-differential subsidy under this subtitle.

"(b) Notwithstanding any other provision of this Act, any operating-differential subsidy contract in effect under this title on the day before the date of enactment of the Maritime Reform and Security Act of 1995 shall continue in effect and terminate as set forth in the contract, unless voluntarily terminated at an earlier date by the parties (other than the United States Government) to the contract.

"(c) The essential service requirements of section 601(a) and 603(b), and the provisions of sections 605(c) and 809(a), shall not apply to the operating-differential subsidy program under this subtitle effective upon the earlier of—

"(1) the date that a payment is made, under the Maritime Security Program established by subtitle B to a contractor under that subtitle who is not party to an operating-differential subsidy contract under this subtitle, with the Secretary to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

"(2) with respect to a particular contractor under the operating-differential subsidy program, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B.

"(d)(1) Notwithstanding any other provision of law, a vessel may be transferred and registered under a foreign registry deemed acceptable by the Secretary of Transportation if—

"(A) the operator of the vessel receives an operating-differential subsidy pursuant to a contract under this subtitle which is in force on October 1, 1994, and the Secretary approves the replacement of such vessel with a comparable vessel, or

"(B) the vessel is included in an operating agreement under subtitle B, and the Secretary approves the replacement of such vessel with a comparable vessel for inclusion in the Maritime Security Fleet established under subtitle B.

"(2) Any such vessel may be requisitioned by the Secretary of Transportation pursuant to section 902.".

SEC. 103. NONCONTIGUOUS DOMESTIC TRADES.

(a)(1) Except as otherwise provided in this section, no contractor or related party shall receive payments pursuant to this subtitle during a period when it participates in a noncontiguous domestic trade, except upon written permission of the Secretary of Transportation. Such written permission shall also be required for any material change in the number or frequency of sailings, the capacity offered, or the domestic ports called by a contractor or related party in a noncontiguous domestic trade. The Secretary may grant such written permission pursuant to written application of such contractor or related party unless the Secretary finds that—

(A) existing service in that trade is adequate; or

(B) the service sought to be provided by the contractor or related party—

(i) would result in unfair competition to any other person operating vessels in such non-contiguous domestic trade, or

(ii) would be contrary to the objects and policy of this Act.

(2) For purposes of this subsection, "written permission of the Secretary" means permission which states the capacity offered, the number and frequency of sailings, and the domestic ports called, and which is granted following—

(A) written application containing the information required by paragraph (e)(1) by a person seeking such written permission, notice of which application shall be published in the Federal Register within 15 days of filing of such application with the Secretary;

(B) holding of a hearing on the application under section 554 of title 5, United States Code, in which every person, firm or corporation having any interest in the application shall be permitted to intervene and be heard; and

(C) final decision on the application by the Secretary within 120 days following conclusion of such hearing.

(b) Subsection (a) shall not apply in any way to provision by a contractor of service within the level of service provided by that contractor as of the date established by subsection (c) or to provision of service permitted by subsection (d).

(c) The date referred to in subsection (b) shall be August 9, 1995, provided, however, that with respect to tug and barge service to Alaska the date referred to in subsection (b) shall be July 1, 1992.

(d) A contractor may provide service in a trade in addition to the level of service provided as of the applicable date establish by subsection (c) in proportion to the annual increase in real gross product of the noncontiguous State or Commonwealth served since the applicable date established by subsection (c).

(e)(1) A person applying for award of an agreement under this subtitle shall include with the application a description of the level of service provided by that person in each noncontiguous domestic trade served as of the date applicable under subsection (c). The application also shall include, for each such noncontiguous domestic trade: a list of vessels operated by that person in such trade, their container carrying capacity expressed in twenty-foot equivalent units (TEUs) or other carrying capacity, the itinerary for each such vessel, and such other information as the Secretary may require by regulation. Such description and information shall be made available to the public. Within 15 days of the date of an application for an agreement by a person seeking to provide service pursuant to subsection (b) and (c) of this section, the Secretary shall cause to be published in the Federal Register notice of such description, along with a request for public comment thereon. Comments on such description shall be submitted to the Secretary within 30 days of publication in the Federal Register. Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in whole or part, or rejecting use of the applicant's description to establish the level of service provided as of the date applicable under subsection (e), provided that notwithstanding the provisions of this subsection, processing of the application for an award of an agreement shall not be suspended or delayed during the time in which comments may be submitted with respect to the determination or during the time prior to issuance by the Secretary of the required determination, and provided further, that if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the description of the level of service provided by the applicant shall be deemed to be the level of service provided as of the applicable date until such time as the Secretary makes the determination.

(2) No contractor shall implement the authority granted in subsection (d) of this section except as follows—

(A) An application shall be filed with the Secretary which shall state the increase in capacity sought to be offered, a description of the means by which such additional capacity would be provided, the basis for applicant's position that such increase in capacity would be in proportion to or less than the increase in real gross product of the relevant noncontiguous State or Commonwealth since the applicable date established by subsection (c), and such information as the Secretary may require so that the Secretary may accurately determine such increase in real gross product of the relevant noncontiguous State or Commonwealth.

(B) Such increase in capacity sought by applicant and such information shall be made available to the public.

(C) Within 15 days of the date of an application pursuant to this paragraph the Secretary shall cause to be published in the Federal Register notice of such application, along with a request for public comment thereon.

(D) Comments on such application shall be submitted to the Secretary within 30 days of publication in the Federal Register.

(E) Within 15 days after receipt of comments, the Secretary shall issue a determination in writing either accepting, in whole or part, or rejecting, the increase in capacity sought by the applicant as being in proportion to or less than the increase in real gross product of the relevant non-contiguous State or Commonwealth since the applicable date established by subsection (c), provided that, notwithstanding the provisions of this section, if the Secretary does not make the determination required by this paragraph within the time provided by this paragraph, the increase in capacity sought by applicant shall be permitted as being in proportion to or less than such increase in real gross product until such time as the Secretary makes the determination.

(f) With respect to provision by a contractor of service in a noncontiguous domestic trade not authorized by this section, the Secretary shall deny payments under the operating agreement with respect to the period of provision of such service but shall deny payments only in part if the extent of provision of such unauthorized service was de minimis or not material.

(g) Notwithstanding any other provision of this subtitle, the Secretary may issue temporary permission for any United States citizen, as that term is defined in section 2 of the Shipping Act, 1916, to provide service to a noncontiguous State or Commonwealth upon the request of the Governor of such noncontiguous State or Commonwealth, in circumstances where an Act of God, a declaration of war or national emergency, or

any other condition occurs that prevents ocean transportation service to such noncontiguous State or Commonwealth from being provided by persons currently providing such service. Such temporary permission shall expire 90 days from date of grant, unless extended by the Secretary upon written request for the Governor of such State or Commonwealth.

(h) As used in this section:

(1) "level of service provided by a contractor" in a trade as of a date means—

(A) with respect to service other than service described in (B), the total annual capacity provided by the contractor in that trade for the 12 calendar months preceding that date, provided that, with respect to unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle and points in the contiguous 48 States, the level of service provided by a contractor shall include 100 percent of the capacity of the equipment dedicated to such service on the date specified in subsection (c) and actually utilized in that service in the two-year period preceding that date, excluding service to points between Anchorage, Alaska and Whittier, Alaska served by common carrier service unless such scheduled service is only for carriage of oil or pursuant to a contract with the United States military, and provided further that, with respect to scheduled barge service between the contiguous 48 states and Puerto Rico, such total annual capacity shall be deemed as such total annual capacity plus the annual capacity of two additional barges, each capable of carrying 185 trailers and 100 automobiles; and

(B) With respect to service provided by container vessels, the overall capacity equal to the sum of—

(i) 100 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate solely in that noncontiguous domestic trade; and

(ii) 75 percent of the capacity of vessels operated by or for the contractor on that date, with the vessels' configuration and frequency of sailing in effect on that date, and which participate in that noncontiguous domestic trade and in another trade, provided that the term does not include any restriction on frequency, or number of sailings, or on ports called within such overall capacity.

(2) The level of service set forth in paragraph (1) shall be described with the specificity required by subsection (e)(1) and shall be the level of service in a trade with respect to the applicable date established by subsection (c) only if the service is not abandoned thereafter, except for interruptions due to military contingency or other events beyond the contractor's control.

(3) "Participates in a noncontiguous domestic trade" means directly or indirectly owns, charters, or operates a vessel engaged in transportation of cargo between a point in the contiguous 48 states and a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle.

(4) "Related party" means—

(A) a holding company, subsidiary, affiliate, or associate of a contractor who is a party to an operating agreement under subtitle A of title VI of the Merchant Marine Act, 1936; and

(B) an officer, director, agent, or other executive of a contractor or of a person referred to in subparagraph (A).

TITLE II—OPERATING FLEXIBILITY AND REGULATORY RELIEF

SEC. 201. OPERATIONAL FLEXIBILITY.

(a) IN GENERAL.—Section 804 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1222) is amended by adding at the end the following new subsection:

"(f) The provisions of subsection (a) shall not preclude a contractor receiving assistance under subtitle A or B of title VI, or any holding company, subsidiary, or affiliate of the contractor, or any officer, director, agent, or executive thereof, from—

"(1) owning, chartering, or operating any foreign-flag vessel on a voyage or a segment of a voyage that does not call at a port in the United States;

"(2) owning, chartering, or operating any foreign-flag vessel in line haul service between the United States and foreign ports if—

"(A) the foreign-flag vessel was owned, chartered, or operated by, or is a replacement for a foreign-flag vessel owned, chartered, or operated by, such owner or operator, or any holding company, subsidiary, affiliate, or associate of such owner or operator, on the date of enactment of the Maritime Reform and Security Act of 1995;

"(B) the owner or operator, with respect to each additional foreign-flag vessel, other than a time chartered vessel, has first applied to have that vessel included in an operating agreement under subtitle B of title VI, and the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the filing of the application; or

"(C) the vessel has been placed under foreign documentation pursuant to section 9 of the Shipping Act, 1916 (46 U.S.C. App. 808) or section 616(d) or 652(n) of this Act, except that any foreign-flag vessel, other than a time chartered vessel, a replacement vessel under section 653(d), or a vessel owned, chartered, or operated by the owner or operator on the date of enactment of the Maritime Reform and Security Act of 1995, in line haul service between the United States and foreign ports is registered under the flag of a foreign registry deemed appropriate by the Secretary of Transportation, and available to be requisitioned by the Secretary of Transportation pursuant to section 902 of this Act;

"(3) owning, chartering, or operating foreign-flag bulk cargo vessels that are operated in foreign-to-foreign service or the foreign commerce of the United States;

"(4) chartering or operating foreign-flag vessels that are operated solely as replacement vessels for United States-flag vessels or vessel capacity that are made available to the Secretary of Defense pursuant to section 653 of this Act; or

"(5) entering into time or space charter or other cooperative agreements with respect to foreign-flag vessels or acting as agent or broker for a foreign-flag vessel or vessels.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to a contractor under subtitle B of title VI of the Merchant Marine Act, 1936, as amended by this Act, upon enactment of this Act, and shall apply to a contractor under subtitle A of title VI of that Act, upon the earlier of—

(1) the date that a payment is made, under the Maritime Security Program under subtitle B of that title to a contractor under subtitle B of that title who is not party to an operating-differential subsidy contract under subtitle A of that title, with the Secretary of Transportation to cause notice of the date of such payment to be published in the Federal Register as soon as possible; or

(2) with respect to a particular contractor under the operating-differential subsidy program under subtitle A of that title, the date that contractor enters into a contract with the Secretary under the Maritime Security Program established by subtitle B of that title.

SEC. 202. REGISTRATION REFORM.

Section 9 of the Shipping Act, 1916 (46 U.S.C. App. 808) is amended by adding at the end the following:

"(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary of Transportation under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

"(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

"(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

"(2)(A) an application for an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 has been filed with respect to a vessel which is eligible to be included in the Maritime Security Fleet under section 651(b)(1) of that Act; and

"(B) the Secretary has not awarded an operating agreement with respect to that vessel within 90 days after the date of that application;

"(3) a contract covering the vessel under subtitle A of title VI of the Merchant Marine Act, 1936 has expired, and that vessel is more than 15 years of age on the date the contract expires; or

"(4) an operating agreement covering the vessel under subpart B of title VI of the Merchant Marine Act, 1936 has not been renewed.".

SEC. 203. RESTRICTION REMOVAL.

Title V of the Merchant Marine Act, 1936 (46 U.S.C. App. 1151 et seq.) is amended by adding at the end the following new section:

"SEC. 512. LIMITATION ON RESTRICTIONS.

"Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.".

SEC. 204. VESSEL STANDARDS.

(a) A liner vessel which is not documented under chapter 121 of title 46, United States Code, on the date of enactment of this Act and which the Secretary of Transportation determines to meet the criteria of section 651(b) of the Merchant Marine Act, 1936, shall be eligible for a certificate of inspection if it is eligible under chapter 121 of title 46, United States Code, to be documented as a United States-flag vessel after the Secretary determines that—

(1) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping or other classification society accepted by the Secretary; and

(2) the vessel complies with applicable international agreements and associated guidelines, as determined by the requirements of the country in which the vessel was registered prior to documentation in the United States if, at the time the Secretary makes those determinations, that country has not been identified by the Secretary as inadequately enforcing international vessel regulations.

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(b) A vessel documented as a United States-flag vessel under this section continues to be eligible for a certificate of inspection by complying with the applicable international agreements and associated guidelines.

(c) The Secretary may rely upon a certification from the American Bureau of Shipping or other classification society accepted by the Secretary to establish that a vessel is in compliance with the requirements of subsection (a) and (b).

(d) As used in this section, "liner vessel" means a cargo carrying vessel which is not a tank vessel and which is either a roll-on/roll-off vessel, a containership, a LASH vessel, or a vessel which is operated in ocean common carriage within the meaning of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), or if not employed in such service, determined by the Secretary to be capable of employment in such service.

TITLE III—LOAN GUARANTEES AND SHIP REPAIR

SEC. 301. TITLE XI LOAN GUARANTEES.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended—

(1) in section 1101(b), by striking "owned by citizens of the United States";

(2) in section 1104B(a), in the material preceding paragraph (1), by striking "owned by citizens of the United States"; and

(3) in section 1110(a), by striking "owned by citizens of the United States".

SEC. 302. VESSEL LOAN GUARANTEE PROGRAM.

(a) RISK FACTOR DETERMINATIONS.—Section 1103 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1273) is amended by adding at the end the following new subsection:

"(h)(1) The Secretary shall—

"(A) establish in accordance with this subsection a system of risk categories for obligations guaranteed under this title, that categorizes the relative risk of guarantees made under this title with respect to the risk factors set forth in paragraph (3); and

"(B) determine for each of the risk categories a subsidy rate equivalent to the average annual cost of obligations in the category, expressed as a percentage of the average annual aggregate amount guaranteed under this title for obligations in the category.

"(2)(A) Before making a guarantee under this section for an obligation, the Secretary shall apply the risk factors set forth in paragraph (3) to place the obligation in a risk category established under paragraph (1)(A).

"(B) The Secretary shall consider the aggregate amount available to the Secretary for making guarantees under this title to be reduced by the amount determined by multiplying—

"(i) the amount guaranteed under this title for an obligation, by

"(ii) the subsidy rate for the category in which the obligation is placed under subparagraph (A) of this paragraph.

"(C) The estimated long-term cost to the Government of a guarantee made by the Secretary under this title for an obligation is deemed to be the amount determined under subparagraph (B) for the obligation.

"(D) The Secretary may not guarantee obligations under this title after the aggregate amount available to the Secretary under appropriations Acts for the cost of loan guarantees is required by subparagraph (B) to be considered reduced to zero.

"(3) The risk factors referred to in paragraphs (1) and (2) are the following:

"(A) If applicable, the country risk for each eligible export vessel financed or to be financed by an obligation.

"(B) The period for which an obligation is guaranteed or to be guaranteed.

"(C) The portion of an obligation, which is guaranteed or to be guaranteed, in relation to the total cost of the project financed or to be financed by the obligation.

"(D) The financial condition of an obligor or applicant for a guarantee.

"(E) If applicable, any guarantee under this title for an associated project.

"(F) If applicable, the projected employment of each vessel or equipment to be financed with an obligation.

"(G) If applicable, the projected market that will be served by each vessel or equipment to be financed with an obligation.

"(H) The collateral provided for a guarantee for an obligation.

"(I) The management and operating experience of an obligor or applicant for a guarantee.

"(J) Whether a guarantee is or will be in effect during the construction period of the project financed with the proceeds of a guaranteed obligation.

"(4) In this subsection, the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).".

(b) APPLICATION.—Subsection (h)(2) of section 1103 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1273), as amended by subsection (a) of this section, shall apply to guarantees that the Secretary of Transportation makes or commits to make with amounts that are unobligated on or after the date of enactment of this Act.

(c) GUARANTEE FEES.—Section 1104A(e) of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1274(e)) is amended to read as follows:

"(e)(1) Except as otherwise provided in this subsection, the Secretary shall prescribe regulations to assess in accordance with this subsection a fee for the guarantee of an obligation under this title.

"(2)(A) The amount of a fee under this subsection for a guarantee is equal to the sum determined by adding the amounts determined under subparagraph (B) for the years in which the guarantee is in effect.

"(B) The amount referred to in subparagraph (A) for a year is the present value (determined by applying the discount rate determined under subparagraph (F)) of the amount determined by multiplying—

"(i) the estimated average unpaid principal amount of the obligation that will be outstanding during the year (determined in accordance with subparagraph (E)), by

"(ii) the fee rate established under subparagraph (C) for the obligation for each year.

"(C) The fee rate referred to in subparagraph (B)(ii) for an obligation shall be—

"(i) in the case of an obligation for a delivered vessel or equipment, not less than one-half of 1 percent and not more 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D); or

"(ii) in the case of an obligation for a vessel to be constructed, reconstructed, or reconditioned, or of equipment to be delivered, not less than one-quarter of 1 percent and not more than one-half of 1 percent, determined by the Secretary for the obligation under the formula established under subparagraph (D).

"(D) The Secretary shall establish a formula for determining the fee rate for an obligation for purposes of subparagraph (C), that—

"(i) is a sliding scale based on the creditworthiness of the obligor;

"(ii) takes into account the security provided for a guarantee under this title for the obligation; and

"(iii) uses—

"(I) in the case of the most creditworthy obligors, the lowest rate authorized under subparagraph (C) (i) or (ii), as applicable; and

"(II) in the case of the least creditworthy obligors, the lowest rate authorized under subparagraph (C) (i) or (ii), as applicable.

"(E) For purposes of subparagraph (B)(i), the estimated average unpaid principal amount does not include the average amount (except interest) on deposit in a year in the escrow fund under section 1108.

"(F) For purposes of determining present value under subparagraph (B) for an obligation, the Secretary shall apply a discount rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding obligations of the United States having periods to maturity comparable to the period to maturity for the obligation with respect to which the determination of present value is made.

"(3) A fee under this subsection shall be assessed and collected not later than the date on which amounts are first advanced under an obligation with respect to which the fee is assessed.

"(4) A fee paid under this subsection is not refundable. However, an obligor shall receive credit for the amount paid for the remaining term of guaranteed obligation if the obligation is refinanced and guaranteed under this title after such refinancing.

"(5) The amount guaranteed by the Secretary under this title shall include the amount of the fee paid under this subsection.".

(d) FISHING VESSEL LOAN GUARANTEES.—Notwithstanding any other provision of law, for purposes of section 1101(n) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271(n)), the Secretary of Transportation shall be deemed the "Secretary" with respect to loan guarantee applications to finance the construction, reconstruction, or reconditioning of fishing vessels intended for the export commerce. Any fishing vessel financed with a Department of Transportation export loan guarantee shall be prohibited from engaging in any fishery within the United States exclusive economic zone.

SEC. 303. VESSEL REPAIR AND MAINTENANCE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a pilot program to evaluate the feasibility of using long-term contracts for the maintenance and repair of outported vessels in the Ready Reserve Force to enhance the readiness of those vessels. Under the pilot program, the Secretary, subject to the availability of appropriations and within 6 months after the date of the enactment of this Act, shall award 9 contracts for this purpose.

(b) USE OF VARIOUS CONTRACTING ARRANGEMENTS.—In conducting a pilot program under this section, the Secretary of Transportation shall use contracting arrangements similar to those used by the Department of Defense for procuring maintenance and repair of its vessels.

(c) CONTRACT REQUIREMENTS.—Each contract with a shipyard under this section shall—

(1) subject to subsection (d), provide for the procurement from the shipyard of all repair and maintenance (including activation, deactivation, and drydocketing) for 1 vessel in the Ready Reserve Force that is outported in the geographical vicinity of the shipyard; and

(2) be effective for 3 years.

(d) LIMITATION OF WORK UNDER CONTRACTS.—A contract under this section may not provide for the procurement of operation or manning for a vessel that may be procured under another contract for the vessel to which section 11(d)(2) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774(d)(2)) applies.

(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall seek to distribute contract awards under this section to shipyards located throughout the United States.

(f) REPORTS.—The Secretary shall submit to the Congress—

(1) an interim report on the effectiveness of each contract under this section in providing for economic and efficient repair and maintenance of the vessel included in the contract, no later than 20 months after the date of the enactment of this Act; and

(2) a final report on that effectiveness no later than 6 months after the termination of all contracts awarded pursuant to this section.

TITLE IV—MISCELLANEOUS

SEC. 401. MERCHANT MARINER BENEFITS.

(a) Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"11202. Documentation of qualified service

"(a) The Secretary shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal Government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) The Secretary shall take action on an application under subsection (a) not later than one year after the Secretary receives the application.

"(c) In making a determination under subsection (a)(1), the Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) An official of the Federal Government who is requested to correct service records under subsection (a)(2) shall do so.

"11203. Eligibility for certain veterans' benefits

"(a) The qualified service of an individual who—

"(1) receives an honorable discharge certificate under section 11202 of this title, and

"(2) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs, is deemed to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(b) The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date on which this chapter takes effect.

"11204. Processing fees

"(a) The Secretary shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) Amounts received by the Secretary under this section shall be credited to appropriations available to the Secretary for carrying out this chapter.".

(b) The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant Mariner Benefits 11201".

SEC. 402. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 U.S.C. App. 1131) is amended by inserting after section 301 the following new section:

"SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

"(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

"(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

"(1) determine whether or not the individual—

"(A) was employed in the activation or operation of a vessel—

"(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946, in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

"(ii) that is requisitioned or purchased under section 902 of this Act; or

"(iii) that is owned, chartered, or controlled by the United States and used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

"(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

"(2) if the Secretary makes affirmative determinations under paragraph (1) (A) and (B), certify that individual under this subsection.

"(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in paragraph (1) of section 4301(a) of title 38, United States Code.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after the date of enactment of this Act.

(c) REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

SEC. 403. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294) is amended by striking "June 30, 1995" and inserting "June 30, 2000".

SEC. 404. AMENDMENT TO THE MERCHANT SHIP SALES ACT.

Section 11(b)(2) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)(2)) is amended by striking "Secretary of the Navy," and inserting "Secretary of Defense,".

SEC. 405. REPORTING REQUIREMENT REDUCTION.

Section 308(c) of title 49, United States Code, is amended by inserting "even-numbered" after "each".

• Mr. HOLLINGS. Mr. President, I support this legislation to revitalize and stabilize our maritime industry. It is long past time for legislation to stop the flight away from the U.S. flag. The United States has a long and honorable maritime heritage and tradition, but we are facing the prospect that our maritime industry might only be heritage and tradition and not part of our future.

The United States relies on ocean transportation for international trade purposes, and also to protect our national security interests. The continued presence of an active maritime industry ensures that the United States will not have to rely on the kindness of other nations to achieve important national objectives.

The United States is the world's only remaining superpower, but we could be put in the position of sending U.S. troops into war with the promise that we would supply them, provided that the Department of Defense (DOD) can charter vessels willing to deliver cargo into the war zone. This position would be simply unacceptable. Ironically, DOD has spent billions of dollars in the construction of surge sealift vessels,

and billions of dollars in maintaining a Reserve Fleet of vessels. However, DOD has neglected the most important component in marine transportation: who will navigate those ships and deliver the cargo. The commercial U.S.-flag industry provides a labor pool of experienced personnel capable of contributing to any defense logistical support need.

Attempts to formulate a maritime reform bill over the years have had bipartisan support, and I look forward to continued efforts with my colleagues to revitalize our maritime industry.●

● Mr. INOUYE. Mr. President, I take this opportunity to congratulate Senator LOTT for his fine work in drafting a maritime bill with bipartisan support. I look forward to working with him to complete the effort that we initiated last year to reform our maritime laws, and look forward to the enactment of legislation preserving our maritime industrial base.

The United States has a long and illustrious maritime history from the privateer fleet of the early eighteenth century, to the fast clipper ships of the mid-eighteenth century, to the incredible buildup of Liberty and Victory ships so integral to our victory in World War II. In the past, when we called on the U.S. merchant marine, they delivered the goods.

Absent some Government action, we are facing the prospect of not being able to call on the merchant marine again. For years, we have heaped requirements on the U.S.-flag operators. These requirements have made it more expensive to operate as U.S. flag. Meanwhile, foreign-flag competitors have been allowed to take advantage of regulatory regimes that have less stringent safety, tax, and labor law requirements.

The United States is the world's only remaining super power. However, we may be facing the prospect of having to charter foreign-flag vessels for U.S. military support. This may put us in the position of hoping that the next military conflict is internationally supported and provides an opportunity for the safe transportation of foreign-flag chartered vessels. The Department of Defense has spent billions of dollars building up a reserve fleet of cargo vessels. Unfortunately, a policy to cost-effectively crew those vessels has not been developed. As I speak, U.S. marines on Ready Reserve Force vessels are performing transportation missions in support of Operation Quick Lift, the United States Government's contribution to the United Nations Reaction Force for Bosnia, while under fire in Croatia. I question whether foreign shipping interests would be interested in evacuating military personnel and supplies from the war zone.

Without the passage of this legislation we will be facing the prospect of relying on foreign shipping to achieve our national security and economic security objectives.●

By Mr. EXXON (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 1140. A bill to amend title 49, United States Code, to terminate the Interstate Commerce Commission and establish the United States Transportation Board within the Department of Transportation, and to redistribute necessary functions within the Federal Government, reduce legislation, achieve budgetary savings, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERSTATE COMMERCE COMMISSION SUNSET ACT OF 1995

● Mr. EXON. Mr. President, I introduce landmark legislation to eliminate the Interstate Commerce Commission (ICC) and to transfer its responsibilities to the independent United States Transportation Board (USTB) which will be organized under the U.S. Department of Transportation.

This bill builds on successful legislation I introduced in recent years to bring fairness, efficiency and productivity to the transportation sector. The Negotiated Rates Act, for example, approved in 1993 has already saved American businesses billions of dollars in so-called undercharge claims and litigation, by relieving small businesses and charities of undercharge liability and providing for fair and expeditious settlement of all other undercharge claims. In addition, the Trucking Regulatory Reform Act of 1994 enacted dramatic and revolutionary federal regulatory reform in truck and bus transportation. These measures combined with the intra-state truck rate and route deregulation provision contained in the 1994 Airport Improvement Program Reauthorization bill represent a body of law which comprises one of the most important, dramatic, productive and meaningful regulatory reforms in modern times.

As a long time defender and supporter of an independent Interstate Commerce Commission, I introduce this legislation with some sadness because as one of the few Members of Congress with regular contact with America's oldest independent regulatory agency, I know well the dedication, commitment, and hard work of the Commission and all of its employees. In a different time, with different fiscal realities, it might have been possible to maintain a strong independent regulatory agency.

That being said, I introduce this legislation with a great deal of pride and enthusiasm. Not only is this legislation a tribute and compliment to earlier efforts made by the Congress to introduce competition into the bus, truck, and rail sectors through the Bus Act, the Motor Carrier Act, and the Staggers Act, this legislation opens a new chapter in Federal transportation policy.

Mr. President, this bill can serve as a model for other agencies to achieve the efficiencies that the people demand, but also do the work that the people expect.

One might ask why there is a need for a successor agency to the ICC. Simply put, if there were no forum to resolve disputes, oversee standard contract terms, review rail mergers and abandonments, establish national standards, and assure fair treatment for shippers and communities America's great, efficient, and productive surface transportation sector will spin into chaos. Each State would develop its own rules and transportation companies would become entangled in needless, complicated litigation. The United States Transportation Board (USTB) will assure that there is continuity in transportation policy.

The new USTB—an independent board within the Department of Transportation will continue to be the fair referee between shippers, carriers and communities. It will provide interested parties one stop shopping and administer a significantly streamlined body of law which would assure that the public interest is protected in transportation policy.

This transfer of responsibility and streamlining of authority will reduce costs both to taxpayers and the private sector and assure that key transportation safety responsibilities do not "fall between the cracks."

I am hopeful that this legislation represents only a first step to even greater consolidation and efficiency of transportation regulation and dispute resolution. My vision for the new USTB is that it become a fair forum for all modes of transportation. I strongly support the incorporation of the Federal Maritime Commission's (FMC's) duties into the responsibilities of the USTB as well as aviation dispute resolution duties administered by the Federal Aviation Administration (FAA).

Senator INOUYE is the Senate's leading expert on maritime issues and I look forward to working with him and others to promote this intermodal concept.

In a real sense, the introduction of this legislation represents the first step in a long journey but a necessary one.

Mr. President, our nation takes for granted the blessings of America's great transportation system. Every part of the nation has accessible transportation service. As the Congress continues its efforts to keep regulation to the minimum necessary to protect the public interest, let us not forget what a valuable asset we have and how critically important it is that the Congress carefully choose the correct course.

I urge my colleagues to study this proposal and look forward to working

with members from both sides of the aisle to assure that the Congress continue its responsible modernization of American transportation policy.●

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1141. A bill to authorize appropriations for the activities of the Under Secretary of Commerce for Technology, and for scientific research services and construction of research facilities activities of the National Institute of Standards and Technology, for fiscal years 1996, 1997, and 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT OF 1995

Mr. PRESSLER. Mr. President, I rise to introduce the Technology Administration Authorization Act of 1995. I am pleased to have Senator BURNS, chairman of the Subcommittee on Science, Technology, and Space, join me as an original cosponsor. This bill provides a 3-year authorization for the Commerce Department's Technology Administration and its National Institute of Standards and Technology [NIST]. Specifically, the bill provides $755 million for fiscal year 1996 and $750 million for each of fiscal years 1997 and 1998 for those programs.

As part of our effort to streamline the Department of Commerce, the fiscal year 1996 authorization for the Commerce Department's Technology Administration represents a 13-percent cut from the fiscal year 1995 level of $864 million. To that end, the bill also directs the Department to establish a plan for eliminating the largely redundant Office of Technology Policy during fiscal year 1996, transferring any essential functions to NIST. The bill also makes substantial cuts in funding for the Technology Administration. However, with the exception of the Office of Technology Policy, the bill continues all of the Technology Administration's major programs.

With regard to NIST, the bill provides $750 million for each of fiscal years 1996, 1997, and 1998. This authorization is a 12-percent cut from the fiscal year 1995 level of $854 million. The bill provides $263 million for the NIST internal research programs and standards activities. NIST's standards work may be its most important function. Increasingly, standards are being used by foreign governments to close their markets to U.S. industries. There is little question that standards will become an increasingly potent trade weapon used to hinder market entry by U.S. firms or retaliate against the United States. In recognition of this, the bill fully funds NIST's lab and standards programs from fiscal year 1996 through fiscal year 1998 at their fiscal year 1995 funding level.

The bill also provides strong support for NIST's Industrial Technology Services [ITS] account, which funds the agency's Advanced Technology Program and the manufacturing extension partnership. The bill authorizes $427 million a year from fiscal year 1996 through fiscal year 1998 for the ITS account, a cut of 19 percent from the fiscal year 1995 appropriation of $526 million.

The bill leaves it to the discretion of the agency how to allocate funding among ATP, MEP, and the quality programs within the ITS account. However, the bill makes clear it does not authorize any funding for ATP grants after October 1, 1995. This limitation reflects the belief that, since it was first funded in fiscal year 1990, the ATP has grown too big, too fast, without demonstrating clear benefits to U.S. industry. Many critics of ATP have rightly pointed out that, too often, ATP grants have gone to Fortune 500 companies like IBM, Dupont, and Texas Instruments instead of the small high-technology ventures for which the ATP was intended.

Regardless of the merits of the program, I believe that ATP-type grant programs cannot boost U.S. competitiveness alone. Rather, they must be a part of a larger national strategy including appropriate deregulation, tax incentives, and antitrust and product liability reform. Accordingly, the bill only authorizes support for existing grants while Congress has a chance to evaluate more closely the value of ATP in our competitiveness strategy.

To conduct quality research, you need quality facilities. In that connection, the bill also provides $60 million for each of the 3 fiscal years for the construction of facilities account to fund needed new construction and renovation at NIST.

Mr. President, it is disturbing to this Senator that less populated States, like South Dakota, have had difficulty getting any help from NIST in the area of manufacturing assistance. I know of at least two instances in my home State where attempts to obtain assistance from NIST have fallen on deaf ears. If these programs are continued in any form, they must benefit the entire country and not just high-technology corridors or revitalized Rust Belt areas in the East and West. To that end, the bill authorizes $10 million in fiscal year 1996 and $15 million in fiscal year 1997 and fiscal year 1998 for a new program at NIST called the Experimental Program to Stimulate Competitive Technology [EPSCOT]. Modeled after similar programs at the National Science Foundation and other science agencies, EPSCOT will provide grants for research and outreach work in rural States like my home State of South Dakota. Indeed, at our August 1 Commerce Committee hearing on the future of the Commerce Department, Secretary Brown endorsed the idea of starting an EPSCOT program at NIST. Our rural States want to contribute to the technological revolution. EPSCOT will help them do so.

Finally, Mr. President, the bill would make technical changes to the Fastener Quality Act recommended by the Fastener Advisory Committee. In 1992, the Fastener Advisory Committee determined that implementing the act in its present form—without these changes—would have imposed costs close to $1 billion on the industry. The changes address the concerns of the Fastener Advisory Committee regarding metal chemistry testing, commingling of fasteners in distribution, and acceptance of nonconforming fasteners. For the past 3 years, NIST has delayed its implementation of the current law in the hope that Congress would correct the glaring problems in the current law. The specific language in the bill was developed by NIST and the fastener industry. The fastener-related provisions in this bill are similar to changes passed by the Senate, but not enacted, in 1994 as part of the National Competitiveness Act.

As chairman of the Senate Commerce Committee, I believe that by providing a 3-year authorization, our bill lends strength and stability to the Department of Commerce's important technology and research programs. At the same time, because of the tight budget environment we face, the bill forces the Technology Administration to carry out its goals and missions with less funding than before. I am hopeful the reduced funding level will motivate the Department of Commerce to eliminate unnecessary functions such as the Office of Technology Policy and operate more efficiently while ensuring all America has the opportunity to benefit from its programs. If we are going to reinvent the programs of the Commerce Department, the Technology Administration is an excellent starting point. This bill starts us on that path.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. BURNS, and Mr. BREAUX):

S. 1142. A bill to authorize appropriations for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1995

Mr. PRESSLER. Mr. President, today I am introducing the National Oceanic and Atmospheric Administration Authorization Act of 1995. This bill provides a 3-year authorization for the National Oceanic and Atmospheric Administration [NOAA]. Specifically, the bill provides $1.81 billion for FY96 $2.02 billion for FY97, and $2.03 billion for FY98. I am pleased to have join me as original cosponsors on this legislation: Senator HOLLINGS, Ranking Member of the Commerce Committee and Senators STEVENS, BURNS, and BREAUX.

One of my goals in developing this legislation was to review current programs to see if they could be restructured while improving their functions. Over the last several months, I have heard people calling for major changes at the Department of Commerce. As Chairman of the Committee on Commerce, Science, and Transportation, I conducted a hearing on August 1, 1995, and invited Secretary of Commerce Ronald Brown to testify. His comments, as well as others', have helped in developing a bill that answers that call. This bill downsizes bureaucracy. It consolidates duplicative programs. It transfers functions to other agencies that can manage them better. It terminates unnecessary programs. Overall, the bill is a 7-percent decrease from the FY95 appropriations level of $1.95 billion and a 14-percent decrease from the Administration's FY96 request.

The mission of NOAA is to explore, map, and chart the global ocean and its living resources as well as to manage, use, and conserve these resources; to describe, monitor, and predict conditions in the atmosphere, ocean, sun, and space environments; to issue warnings against impending destructive natural events; to assess the consequences of inadvertent environmental modification over several scales of time; and to manage and disseminate long-term environmental information.

Mr. President, as a Senator representing an agricultural state, I cannot overstate the importance of NOAA's weather warnings and forecasts to our farmers and ranchers. My colleagues on the Commerce Committee who represent coastal states also know the great value of weather warnings as well as the value of NOAA's ocean and fishery programs. Therefore, I believe that the core functions of NOAA need to stay together as a single entity. The National Oceanic and Atmospheric Administration Authorization Act of 1995 authorizes just such an entity.

Mr. President, let me outline the specifics of the bill:

TITLE I: NOAA ATMOSPHERIC AND SATELLITE PROGRAMS

Section 101 authorizes the operations and research activities of the National Weather Service (NWS) at $477,207,000 (FY96), $491,523,000 (FY97), and $484,278,000 (FY98). These activities include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

Section 102 authorizes $131,335,000 (FY96), $222,000,000 (FY97), and $225,500,000 (FY98) to develop, acquire, and implement public warning and forecast systems. These systems include: (1) the Next Generation Weather Radar (NEXRAD), which use Doppler technology to provide more accurate forecasts and warnings; (2) the Automated Surface Observing Systems (ASOS), which will relieve NWS staff from the manual collection of weather observations; (3) the Advanced Weather Interactive Processing System (AWIPS), which will provide NWS meteorologists with integrated radar, satellite, and ground data for the first time; and (4) the Advanced Computer Technology to enable the development of improved computer weather forecast models.

Section 103 authorizes $113,252,000 (FY96), $115,918,000 (FY97), and $119,396,000 (FY98) for NOAA to carry out its climate and air quality research activities. It continues support for NOAA programs designed to develop the capability to predict interannual (year-to-year) and seasonal climate changes over North America and improves NOAA's ability to do long-term climate and air quality research and high performance computing.

Section 104 authorizes $46,850,000 for each of FY96, FY97, and FY98 for atmospheric research activities. These activities include efforts to improve observational and predictive capabilities for atmospheric processes, with special emphasis on solar disturbances and their effects on the Earth.

Section 105 authorizes $449,000,000 for FY96 and $535,000,000 in each of FY97 and FY98 for the operation of NOAA's current geostationary (GOES) weather satellites and for NOAA's polar orbiting (POES) environmental satellites as well as for NOAA's related ground station systems. The bill also authorizes funds for the ongoing procurement and launch of replacement satellites. The weather satellites support the forecast and warning activities of the NWS. The environmental satellites are used for global change monitoring and research, for the monitoring of distress signals over land and sea through the Search and Rescue Satellite Aided Tracking (SARSAT) program, and for the monitoring of driftnets in the North Pacific.

Section 106 authorizes $40,000,000 for each of the three fiscal years for NOAA's data and information products, services, and assessments. These climate, ocean, geophysical, and environmental data services are used by all of NOAA's programs.

Section 107 describes the four core responsibilities of the National Weather Service (NWS) in its duty of protecting life and property and enhancing the national economy as: (1) the sole official source of weather warnings; (2) the issuance of storm warnings; (3) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and (4) the preparation of hydrometeorological guidance and core forecast information.

Section 108 authorizes the procurement of up to four additional Geostationary Operational Environmental NEXT (GOES I-M) satellites and support systems from the developer of previous GOES-NEXT satellites.

Finally, section 109 amends the Land Remote Sensing Act of 1992 to direct the Landsat Program Management Member to retain fees collected from foreign ground stations, and for Landsat 7 data sales to offset the system's operating costs. It also directs the Secretary of Commerce (the Secretary) to examine how NOAA might procure and operate its Landsat 7 ground segment in a more inexpensive fashion. It authorizes Landsat 7 operations at $10,000,000 annually.

TITLE II: NOAA OCEAN AND COASTAL PROGRAMS

Section 201 authorizes $44,917,000 (FY96), $47,652,000 (FY97), and $46,265,000 (FY98) for the National Ocean Service's (NOS) mapping, charting, and geodesy activities, including geodetic data collection and analysis. Observation and assessment activities are authorized at $66,591,000 (FY96), $68,589,000 (FY97), and $70,646,000 (FY98), of which $10,943,000 (FY96), $11,271,000 (FY97), and $11,609,000 (FY98) are authorized for Coastal Ocean Program (COP) activities. The COP efforts contribute to three major elements of NOAA's strategic plan by improving: prediction and knowledge of factors influencing our abilities to build and maintain sustainable fisheries; prediction of coastal hazards to protect human life and personal property; and prediction of coastal ocean pollution to help correct and prevent degradation.

Section 202 authorizes $9,506,000 (FY96), $9,791,000 (FY97), and $10,085,000 (FY98) for Ocean and Great Lakes research activities.

Section 203 authorizes not more than $53,300,000 (FY96), $54,899,000 (FY97), and $56,546,000 (FY98) for the National Sea Grant College Program. This funding goes to the network of 29 Sea Grant institutions engaged in research, education, and advisory/extension services.

Section 204 authorizes a maximum of $12,000,000 (FY96), $12,360,000 (FY97), and $12,731,000 (FY98) for the National Undersea Research Program's (NURP) undersea research activities. These funds are to be used only to fund the ongoing operations of existing undersea research centers, each of which is to receive, at a minimum, thirteen percent of annual appropriations made under this section.

Finally, section 205 authorizes programs under the Coastal Zone Management Act. Specifically, monies for Protection of Coastal Waters (section 6217) are authorized at $5,000,000 for each of FY96, FY97, and FY98. Grants for developing coastal zone management programs (section 305) are authorized not to exceed $750,000 per grant in each of FY96, FY97, and FY98. Those grants for funding, improving, and enhancing coastal zone programs (section 305, 306A, and 309 grants) are authorized not to exceed $45,500,000 (FY96), $46,865,000

(FY97), and $48,271,000 (FY98). The section also authorizes amounts not to exceed $3,350,000 (FY96), $3,451,000 (FY97), and $3,554,000 (FY98) for section 315 grants (National Estuarine Research Reserves), and such sums, not to exceed $10,000,000 per fiscal year, for FY96, FY97, and FY98 for section 310 (Technical Assistance) grants. Authorization for expenses incident to administering the Coastal Zone Program are limited to the lesser of either $5,000,000 or eight percent of the total appropriated amount under this Act, with the additional restriction that administrative monies are not be used to augment grants made under other sections of this Act.

TITLE III: NOAA MARINE FISHERIES PROGRAMS

Section 301 authorizes a total of $99,928,000 (FY96), $102,926,000 (FY97), and $106,014,000 (FY98) for NOAA National Marine Fisheries Service (NMFS) Programs. This includes $49,340,000 (FY96), $50,820,000 (FY97), and $52,345,000 (FY98) for Fisheries Information, Collection, and Analysis; $28,183,000 (FY96), $29,028,000 (FY97), and $29,899,000 (FY98) for Fisheries Conservation and Management, and $22,405,000 (FY96), $23,077,000 (FY97), and $23,769,000 (FY98) for State and Industry Cooperative Fisheries Programs.

Section 302 authorizes the construction of a fisheries research facility at Fort Johnson, South Carolina and the consolidation of fishery research facilities on Auke Cape near Juneau, Alaska.

Finally, section 303 provides reform to the fisheries loan guarantee program by limiting the loan amount to no more than $25,000,000 annually and by prohibiting these loans for vessels that will increase harvesting capacity within the U.S. exclusive economic zone.

TITLE IV: PROGRAM ADMINISTRATION AND SUPPORT

Section 401 authorizes $72,847,000 (FY96), $75,032,000 (FY97), and $77,283,000 (FY98) for executive direction and administrative activities. Acquisition, construction, maintenance, and operation of NOAA facilities are authorized at $54,163,000 for each of FY96, FY97, and FY98. Marine services activities, including ship operations, maintenance, and support are authorized at $60,000,000 for each of FY96, FY97, and FY98. Aircraft service activities, including aircraft operations, maintenance, and support are authorized at $9,500,000 for each of FY96, FY97, and FY98.

Section 402 requires the Secretary to reduce the Full Time Equivalents (FTEs) of NOAA by at least 2,318 from the FY93 FTE base. This 16 percent reduction is to be completed by the end of FY99. This section also calls for the reduction of active duty officers of the NOAA Commissioned Officer Corps and additional language to facilitate that downsizing.

TITLE V: COST SAVINGS AND STREAMLINING

Section 501 transfers the NOAA Aeronautical Charting and Cartography Office's responsibilities for functions that are necessary or incidental for performance by or under the Administration of the Federal Aviation Administration (FAA) to the FAA.

Section 502 directs the Secretary to review regulations issued by NOAA prior to January 1, 1995 and to reduce the volume by 45 percent by December 31, 1997.

Section 503 requires the Secretary to submit a revised fleet modernization plan to the appropriate committees of the Senate and the House of Representatives. The plan should include proposals for a 50 percent reduction from the current fleet size, including the elimination of three existing vessels in fiscal year 1997 and three in fiscal year 1998; a 50 percent reduction from the construction costs submitted in the 1993 fleet modernization plan; the use of chartering and contracting out; and the sale of decommissioned vessels where feasible.

Section 504 directs the Secretary to review all congressionally mandated reporting requirements and to recommend legislation by March 31, 1996 to eliminate at least 50 percent of such reporting requirements that were in effect on January 1, 1995.

Section 505 authorizes the Secretary to develop a laboratory consolidation plan for underutilized facilities.

Section 506 authorizes the Secretary to convey the NMFS Gloucester, Massachusetts laboratory to the Commonwealth of Massachusetts for use by the Commonwealth's Division of Marine Fisheries resource management program. The Secretary is authorized to enter into a memorandum of understanding with the Commonwealth to allow NMFS to continue to occupy part of the laboratory for a period not to exceed five years. A reversionary clause is included.

Section 507 includes a provision authorizing the Secretary of Commerce to execute agreements with State and local governments to clean up land and property formerly owned by NOAA on the Pribilof Islands, Alaska.

Finally, section 508 requires amounts received by the United States in settlement of, or judgment for, damage claims arising from a past accident where a moored NOAA vessel was hit by another vessel to be deposited as offsetting collections in the NOAA Operations, Research, and Facilities account. Such funds may not exceed $518,757.09.

Mr. President, I would like to commend the ranking member, Senator HOLLINGS, for his assistance in the development of this bill. Our desire to work in a bipartisan fashion does indeed help in providing the best work product possible.

I also would like to commend the efforts of Senator STEVENS and Senator BURNS, the respective Chairmen of our Oceans and Fisheries Subcommittee and our Science, Technology, and Space Subcommittee, and their Ranking Members Senator KERRY and Senator ROCKEFELLER. Working together we can restore some of the needed fiscal austerity to our Federal Government—making it smaller, less costly, yet more efficient. This bill moves us in that direction.

Mr. STEVENS. Mr. President, I am pleased to join Senators PRESSLER and HOLLINGS in introducing the National Oceanic and Atmospheric Administration Authorization Act of 1995.

The bill reauthorizes for three years a number of NOAA programs under the jurisdictions of the Senate Subcommittee on Oceans and Fisheries (which I chair) and Senate Subcommittee on Science, Technology and Space (chaired by Senator BURNS).

The bill proposes significant reductions to the size and cost of NOAA which will help in meeting the massive reductions in Federal spending that we must achieve.

Even with the proposed reductions, however, I believe the legislation will strengthen NOAA and the programs within NOAA that have functioned very well together.

The bill mandates that NOAA reduce its overall workforce by 2,318 by the end of FY1999. This represents a 17-percent reduction from the FY93 level.

It requires a 50-percent reduction in the size of the NOAA research fleet over the next 10 years, including the decommissioning of at least 6 vessels within the next two years, which will represent a 25-percent reduction in the first two years.

The bill allows NOAA to partially make up for this reduction in fleet capability through charters with private vessels.

The bill also requires that the proposed cost of modernizing the vessels that are kept in the fleet be reduced by 50 percent.

The bill authorizes the National Undersea Research Program (NURP) for the first time, but caps this program at $12 million per year, which is $6 million less than was appropriated by Congress in FY95.

We've required that NOAA transfer its aeronautical charting functions to the Federal Aviation Administration to eliminate the duplication of functions between these two agencies.

The bill would require the Administrator of NOAA to identify and eliminate all redundant or obsolete regulations issued by the agency within the next two years.

The bill calls on NOAA to review all Congressionally-mandated reporting requirements, and to recommend legislation by March of 1996 to reduce these reporting requirements by 50 percent.

Many of the reports that Congress has required of NOAA are no longer

beneficial yet we have not discontinued them.

The bill calls on NOAA to prepare a plan by March of 1996 to consolidate its laboratories to eliminate duplicative functions and to reduce costs.

The bill would cap the amount of fishing vessel and fishing facility loans that NOAA can guarantee, and allows the agency to pay for the administrative costs of the Fishing Vessel Obligation Guarantee Program with the percentage fees that are already being charged to loan guarantee recipients.

The bill would prohibit new loan guarantees for the construction of fishing vessels if the construction of the vessel would increase the harvesting capacity within the U.S. exclusive economic zone.

A provision has been included in the bill at my request to allow NOAA to consolidate its personnel and functions in Juneau, Alaska under one roof.

NOAA does not currently have its own facility in Juneau, and this new facility will help the agency save the cost of leasing space in various Juneau buildings over the long run.

The new facility can only be built if NOAA does not have to pay for the property it is built on.

The bill also authorizes the Secretary of Commerce to clean up property formerly owned by NOAA on the Pribilof Islands.

Our proposal will allow for the continued modernization of the National Weather Service and the vital functions provided by that agency.

The bill authorizes 12 percent less in fiscal year 1996 that was requested in the Administration's fiscal year 1996 NOAA budget.

In fiscal years 1997 and 1998, the amount authorized for NOAA will increase slightly to cover the out-year costs of the NWS modernization.

I urge my colleagues to support the quick passage of this legislation when we return from the August recess.

By Mr. HATCH:

S. 1143. A bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP ACT AMENDMENT ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce S. 1143, a bill to amend the Food Stamp Act to allow participants to use food stamp benefits to purchase dietary supplements.

This is a slightly broader measure than the McConnell-Harkin bill just introduced today, which I also am pleased to support.

My legislation would allow purchases with food stamps of all dietary supplements, including vitamins, minerals, herbs, and amino acids. The McConnell bill, companion to Chairman EMERSON's H.R. 236 in the House, would cover vitamins and minerals only.

If we are to allow food stamps purchases of vitamins and minerals, which I agree is a good idea, I feel it is also wise to cover all dietary supplements.

There is ample evidence to show the nutritional benefits of dietary supplements. I direct my colleagues' attention to Senate Report 103-410, which accompanied the Dietary Supplement Health and Education Act [DSHEA] in which we provided abundant references for such studies.

Americans use dietary supplements to ensure that their basic nutritional requirements are met, to support their health during periods of special risk, and to help protect against chronic disease.

In fact, studies have shown that more than 100 million Americans regularly use dietary supplements.

Increasingly, Americans are using herbal supplements to enhance their diets with substances found in plants and vegetables. Modern diets lack many novel constituents found only in herbal products. In addition, research has shown that many foodstuffs and substances found in human tissues and cells, such as amino acids, also contain compounds beneficial to health.

Mr. President, there is an ample body of evidence to show that Americans simply are not consuming healthy diets, and this is true for children, women, and men.

In one Government study of the eating habits of more than 21,000 people, not a single person got the full recommended daily allowance of 10 key vitamins and minerals.

Many other studies have shown that the poor and elderly in our country are especially likely to have low nutrient intakes, often with significant health consequences. For example, a 1992 study by a world-renowned authority on immune function reported that giving a modest multivitamin with minerals to a group of men and women over the age of 65 for a period of 1 year cut the number of sick days in this group in half compared to an unsupplemented group.

Perhaps the best example is folic acid, which the Food and Drug Administration steadfastly resisted revealing to America's women as a significant protector against birth defects in newborns.

For this reason, I think it is entirely appropriate, indeed warranted, that any participant in the Food Stamp Program who wants to improve his or her health be allowed to purchase dietary supplements.

I know that some are concerned that allowing food stamps to be used for nutritional supplements will in some way divert from the purpose of the Food Stamp Program, which is to improve the nutrition of people in need.

In fact, at a July 25 hearing before the House Agriculture Subcommittee on Department Operations, in arguing against the Emerson bill, a representative of the United Fresh Fruit and Vegetable Association [UFFVA] testified that "The fundamental purpose of the Food Stamp Program is to provide to people in need purchasing power to buy foods."

I would suggest that the Congress has already recognized that dietary supplements are considered food, and I direct the UFFVA to section 3 of the Dietary Supplement Health and Education Act of 1994—Public Law 103-417—which clearly reiterates that dietary supplements are to be considered as foods within the meaning of the Federal Food, Drug and Cosmetic Act. I would also question what the purpose is in allowing people in need to purchase foods if not to improve their nutrition? And improving nutrition is the goal of the legislation we are introducing today.

Another witness at the House hearing, Ms. Yvette Jackson, Deputy Administrator of the Food Stamp Program at the Department of Agriculture, said that "Substituting supplements for food weakens the time-honored link between nutrition benefits and agricultural production, a link that this Committee has traditionally fought to preserve." It is interesting to find that the Agriculture Department seems to consider food stamps an agricultural price support, rather than a nutritional support.

I have found from my study of this issue over the years that people who use dietary supplements are often those who are most interested in improving or maintaining their health. I think this shows that food stamps which are used to buy dietary supplements would go for good use.

Mr. President, one final point. Many supporters of this legislation point out that, at present, food stamps can be used to purchase so-called junk food.

Given the choice between a Twinkie or a vitamin, I hope that the vitamin would win out every time.

But that is not a choice afforded to participants of the Food Stamp Program.

Only through legislation such as that we are introducing today can this deficiency in the Food Stamp Program be corrected. I invite my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the dietary patterns of Americans do not result in nutrient intakes that fully meet Recommended Dietary Allowances (RDAs) of vitamins and minerals;

(2) the elderly often fail to achieve adequate nutrient intakes from diet alone;

(3) pregnant women have particularly high nutrient needs, which they often fail to meet through dietary means alone;

(4)(A) many scientific studies have shown that nutritional supplements that contain folic acid (a B vitamin) can prevent as many as 60 to 80 percent of neural tube birth defects;

(B) the Public Health Service, in September 1992, recommended that all women of childbearing age in the United States who are capable of becoming pregnant should consume 0.4 mg of folic acid per day for the purpose of reducing their risk of having a pregnancy affected with spina bifida or other neural tube birth defects; and

(C) the Food and Drug Administration has also approved a health claim for folic acid to reduce the risk of neural tube birth defects;

(5) infants who fail to receive adequate intakes of iron may be somewhat impaired in their mental and behavioral development; and

(6) a massive volume of credible scientific evidence strongly suggests that increasing intake of specific nutrients over an extended period of time may be helpful in protecting against diseases or conditions such as osteoporosis, cataracts, cancer, and heart disease.

SEC. 2. AMENDMENT OF THE FOOD STAMP ACT OF 1977.

Section 3(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)(1)) is amended by striking "or food product" and inserting ", food product, or dietary supplement (as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)))".

ADDITIONAL COSPONSORS

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 924

At the request of Mr. GREGG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 924, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, to impose a surcharge on short-term capital gains, and for other purposes.

S. 948

At the request of Mr. DORGAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 959

At the request of Mr. HATCH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Idaho [Mr. CRAIG], the Senator from Tennessee [Mr. FRIST], the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. STEVENS], the Senator from Tennessee [Mr. THOMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Texas [Mr. GRAMM], the Senator from Wyoming [Mr. SIMPSON], the Senator from Delaware [Mr. ROTH], the Senator from Colorado [Mr. CAMPBELL], the Senator from Ohio [Mr. DEWINE], the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. LOTT], the Senator from Missouri [Mr. ASHCROFT], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Colorado [Mr. BROWN], the Senator from Wyoming [Mr. THOMAS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. GREGG], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1115

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1115, a bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the longstanding dispute regarding Cyprus.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

AMENDMENT NO. 2280

At the request of Mr. DOLE the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of amendment No. 2280 proposed to H.R. 4, a bill to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence.

AMENDMENT NO. 2296

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment No. 2296 proposed to H.R. 1977, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF THE INTERIOR APPROPRIATIONS ACT FOR FISCAL YEAR 1996

CRAIG (AND BURNS) AMENDMENT NO. 2303

Mr. CRAIG (for himself and Mr. BURNS) proposed an amendment to 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; as follows:

At the appropriate place, insert the following:

SEC. .

Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "twenty" and inserting "40";

(B) in paragraph (3), by striking "ten" and inserting "20";

(C) in paragraph (4), by striking "if damage exceeding $10,000 to the property of any individual results," and inserting "if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,"; and

(D) in paragraph (4), by striking "ten" and inserting "20";

(2) in subsection (c) by striking "ten" and inserting "20";

(3) in subsection (d), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

(C) adding at the end the following:

"(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

"(A) detecting a hazardous or injurious device; or

"(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a)."; and

(4) by adding at the end thereof the following:

"(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.".

JEFFORDS (AND OTHERS) AMENDMENT NO. 2304

Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. SIMPSON, Mr. PELL, Mr. BUMPERS, Mr. KENNEDY, Mr. DODD, Mr. LAUTENBERG, Mr. AKAKA, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 2, line 11, strike "$565,936,000" and insert "$564,938,000".

On page 2, line 24, strike "$27,650,000" and insert "$27,273,000".

On page 3, line 5, strike "$565,936,000" and insert "$564,938,000".

On page 3, line 11, insert before the period at the end thereof the following: ": *Provided further*, That not more than $44,879,000 of the total amount appropriated under this heading shall be used for administrative support for work force and organizational support".

On page 9, line 23, strike "$496,978,000" and insert "$496,792,000".

On page 10, line 19, insert before the period at the end thereof the following: ": *Provided further*, That not more than $13,442,000 of the total amount appropriated under this heading shall be used for general administration and for the Central Office Administration of the Fish and Wildlife Service".

On page 16, line 13, strike "$145,965,000" and insert "$145,762,000".

On page 17, line 14, insert before the period at the end thereof the following: ": *Provided further*, That not more than $14,655,000 of the total amount appropriated under this heading shall be used for the administration of the Natural Resource Science Agency".

On page 21, line 22, strike "$577,503,000" and insert "$577,157,000".

On page 24, line 13, insert before the period at the end thereof the following: ": *Provided further*, That not more than $25,027,000 of the total amount appropriated for the United States Geological Survey shall be used for the general administration of the United States Geological Survey".

On page 24, line 23, strike "$182,169,000" and insert "$181,725,000".

On page 26, line 14, insert before the period at the end thereof the following: ": *Provided further*, That not more than $32,099,000 of the amount appropriated shall be used for administrative operations and general administration and for the Minerals Management Service".

On page 27, line 10, strike "$132,507,000" and insert "$132,216,000".

On page 28, line 6, insert before the period at the end thereof the following: ": *Provided further*, That not more than $21,024,000 of the amount appropriated shall be used for the general administration of the Bureau of Mines".

On page 28, line 14, strike "$95,470,000" and insert "$95,316,000".

On page 29, line 6, insert before the period at the end thereof the following: ": *Provided further*, That not more than $11,135,000 of the amount appropriated under this heading shall be used for the general administration of the Office of Surface Mining Reclamation and Enforcement".

On page 29, line 12, strike "$170,441,000" and insert "$170,374,000".

On page 30, line 17, insert before the period at the end thereof the following: ": *Provided further*, That not more than $4,820,000 of the amount appropriated under this heading shall be used for the general administration of the Abandoned Mine Reclamation Fund".

On page 66, line 15, strike "$1,256,043,000" and insert "$1,252,291,000".

On page 67, line 3, insert before the period at the end thereof the following: ": *Provided further*, That not more than $271,248,000 of the amount appropriated under this heading shall be used for the general administration of the National Forest System for the Department of Agriculture".

On page 77, line 9, strike "$376,181,000" and insert "$376,027,000".

On page 77, line 12, insert before the period at the end thereof the following: ": *Provided further*, That not more than $11,167,000 of the amount appropriated under this heading shall be used for headquarters program direction and fossil energy research and development for the Department of Energy".

On page 78, line 3, strike "$146,028,000" and insert "$135,938,000".

On page 78, line 7, insert before the period at the end thereof the following: ": *Provided further*, That not more than $6,510,000 of the amount appropriated under this heading shall be used for the program direction of the Naval Petroleum Reserve for the Department of Energy".

On page 78, line 10, strike "$576,976,000" and insert "$576,661,000".

On page 79, line 2, insert before the period at the end thereof the following: ": *Provided further*, That not more than $22,741,000 of the amount appropriated under this heading shall be used for the technical and financial assistance management for energy conservation for the Department of Energy".

On page 95, line 19, strike "$82,259,000" and insert "$92,753,000".

On page 96, line 23, strike "$96,494,000" and insert "$92,000,000".

On page 97, line 21, strike "$21,000,000" and insert "$22,000,000".

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds authorized to be appropriated pursuant to this Act may be used to promote, disseminate, sponsor or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion."

At the appropriate place, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, sponsor, or produce materials or performances that depict or describe, in a patently offensive way, sexual or excretory activities or organs."

BINGAMAN (AND OTHERS) AMENDMENT NO. 2305

Mr. BINGAMAN (for himself, Mr. PELL, and Mr. SIMON) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 135, line 25, insert before the period at the end thereof the following: ", National Heritage Fellowship, or American Jazz Masters Fellowship".

SIMON (AND OTHERS) AMENDMENT NO. 2306

Mr. SIMON (for himself, Mr. MCCAIN, Ms. MOSELEY-BRAUN, and Mr. PELL) proposed an amendment to the bill H.R. 1977, supra; as follows:

AMENDMENT 2306

At the end of the bill, insert the following:

TITLE ___—NATIONAL AFRICAN AMERICAN MUSEUM

SEC. ___01. SHORT TITLE.

This title may be cited as the "National African American Museum Act".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the National Park System and other Federal entities are inadequate;

(2) the inadequate presentation and preservation of African American life, art, history, and culture seriously restrict the ability of the people of the United States, particularly African Americans, to understand themselves and their past;

(3) African American life, art, history, and culture include the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99-511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African Americans and the contributions made by African Americans to the society of the United States; and

(6) the Smithsonian Institution operates 15 museums and galleries, a zoological park, and 5 major research facilities, none of which is a national institution devoted solely to African American life, art, history, or culture.

SEC. ___03. ESTABLISHMENT OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

(a) ESTABLISHMENT.—There is established within the Smithsonian Institution a Museum, which shall be known as the "National African American Museum".

(b) PURPOSE.—The purpose of the Museum is to provide—

(1) a center for scholarship relating to African American life, art, history, and culture;

(2) a location for permanent and temporary exhibits documenting African American life, art, history, and culture;

(3) a location for the collection and study of artifacts and documents relating to African American life, art, history, and culture;

(4) a location for public education programs relating to African American life, art, history, and culture; and

(5) a location for training of museum professionals and others in the arts, humanities, and sciences regarding museum practices related to African American life, art, history, and culture.

SEC. ___04. LOCATION AND CONSTRUCTION OF THE NATIONAL AFRICAN AMERICAN MUSEUM.

The Board of Regents is authorized to plan, design, reconstruct, and renovate the Arts and Industries Building of the Smithsonian Institution to house the Museum.

SEC. ___05. BOARD OF TRUSTEES OF THE MUSEUM.

(a) ESTABLISHMENT.—There is established in the Smithsonian Institution the Board of Trustees of the National African American Museum.

(b) COMPOSITION AND APPOINTMENT.—The Board of Trustees shall be composed of 23 members as follows:

(1) The Secretary of the Smithsonian Institution.

(2) An Assistant Secretary of the Smithsonian Institution, designated by the Board of Regents.

(3) Twenty-one individuals of diverse disciplines and geographical residence who are committed to the advancement of knowledge of African American art, history, and culture, appointed by the Board of Regents, of whom 9 members shall be from among individuals nominated by African American museums, historically black colleges and universities, and cultural or other organizations.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 3 years. Members of the Board of Trustees may be reappointed.

(2) STAGGERED TERMS.—As designated by the Board of Regents at the time of initial appointments under paragraph (3) of subsection (b), the terms of 7 members shall expire at the end of 1 year, the terms of 7 members shall expire at the end of 2 years, and the terms of 7 members shall expire at the end of 3 years.

(d) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(e) NONCOMPENSATION.—Except as provided in subsection (f), members of the Board of Trustees shall serve without pay.

(f) EXPENSES.—Members of the Board of Trustees shall receive per diem, travel, and transportation expenses for each day, including travel time, during which such members are engaged in the performance of the duties of the Board of Trustees in accordance with section 5703 of title 5, United States Code, with respect to employees serving intermittently in the Government service.

(g) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority vote of the members of the Board of Trustees.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

(j) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Board of Trustees may accept for the Board of Trustees voluntary services provided by a member of the Board of Trustees.

SEC. ___06. DUTIES OF THE BOARD OF TRUSTEES OF THE MUSEUM.

The Board of Trustees shall—

(1) recommend annual budgets for the Museum;

(2) consistent with the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for additions to the endowment of the Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Museum;

(C) establish policy with respect to the utilization of the collections of the Museum; and

(D) establish policy regarding programming, education, exhibitions, and research, with respect to the life and culture of African Americans, the role of African Americans in the history of the United States, and the contributions of African Americans to society;

(3) consistent with the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Museum;

(B) solicit funds for the Museum and determine the purposes to which such funds shall be used;

(C) approve expenditures from the endowment of the Museum, or of income generated from the endowment, for any purpose of the Museum; and

(D) consult with, advise, and support the Director in the operation of the Museum;

(4) establish programs in cooperation with other African American museums, historically black colleges and universities, historical societies, educational institutions, and cultural and other organizations for the education and promotion of understanding regarding African American life, art, history, and culture;

(5) support the efforts of other African American museums, historically black colleges and universities, and cultural and other organizations to educate and promote understanding regarding African American life, art, history, and culture, including—

(A) the development of cooperative programs and exhibitions;

(B) the identification, management, and care of collections;

(C) the participation in the training of museum professionals; and

(D) creating opportunities for—

(i) research fellowships; and

(ii) professional and student internships;

(6) adopt bylaws to carry out the functions of the Board of Trustees; and

(7) report annually to the Board of Regents on the acquisition, disposition, and display of African American objects and artifacts and on other appropriate matters.

SEC. ___07. DIRECTOR AND STAFF.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution, in consultation with the Board of Trustees, shall appoint a Director who shall manage the Museum.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Secretary of the Smithsonian Institution may—

(1) appoint the Director and 5 employees of the Museum, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) fix the pay of the Director and such 5 employees, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

SEC. ___08. DEFINITIONS.

For purposes of this title:

(1) ARTS AND INDUSTRIES BUILDING.—The term "Arts and Industries Building" means the building located on the Mall at 900 Jefferson Drive, S.W. in Washington, the District of Columbia.

(2) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(3) BOARD OF TRUSTEES.—The term "Board of Trustees" means the Board of Trustees of the National African American Museum established in section ___05(a).

(4) MUSEUM.—The term "Museum" means the National African American Museum established under section ___03(a).

SEC. ___09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary only for costs directly relating to the operation and maintenance of the Museum.

SNOWE (AND COHEN) AMENDMENT NO. 2307

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. COHEN) submitted an amendment intended to be proposed by her to the bill H.R. 1977, supra; as follows:

On page 18, line 17, strike "$38,051,000" and insert "$38,093,500".

On page 19, line 26, strike "$43,230,000" and insert "$43,187,500".

REID (AND OTHERS) AMENDMENT NO. 2308

Mr. REID (for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 9, lines 23 through 25, strike "$496,978,000, to remain available for obligation until September 30, 1997," and insert "$501,478,000, to remain available for obligation until September 30, 1997, of which not less than $3,800,000 shall be made available for prelisting activities, $18,297,000 shall be made available for consultation activities, and $36,500,000 shall be made available for recovery activities, and".

On page 27, line 10, strike "$132,507,000" and insert "$128,007,000".

On page 27, line 11, before the period, insert the following: ": *Provided*, That none of the reduction below the FY 1996 budget request shall be applied to the health and safety budget activity".

HELMS AMENDMENT NO. 2309

Mr. HELMS proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 10, line 19, strike the word "Act." and insert: "Act: *Provided*, That no monies appropriated under this act shall be used to implement and carry out the Red Wolf reintroduction program and that the amount appropriated under this paragraph shall be reduced by $968,000."

BINGAMAN (AND OTHERS) AMENDMENT NO. 2310

Mr. BINGAMAN (for himself, Mr. INOUYE, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 89, line 8, strike "$54,660,000" and insert "$81,341,000".

On page 136, between lines 12 and 13, insert the following:

SEC. 3 . PRO RATA REDUCTION.

The amounts provided in this Act, not required for payments by law, are reduced by 2 percent on a pro rata basis. The reduction required by this section shall be made in a uniform manner for each program, project, or activity provided in this Act.

BYRD AMENDMENT NO. 2311

Mr. GORTON (for Mr. BYRD) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 30, line 17, before the period, insert the following: ": *Provided further*, That funds made available to States under Title IV of Public Law 95-87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act".

CRAIG AMENDMENT NO. 2312

Mr. GORTON (for Mr. CRAIG) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 118, between lines 2 and 3, insert the following:

"(7) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.".

JEFFORDS AMENDMENT NO. 2313

Mr. GORTON (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 1977, supra; as follows:

At the appropriate place (end of p. 136) add the following new section:

Public Law 94-158 is modified to extend the scope of the Arts and Artifacts Indemnity Act to include exhibitions originating in the United States and touring the United States for indemnification subject to the availability of funds.

KYL AMENDMENT NO. 2314

Mr. GORTON (for Mr. KYL) proposed an amendment to the bill, H.R. 1977, supra; as follows:

On page 31, line 15, strike "$997,221,000" and insert "$997,534,000".

On page 31, line 16, after "which" insert the following: "$962,000 shall be used for the continued operation of the Indian Arts and Crafts Board and an amount".

On page 43, line 1, strike "$58,109,000" and insert "$57,796,000".

McCAIN AMENDMENT NO. 2315

Mr. GORTON (for Mr. McCAIN) proposed an amendment to the bill, H.R. 1977, supra; as follows:

On page 77, line 12, before the period, insert the following: ": *Provided further*, That any new project start funded under this heading shall be substantially cost-shared with a private entity to the extent determined appropriate by the Secretary of Energy".

SNOWE (AND COHEN) AMENDMENT NO. 2316

Mr. GORTON (for Ms. SNOWE, for herself and Mr. COHEN) proposed an amendment to the bill, H.R. 1977, supra; as follows:

On page 18, line 17, strike "$38,051,000" and insert "$38,094,000".

On page 19, line 26, strike "$43,230,000" and insert "$43,187,000".

HUTCHISON AMENDMENT NO. 2317

Mr. GORTON (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 16, line 17, strike the word "surveys" and insert the following: "surveys, including new aerial surveys,".

SPECTER AMENDMENT NO. 2318

Mr. GORTON (for Mr. SPECTER) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 69, line 11, after "expended" insert the following: ": *Provided*, That of the amounts made available for acquisition management, $1,000,000 may be made available for the purchase of subsurface rights in the Kane Experimental Forest".

BAUCUS (AND BURNS) AMENDMENT NO. 2319

Mr. GORTON (for Mr. BAUCUS, for himself and Mr. BURNS) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 69, line 11, insert ", of which $275,000 may be made available from the cash equalization account for the acquisition of Mt. Jumbo in the Lolo National Forest, Montana" before the period.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2320

Mr. GORTON (for Mr. DOMENICI, for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 1977, supra; as follows:

On page 19, line 26, strike "$43,230,000" and insert "$45,230,000".

On page 2, line 11, strike "$565,936,000" and insert "$563,936,000".

On page 3, line 5, strike "$565,936,000" and insert "$563,936,000".

MURKOWSKI AMENDMENTS NOS. 2321–2322

Mr. GORTON (for Mr. MURKOWSKI) proposed two amendments to the bill H.R. 1977, supra; as follows:

AMENDMENT NO. 2321

At the appropriate place in the bill insert the following section:

"SEC. . The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation."

AMENDMENT NO. 2322

At the appropriate place in the bill insert the following section:

"SEC. . Consistent with existing law and policy, the National Park Service shall, within the funds provided by this Act, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memorandum of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, That within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1996, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve; *Provided further*, That the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampeede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident."

McCONNELL (AND OTHERS) AMENDMENT NO. 2323

Mr. McCONNELL (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. FORD, Mr. MURKOWSKI, Mr. LOTT, Mrs. HUTCHISON, and Mr. GRAMM) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 128, strike section 320, and insert the following: "None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard, *Provided*, That this section shall expire on September 30, 1996; *Provided further*, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new Federally owned commercial and residental buildings.".

LEAHY (AND OTHERS) AMENDMENT NO. 2324

Mr. GORTON (for Mr. LEAHY, for himself, Mr. BURNS, Mr. CRAIG, Mrs. MURRAY, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. BOND, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. SNOWE, and Mr. COHEN) proposed an amendment to the bill H.R. 1977, supra; as follows:

On page 66, lines 3 and 4, strike "$128,294,000, to remain available until expended, as authorized by law" and insert "$136,794,000, to remain available until expended, as authorized by law, of which not less than $16,100,000 shall be made available for cooperative lands fire management and not less than $7,500,000 shall be made available for the stewardship incentive program".

On page 66, line 15, strike "$1,256,043,000" and insert "1,247,543,000".

BINGAMAN AMENDMENTS NOS. 2325–2327

Mr. GORTON (for Mr. BINGAMAN) proposed three amendments to the bill H.R. 1977, supra; as follows:

AMENDMENT NO. 2325

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

At the appropriate place, insert the following new section:

AMENDMENT NO. 2326

SEC. . DISTRIBUTION OF INDIAN HEALTH SERVICE PROFESSIONALS.

(a) IN GENERAL.—To ensure that the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health service, is making efforts to meet the health care needs of Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) in an equitable manner, the Secretary shall, not later than April 30, 1996, submit to the Congress a report that meets the requirements of subsection (b).

(b) CONTENTS OF REPORT.—The report prepared by the Secretary under this section shall—

(1) contain a comparative analysis of the Indian Health Service staffing that includes comparisons of health care facilities (including clinics) and service units (as defined in section 4(j) of the Indian Health Care Improvement Act (25 U.S.C. 1603(j));

(2) for each health care facility of the Indian Health Service (as determined by the Secretary), determine, for each health profession (as defined in section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)), the ratio of—

(A) the number of members of that health profession that provide health services in that facility; to

(B) the number of patients served by the members of that health profession in that facility;

(3) provide a comparative nationwide analysis of health care facilities of the Indian Health Service based on the ratios determined under paragraph (2) in order to ascertain whether each service area (as defined in section 4(m) of the Indian Health Care Improvement Act (25 U.S.C. 1603(m) is providing an equitable level of health services; and)

(4) provide an analysis of—

(A) the overall levels of staffing of all types of health professions, support staff, and administrative staff at facilities referred to in paragraph (3); and

(B) the distribution of the staffing referred to in subparagraph (A) by service unit.

AMENDMENT NO. 2327

At the appropriate place, insert the following new section:

SEC. . HIV-AIDS PREVENTION AND TREATMENT PLAN.

(a) REPORT.—Not later than March 1, 1996, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Indian Health Service and in consultation with Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act (25 U.S.C. 1603(d)), shall prepare and submit to the Congress a report that evaluates,

(1) the incidences of HIV and AIDS among Indian tribes;

(2) the services provided under title XXVI of the Public Health Service Act to members of Indian tribes living with HIV and AIDS;

(3) the unmet needs, including preventive educational needs, of members of Indian tribes living with HIV and AIDS who use the Indian Health Service for their primary health care;

(4) the internal capacity of each service unit of the Indian Health Service to meet the existing need; and

(5) the resources, including education, needed to meet existing and projected need.

(b) SERVICE PLAN.—The Secretary, acting through the Indian Health Service and in consultation with Indian tribes, shall develop and implement a plan of action for meeting the existing and projected needs, which based on the evaluation conducted pursuant to subsection (a), are determined to be unmet.

THE TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPECTER (AND SANTORUM) AMENDMENT NO. 2328

Mr. SPECTER (for himself and Mr. SANTORUM) proposed an amendment to 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.

On page 30, line 16, strike "$985,000,000" and insert '$1,025,000,000".

On page 30, line 17, strike "$2,105,850,000" and insert '$2,145,850,000".

On page 30, line 20, strike "$400,000,000" and insert '$440,000,000".

On page 2, line 6, strike "$56,500,000" and insert '$55,400,000".

On page 3, line 6, strike "$9,710,000" and insert '$6,336,667".

On page 6, line 13, strike "$139,689,000" and insert '$134,689,000".

On page 16, line 22, strike "$215,886,000" and insert '$205,886,000".

On page 16, line 14, strike "$70,000,000" and insert '$86,000,000".

On page 30, line 12, strike "$42,000,000" and insert '$39,260,000".

On page 54, line 5, strike "$5,000,000" and insert '$10,000,000".

On page 54, line 8, strike "$99,364,000" and insert '$94,364,000".

HARKIN AMENDMENT NO. 2329

Mr. HARKIN proposed an amendment to the bill H.R. 2002, supra; as follows:

At an appropriate place in the bill, add the following new section:

SEC. . Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended by adding at the end the following: "As used in this title, the term 'foreign commerce' includes flight operations (excluding ground operations performed by persons other than flight crew members) conducted in whole or in part outside the United States (as defined by section 40102(a)(41) of title 49, United States Code) by an air carrier (as defined by section 40102(a)(2) of such title).".

EMPLOYEE

Section 202 of such Act (45 U.S.C. 182) is amended by adding at the end the following: "As used in this title, the term 'employee' also includes flight crew members employed by an air carrier (as defined by section 40102(a)(2) of title 49, United States Code) while such flight crew members perform work in whole or in part outside the United States (as defined by section 40102(a)(41) of such title).".

BINGAMAN AMENDMENT NO. 2330

Mr. BINGAMAN proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

DORGAN (AND OTHERS) AMENDMENT NO. 2331

Mr. HATFIELD (for Mr. DORGAN, for himself, Ms. SNOWE, Mr. DOLE, and Mr. CONRAD) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . STUDY OF AIR FARES.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ADJUSTED AIR FARES.—The term "adjusted air fare" means an actual air fare that is adjusted for distance traveled by a passenger.

(2) AIR CARRIER.—The term—

(A) "air carrier" has the same meaning as in section 40102(a)(2) of title 49, United States Code; and

(B) the terms "regional commuter air carrier", and "major air carrier" shall have the meanings provided those terms of the Secretary.

(3) AIRPORT.—The term "airport" has the same meaning as in section 40102(9) of title 49, United States Code.

(4) COMMERCIAL AIR CARRIER.—The term "commercial air carrier" means an air carrier that provides air transportation for commercial purposes (as determined by the Secretary).

(5) HUB AIRPORT.—The term "hub airport" has the same meaning as in section 41731(a)(2) of title 49, United States Code.

(6) LARGE HUB AIRPORT.—The term "large hub airport"—

(A) shall have the meaning provided that term by the Secretary; and

(B) does not include a small hub airport (as such term is defined in section 41731(a)(5) of title 49, United States Code).

(7) NONHUB AIRPORT.—The term "nonhub airport" has the same meaning as in section 41731(a)(4) of title 49, United States Code.

(8) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(b) STUDY OF AIR FARES.—

(1) IN GENERAL.—The Secretary shall conduct a study to—

(A) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(i) between—

(I) nonhub airports located in small communities; and

(II) large hub airports; and

(ii) between large hub airports; and

(B) analyze—

(i) the extent to which passenger service that is provided from nonhub airports is provided on—

(I) regional commuter commercial air carriers; or

(II) major air carriers;

(ii) the type of aircraft employed in providing passenger service at nonhub airports; and

(iii) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(2) FINDINGS.—The Secretary shall include in the study conducted under this subsection findings made by the Secretary concerning—

(A) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than do passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(B) the nature of competition, if any in rural markets (as defined by the Secretary) for commercial air carriers;

(C) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers travelling on jet aircraft from small communities (as defined by the Secretary) and, if such relationship exists, the nature of that relationship;

(D) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(E) the number of small communities served by airports with respect to which, after the date on which the deregulation referred to in subparagraph (D) occurred, jet air service was replaced by turbo prop air service; and

(F) with respect to the replacement in service referred to in subparagraph (E), any corresponding decreases in available seat capacity for consumers at the airports referred to in that subparagraph.

(c) REPORT.—Upon completion of the study conducted under subsection (b), but not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report on the study and the findings of the Secretary to the Committee on Commerce, Science, and Transportation of the Senate.

INOUYE AMENDMENT NO. 2332

Mr. HATFIELD (for Mr. INOUYE) proposed an amendment to the bill H.R. 2002, supra; as follows:

On page 4, line 14, strike "and Hawaii".

HATFIELD AMENDMENT NO. 2333

Mr. HATFIELD proposed an amendment to the bill H.R. 2002, supra; as follows:

On bill page 71, line 9, strike "(b)" and insert "(j)".

BUMPERS AMENDMENT NO. 2334

Mr. HATFIELD (for Mr. BUMPERS) proposed an amendment to the bill H.R. 2002, supra; as follows:

On page 4, line 21, insert after ". . . airport," "except for any such community in which is located an airline maintenance facility performing required Federal Aviation Regulation heavy engine heavy structural airframe maintenance work in accordance with Part 135.411(a)(2)."

EXON AMENDMENT NO. 2335

Mr. EXON proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . THE RAILROAD SAFETY INSTITUTE.

Of the money appropriated to the U.S. Department of Transportation for Transportation Planning, Research and Development, $1 million shall be made available to establish and operate the Institute for Railroad Safety as authorized by the Swift Rail Development Act of 1994.

PRESSLER (AND OTHERS) AMENDMENT NO. 2336

Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mr. HOLLINGS, Mr. LOTT, Mr. PELL, Mr. LAUTENBERG, Mr. GORTON, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. FRIST) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE REGARDING UNITED STATES/JAPAN AVIATION DISPUTE.

(a) FINDINGS.—The Congress finds that—

(1) the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

(2) in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

(3) the United States/Japan bilateral aviation agreement guarantees three U.S. carriers "beyond rights" that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

(4) the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their "beyond rights";

(5) United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

(6) the Government of Japan has violated the United States/Japan bilateral aviation

agreement by preventing United States air carriers from serving routes clearly authorized by their "beyond rights"; and

(7) the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers.

(b) ACTION REQUESTED.—The Congress—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their "beyond rights" to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

JEFFORDS (AND LEAHY) AMENDMENT NO. 2337

Mr. JEFFORDS (for himself and Mr. LEAHY) proposed an amendment to the bill, H.R. 2002, supra; as follows:

On page 4, line 2, strike "$26,738,536" and insert "$27,738,536".

On page 4, line 12, insert after "That" the following: ",except if service is provided to the only hub airport in a State that is, as of the date of enactment of this Act, served under a program under subchapter II of chapter 417 of title 49, United States Code, and the service to that hub airport has been discontinued and then reinstated during the 36-month period preceding the date of enactment of this Act.".

On page 32, line 15, strike "$333,000,000" and insert "332,000,000".

BOXER AMENDMENT NO. 2338

Mr. HATFIELD (for Mrs. BOXER) proposed an amendment to the bill, H.R. 2002, supra; as follows:

On page 64, line 15, after the words "States to" insert "establish State infrastructure banks and to".

On page 64, line 21, strike the word "An" and insert "A State or".

PRESSLER AMENDMENT NO. 2339

Mr. HATFIELD (for Mr. PRESSLER) proposed an amendment to the bill H.R. 2002, supra; as follows:

On Page 42, beginning on line 13, insert the following:

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, $13,379,000 shall be for severance, closing costs, and other expenses.

ROTH (AND OTHERS) AMENDMENT NO. 2340

Mr. ROTH (for himself, Mr. GLENN, Mr. COHEN, Mr. LEVIN, and Mr. PRYOR) proposed an amendment to the bill H.R. 2002, supra; as follows:

Beginning on page 71, strike out line 13 and all that follows through page 73, line 24.

BURNS AMENDMENT NO. 2341

Mr. BURNS proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place insert the following:

SEC. 3 . DETERMINING OF MARKET DOMINANCE IN RAIL CARRIER RATE PROCEEDINGS.

(a) In this section, "market dominance" means an absence of effective competition from other carriers or modes of transportation for the traffic to which a rate applies. Any agricultural shipper without economically competitive railroad or truck alternatives, shall be considered "captive" to the market dominant railroad. Further, any agricultural shipper or its representative, that does not have access to two or more competing railroads for shipping the same commodity from the same origin to the same market as other agricultural shippers shipping to the same market, shall be deemed "captive" by a market dominant railroad. Competing railroads shall mean two railroads not under common control for rate making purposes.

(b) When a rate for transportation by a rail carrier that is subject to the jurisdiction of an appropriate regulatory federal agency, which is designated by Congress, and adequately funded to protect the interests of "captive" shippers, is challenged as being unreasonably high, the Agency shall determine, within 90 days after start of proceeding, whether the railroad carrier has market dominance over the transportation to which the rate applies. After a finding by the Agency that the carrier does have market dominance, the affected shipper and traffic shall be classified as "captive."

(c) When the Agency finds, in any proceeding that a shipper and associated traffic is captive, the Agency shall suspend the carrier established rates and set the maximum reasonable rates that may be charged by the market dominant railroad. The Agency shall set the maximum reasonable rate at that level which will return fair and reasonable profit to the carrier that would have occurred had there been effective transportation competition for the market dominant traffic. This maximum reasonable rate level determination shall be completed within 120 days of the initiation of the proceeding. The Agency shall not set the maximum reasonable rates any higher than earnings for traffic having similar transportation characteristics with rail-to-rail competition moving similar distances. In any event, the Agency will not set the maximum rates higher than 180% of railroad systemwide variable cost of the movement as determined by the Agency.

(d) A market dominant carrier will be required to provide its full common carrier obligation on rates and service to a captive shipper without prejudice or preference, and without any economic penalty to captive shippers. In addition, this carrier shall offer identical or substantially similar transportation services to captive shippers that it offers to any other shipper moving a similar product on the market dominant railroad carrier system.

FEINSTEIN AMENDMENT NO. 2342

Mr. HATFIELD (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate point in the bill insert:

"SEC. . The Secretary of Transportation is hereby authorized and directed to enter into an agreement modifying the agreement entered into pursuant to Section 339 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388) to conform such agreement to the provisions of Section 336 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103-331). Nothing in this section changes the amount of the previous appropriation section 339, and the line of credit provided for shall not exceed an amount supported by the previous appropriation. In implementing either Section 339 or Section 336, the Secretary may enter into an agreement requiring an interest rate that is higher than that specified therein."

ABRAHAM (AND INHOFE) AMENDMENT NO. 2343

Mr. HATFIELD (for Mr. ABRAHAM for himself and Mr. INHOFE) proposed an amendment to the bill H.R. 2002, supra; as follows:

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

SEC. 3 . ELIMINATION OF CERTAIN HIGHWAY SAFETY ADVISORY COMMITTEES.

(a) NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

(1) IN GENERAL.—Section 404 of title 23, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 404.

(b) COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL.—

(1) IN GENERAL.—Section 31134 of title 49, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The analysis for subchapter III of chapter 311 of title 49, United States Code, is amended by striking the item relating to section 31134.

(B) Section 31140 of title 49, United States Code, is amended—

(i) in subsection (a), by striking "and the Commercial Motor Vehicle Safety Regulatory Review Panel"; and

(ii) in subsection (b)—

(I) in paragraph (2), by striking "the Panel or"; and

(II) by striking "the Panel" each place it appears and inserting "the Secretary".

(C) Section 31141 of title 49, United States Code, is amended—

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

"(b) ANNUAL ANALYSIS BY THE SECRETARY.—The Secretary annually shall analyze State laws and regulations and decide which of the laws and regulations are related to commercial motor vehicle safety."; and

(ii) in subsection (c)—

(I) in paragraph (1), by striking "The Secretary" and all that follows through "shall—" and inserting "Not later than 18 months after the date on which the Secretary makes a decision under subsection (b) that a State law or regulation is related to commercial motor vehicles safety or 18 months after the date on which the Secretary prescribes a regulation under section 31136, whichever is later, the Secretary shall—"; and

(II) in paragraph (5), by striking "(5)(A) In" and all that follows through "(B) In" and inserting "(5) In".

WARNER (AND OTHERS) AMENDMENT NO. 2344

Mr. WARNER (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place, insert the following:

SEC. 3 . DELAY OF RESTRICTION ON AVAILABILITY OF CERTAIN HIGHWAY FUNDS; NATIONAL HIGHWAY SYSTEM DESIGNATION.

(a) DELAY OF RESTRICTION ON AVAILABILITY OF CERTAIN HIGHWAY FUNDS.—Section 103(b) of title 23, United States Code, is amended—

(1) in paragraph (3)(B), by striking "1995" and inserting "1997"; and

(b) NATIONAL HIGHWAY SYSTEM DESIGNATION.—Section 103 of title 23, United States Code, is amended by inserting after subsection (b) the following:

"(c) NATIONAL HIGHWAY SYSTEM DESIGNATION.—

"(1) DESIGNATION.—The most recent National Highway System (as of the date of enactment of this subsection) as submitted by the Secretary of Transportation pursuant to this section is designated as the national Highway System.

"(2) MODIFICATIONS.—

"(A) IN GENERAL.—At the request of a State, the Secretary may—

"(i) add a new route segment to the National Highway System, including a new intermodal connection; or

"(ii) delete a route segment in existence on the date of the request and any connection to the route segment; if the total mileage of the National Highway System (including any route segment or connection proposed to be added under this subparagraph) does not exceed 165,000 miles (265,542 kilometers).

"(B) PROCEDURES FOR CHANGES REQUESTED BY STATES.—Each State that makes a request for a change in the National Highway System pursuant to subparagraph (A) shall establish that each change in a route segment or connection referred to in the subparagraph has been identified by the State, in cooperation with local officials, pursuant to applicable transportation planning activities for metropolitan areas carried out under section 134 and statewide planning processes carried out under section 135.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may approve a request made by a State for a change in the National Highway System pursuant to paragraph (2) if the Secretary determines that the change—

"(A) meets the criteria established for the National Highway System under this title; and

"(B) enhances the national transportation characteristics of the National Highway System.".

On page 69, line 3: At the end thereof insert the following: "and congestion mitigation and air quality program funds. *Provided*, That a State shall not deposit funds that are suballocated under title 23 or Public law 102-240."

On page 63, line 16: At the end thereof insert the following: "*Provided*, That prior year unobligated balances may not be withdrawn and canceled that were suballocated under title 23 or Public Law 102-240 or were made available under the congestion mitigation and air quality program."

PRESSLER (AND OTHERS) AMENDMENT NO. 2345

Mr. PRESSLER (for himself, Mr. EXON, and Mr. HARKIN) proposed an amendment to the bill H.R. 2002, supra; as follows:

At the appropriate place in the bill insert the following:

On page 26, line 15, strike "1996." and insert "1996, except for not more than $50,000,000 in loan guarantee commitments during such fiscal year (and $5,000,000 is hereby made available for the cost of such loan guarantee commitments).".

On page 26, between lines 15 and 16, insert the following:

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, $12,000,000.

On page 3, line 6, strike "$9,710,000" and insert "$6,300,000".

On page 6, line 13, strike "$139,689,000" and insert "$134,689,000".

On page 54, line 8, strike "$99,364,000" and insert "$94,364,000."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. 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 Wednesday, August 9, 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 consider S. 1054, to provide for the protection of southeast Alaska jobs and communities, and for other purposes.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 9, 1995, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 9, 1995, beginning at 9:30 a.m., in 106 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 9, 1995, at 9:30 a.m. to hold a joint open hearing with the Foreign Relations Committee on War Crimes in the Balkans.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Wednesday, August 9, 1995, at 2 p.m., to hold a hearing on H.R. 2108, the District of Columbia Convention Center and Sports Arena Authorization Act of 1995.

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

ADDITIONAL STATEMENTS

REMARKS BY HADASSAH LIEBERMAN, A U.S. DELEGATE TO THE 50TH ANNIVERSARY COMMEMORATION OF THE LIBERATION OF AUSCHWITZ

• Mr. DODD. Mr. President, earlier this year, the world commemorated the 50th anniversary of the liberation of the Auschwitz concentration camp. A delegation of Americans, along with delegations from all over the world, attended memorial services at Auschwitz and in Birkeneau—services to remember those who had died, not just the individuals, but the entire peoples, and the disgust of their torture and annihilation.

But the tragedy of the Holocaust is one we must remember every day, not just on the anniversaries of its specific elements. Because the survivors of this horror, and their children, live with it every day. Soon, they will be gone. We must remember for them. And we, the greatest democracy on Earth, must remember for the world. Only if we remember, will the Holocaust occur never again.

So today, Mr. President, I wish to share with my colleagues and the American people the remarks of Hadassah Lieberman, who was one of the U.S. delegates to the 50th anniversary commemoration. Most of us know Hadassah as the wife of our good friend and my fellow Senator from Connecticut. But Hadassah is also the daughter of Holocaust survivors. Her father escaped; her mother was liberated from Auschwitz. They survived to tell the stories. Millions did not.

Mr. President, no matter how many times one listens to accounts of atrocities committed during the Holocaust, the stories remain just as awful, just as horrid, as the first time they are heard. I remember the outrage I felt, sitting around the dinner table, at stories recounted in letters from my father, who served as the executive trial counsel at the Nuremberg trials. So we should be grateful to Hadassah for writing about her intensely personal feelings as she reflected on her mother's stories, the crimes endured by her people, and her triumph in being alive 50 years later.

Indeed, I am glad Hadassah is present to share her experience with us, and I ask to have her accounting printed in the RECORD.

The material follows:

JOURNEY TO THE PLANET OF DEATH—A DAUGHTER OF SURVIVORS VISITS THE HEARTH OF THE HOLOCAUST

(By Hadassah Freilich Lieberman)

It was a Thursday morning, January 19th, and I was at work when the call came from the White House. Would I join the American delegation to the 50th anniversary of the liberation of Auschwitz? The invitation took my breath away, and in a cracked voice I responded, "If I can go...I have to go."

My first thoughts were of my schedule, job, six-year old daughter Hana, and my husband, Joe. The delegation was leaving in just five days. Not much time to prepare for what might be the most important journey of my life, for my mother, Ella Wieder Freilich, is an Auschwitz survivor.

From childhood, I had heard her intersperse stories of that distant, horrific concentration camp in our everyday American lives. I always listened deeply, although she may have thought from my body language that I was removed. I was always afraid she might cry too much if she continued her dark memories...but the dreadful story would end abruptly and we would continue the usual discourse about meals, or clothes, or schools. The stories were seemingly disconnected, plucked at random from her memory, but I had the feeling there was much more there, left unsaid, in the dark, behind curtains—memories that she could not, and perhaps still cannot, find herself.

As for my father, Rabbi Samuel Freilich, he was headed for Auschwitz when he organized an escape of 20 men from a forced march of slave laborers. He confronted memories of the Holocaust head on, and wrote a book about it called "The Coldest Winter." But the experience of putting the story on paper seemed to drain him of life, and he died soon after its publication.

He and my mother survived Auschwitz. Most of their relatives and friends did not.

Yet when the call came, I had not been thinking about the upcoming anniversary. I don't spend my life contemplating these things all the time, despite (or because of?) the fact I am the daughter of survivors. My very existence is a testimony to survival, and there has always been an undercurrent of striving to be strong and successful in my life (a trait I've seen in many children of survivors). But the specific thought of the Holocaust is not often at the front of my mind. I had never been to any of the camps, and had not planned to go. The only place I did visit was Czechoslovakia, because I wanted to go to places where my family had lived and where I was born. I didn't have a desire to go to the places where my family was sent to die.

So the invitation took me by surprise. The mundane logistical problems associated with a major trip mixed with the painful memories, made it difficult to decide whether to go. I called my mother, who now lives in Riverdale, New York, and she was very apprehensive. She feared for my safety. Who will go with you? Who will you stand with at the ceremony? Why is it necessary for you to go?

But in the end I concluded that she is why it was necessary for me to go. She and my father and their relatives and friends. As I said when the call first came: I had to go.

These were my thoughts along the way:

TUESDAY, JANUARY 24: IN-FLIGHT TO FRANKFURT

The last few days, the only preparation time I have, I cry often. I call Auschwitz survivors, friends of my mother, for words of support and connection. For the most part, they remain quiet, saying simply, "Go in peace. Bring back peace."

I am on a Delta flight and I've just finished reading some articles from the U.S. Holocaust Memorial in Washington—excruciating material—describing concentration camps in the vicinity of Auschwitz and Birkeneau. I wipe the tears from my eyes, mesmerized by this world of cruelty and torture, realizing I am soon to visit this symbol of all evil.

The descriptions of the concentration camps are incomprehensible—they are of another world, another place. The screen above me plays out O.J. Simpson's trial, Japan's earthquake. I watch the survivors from Japan and wonder, how can you not feel for these people? How can you not feel for their homelessness, their cold, their devastation...and I don't understand what happened in these camps.

I find myself looking at a picture of Joe in The Washington Post...sweet darling...The picture make me feel stronger. Now Newt Gingrich on the screen. And Chris Dodd. The world is so intrusive and me...makes it hard to come back...so I drink another glass of wine.

Before I left, my mother asked me to bring back dirt from Auschwitz. Nearly all of her family was burnt and pulverized into that dirt, that stinking evil earth. . . .do you bring it home? Is this their grave, entire families? Where are they buried? The ovens? The crematoria? The pits? Fifty years later the stench and screams will not be there.

How evil can people be? Watch the news and you see in small snippets: Chechnya, Bosnia, the Middle East. But the sheer enormity of this evil that I am traveling to witness is incomprehensible. The enormity and the organization of it all. I know there are criminals who do ugly, horrible things every day. But the Holocaust was the product of a whole criminal society, a society of people who were educated, literate, loved music, loved art, loved literature. And look what they did with such efficiency, with so little evidence of guilt.

WEDNESDAY, JANUARY 25: FRANKFURT, GERMANY AND WARSAW, POLAND

A 3-hour layover in the morning in Frankfurt at the new, empty airport. So empty and antiseptic it is somehow scary to me. All the signs are in German. It is my first time in Germany, and I'm feeling guarded inside myself. I speak mostly with a woman from the State Department, telling her about my background, my mother. I pick up the newspaper, the Frankfurter, Allgemeine, Zeitung, and there is a picture of Hitler. It was taken in 1944, and he looked tired, old. It shows him viewing something with a magnifying glass. He knew then his war was failing. But he pushed on with the Final Solution, as furiously as ever. It was 1944 that my mother was herded to the camps. Even as the war effort was faltering, the Nazis pressed on to kill the Jews because it was an ideology, to them, a mission above and beyond the war itself.

In the afternoon, we fly to Warsaw and are picked up by embassy people there and brought to the Marriott hotel, where delegates from around the world are also arriving. That evening, I go to a reception at the residence of the U.S. Ambassador to Poland, Nicholas Rey, along with some of the other members of our delegation, including: Miles Lerman of the United States Holocaust Memorial Council and his wife Chris, an Auschwitz survivor; Ambassador John Kordek, now with DePaul University; and Jan Nowak, director of the Polish American Congress. The head of our delegation. Mobel Peace Prize winner Elie Wiesel, and Assistant Secretary of State Richard Holbrooke are to join us the next day.

We begin to talk about the controversy surrounding the ceremony planned for Friday. Since the Communists left, the Poles have been more open about the Jews in the camps. But Auschwitz was initially for Polish political prisoners. Poles look at Auschwitz as a national shrine and museum. And it seems as though they wanted the commemoration to be more of a generic event, with no special emphasis on Jewish deaths. No praying of the Kaddish. In response, some are planning an alternative service on Thursday at Birkeneau. Preposterous, but true, Elie's words "not all victims were Jews, but all Jews were victims" need to be repeated over and over again.

I am concerned about the controversy but, at the same time, I do not want to lose sight of the larger reason for our being there. I am moved to say that I understand there's controversy around us. But we should not forget how incredible it is that we're all here together, from all over the world, to commemorate something that happened 50 years ago that, at the time, nobody wanted to hear about. We need to talk about the details, but we should not lose sight of the fact that we're here as representatives of our country, bearing witness to what happened to so many people.

We decide that those of us who wanted to go to alternative service will meet the next morning in a hotel lobby. I have mixed feelings. As a Jew and the daughter of survivors, I want to go to Birkeneau. As a member of the official American delegation, I am worried that it might detract from protocol if I deviate from the schedule, which includes a ceremony at Jagiellonian University in Krakow. But everyone assures me that the American delegation will be sufficiently represented at the university.

THURSDAY, JANUARY 26: WARSAW, KRAKOW, BIRKENEAU, AUSCHWITZ

We arrive in Krakow, a city left untouched by bombing. Some say it is a "small Prague." Krakow; over 25% of its population was Jewish and 90% of its Jews were annihilated. Now tours are advertised to show where Spielberg filmed in the Jewish "ghetto" area. The Ariel Cafe is booming with Eastern European/Jewish foods and Yiddish music. The synagogue is old—dating back to the 1400's. Stone markers from Jewish cemeteries are preserved as part of the wall.

I check into the Forum Hotel in the city. Leaders from all over the world are arriving. . . Ambassadors, Presidents, Kings, Prime Ministers. Security measures are being put into place. Metal detectors put together. Dogs were brought in. I find real irony in the contrast: here it is fifty years later, and all the forces of authority are being marshalled for our protection, whereas before they would have come to seep us up.

All the security precautions also remind me of my mother's concerns for my safety. I don't personally feel threatened, but I begin to realize what she was talking about. I understand we have to be careful, and I know what she felt about my coming here, and how horrible it would be if something happens to me where so much had happened to her. The double-suicide bombing in Israel occurred just days before, reminding us that, for Jews, the world can still be a very dangerous place.

News of the alternative ceremony has been spreading by word-of-mouth, and interest in it grows. Originally planned by Jewish organizations and Israelis, it takes on a life of its

own, and suddenly includes everyone. Not only the American Ambassador and other delegates from the American group, but every delegation from around the world decides to send representatives.

And so I go to Birkeneau, 50 years after my mother left.

No one bombed the tracks then. No one "knew." No one seemed to care, or reach out. And now, all the nations of the world are represented as the buses travel to Birkeneau. We travel with the Israeli delegation in front of us, escorted by heavy security. Elie Wiesel, Ambassador and Mrs. Rey, Jan Nowak (who tells me he will go because he must go as a Pole and a Catholic. He was one of the first to alert British leaders to the tragedy of the Holocaust in World War II).

Our bus pulls into a large parking area and we exit along with hundreds and hundreds of others. We begin to walk in our own groups. I walk with Elie Wiesel, the Ambassador and his wife, and the others over the rocky, muddy ground. I am arm in arm with Sigmund Strochlitz of Birkeneau and Connecticut, a friend of Elie's. He reminds me a little bit of my father.

Where are we? I look around and there are mobs of people around us walking in stony silence. We were warned about the coldness of the camps. But the weather is warm in Krakow . . . until we walk further into the camps and then the coldness begins to set in—a different kind of coldness, eerie . . . heavy. Suddenly, I realize we are walking near railroad tracks and Sigmund begins to speak. "This was where the train ran into the camp. The train was able to take people straight to the end—to the crematoria." This is Birkeneau, a death camp. An enormously vast space that was devoted to murder. I thought again of what my mother had told me, vague disorganized references to gassings, chimneys, SS, Kappos. Her entire family exterminated . . . sweet nieces and nephews murdered.

My mother's house was one of the homes the Germans occupied in the 1940's. They put phone lines into the walls and set up headquarters for that Carpathian mountain town of Rachov. They posted notes throughout the small town telling its Jewish inhabitants that they were to report to a local public school. They could take whatever they could carry in their hands.

They then left for the Hungarian ghetto Mateszalka, where she remembered a German beating her sister's head. They were then told to line up alphabetically to board trains to Koschow. When some of the local people saw them as the trains went by, they shouted "You'll never return." She still remembers the children's screams for food on the four day train ride. They wanted to throw her off the train and a woman who now lives in New Jersey asked them to "Let her be, she is a beautiful young woman." Today my mother says, "Half of me doesn't want to remember so that I can remain alive."

She told me that when they came to Auschwitz, some of the Jews who worked at the trains said in Yiddish "You are fools to have come here." She remembers how they sent her family in different directions; she was sent one way and the rest of the family went the other way. As soon as her mother realized, she sent an older sister for "Ella." "Find her." And when the older sister found Ella she joined her in the line of life and the two of them remained alive. They sheared everyone's hair . . . she remembers the screams when they were sent to a shower that they thought would be gas and there was a "mistake" and they remained alive. She remembers the piles of bodies left in their clothes, a Kappo's beating, the heads and the feet in the bunkers. She remembers falling deathly ill from eating soup that had human bones in the bowl.

Auschwitz was not, for my mother, a final destination. She was sent to the Stuttgart vicinity, to the Wehrmacht Fabrik, where they worked as slave laborers at night and slept during the day. When a Nazi asked her what her greatest wish was . . . she was surprised to answer "sleeping one night". He put her into the office to work with other women who knew different languages. Eventually, she was liberated from a sub-camp of Dachau, and took a train back to Prague. In the days following her return, she and hundreds of others would run to the train station whenever a new train pulled in, desperately searching for family, friends, familiar faces. But they were never there. And then she stopped running. For two years or more thereafter, she would go to the basement and cry until she couldn't cry anymore. She met my father in post-war Prague and they soon married. Not long after I was born, they traveled to America, sensing—correctly—that the new Communist rulers would not be kind to the Jews.

I knew all of this—the nightmares, the casual references like "They all died," the guilt in remaining a survivor, the questions. I think again of the soil she wants me to bring back. "They have no graves," she told me. "It would have been better if the mothers were separated from the children so they didn't have to see them murdered in front of their eyes." So, I should have been prepared, no? I should have been ready. Although we never talked in great detail about the camps, I was totally aware. I always knew about my background. I was always so aware of the Holocaust. I bear some of the hidden scars of a survivor's child. And so, why was I so shocked? Why? Why is the walk into Birkeneau so terrifying? Let me take you with me.

First, we crowd together as delegates for the most part, others from the survivors community. I notice a group with a banner that seemed odd. I ask Sigmund and he tells me that this is the banner of "Mengele's children," the survivors of Mengele's experiments—his "children" and "children's children." Then Sigmund shows me where Mengele had stood to make his selection. He shows me the women's and men's barracks. We keep walking forward. The "survivor" in me stands in awe of what kind of world my parents had lived through.

I have arrived at a different planet. This is not the moon. The moon has been explored. This is a distant planet and those who journeyed there for the entire trip are now dead ashes near the crematoria. The others had to repress, to black out, to forget, in order to go on. This planet is one of surrealistic impressions. The smoke stacks. The endless fields with numbered barracks. The latrine house with round holes for toilets in two rows, each nearly touching the other but with enough space for a sadistic Kappo to walk down the middle and whip the women who took too long to defecate. The bunks with beds . . . eight or nine in each small slab. And we continue to walk.

I feel the people around me, walking down this frightful road. The American Ambassador to Poland had chosen to walk with us for this "unofficial" event. The American in me, yearning to believe and hope that the world will stand united against cruelty of this proportion. The Jew in me, fearful of the repetitions of history . . . the Israeli flag . . . a refuge . . . a homeland. . . . The wife of a United States Senator, proud to be part of the American delegation, led by Elie Wiesel, bearing witness to history.

We continue our walk until we arrive at the crematoria. What can I say? I hold Sigmund's arm tightly. What can I say? I came unequipped to the planet of death, of torture, of "endless nights" as our delegation leader describes it. Everything in front of me told me you could never believe anything after this place. "Where was God?" I remember my father asking. "Where was God?" and he, a Rabbi, believed deeply in Him. How could you ever believe again? "Faith was the cornerstone of our existence," he wrote in his memoirs. "It was inconceivable to us that a merciful father could ignore the pitiful pleas of his children. When we were delivered to the Nazis and the redemption did not occur, we fell into despair; life lost meaning . . . We became an orphan people without a heavenly father."

All of these people around me walk with us in silence. The program takes place, people speak, people shout. Kaddish is said and we think perhaps it would have been better to keep our silence—just Kaddish and no words. But then we sing Hatikvah and march back to the buses.

Auschwitz is next. A tour of one hour. I find a stone for Dad's grave. I decide not to bring the soil back with me. I had brought a plastic bag, thinking I might. But I decide no. I will not bring soil from the planet of death. Several people tell me about the bones found in the soil 50 years later, some of them the bones of babies. If one is a believer, then the souls have ascended to heaven and what is left should be left behind in peace on Earth. These people, the unsuspecting, the victims, the K'doshim (the holy) were not left behind in peace. I will not take their soil. I don't want any part of that soil.

Yet a rock endures from the beginning. It waits silently, protectively, coldly. The rock was there before, and the rock is there after and the rock bears witness. This egg-shaped rock will go on my father's grave. It is small, Daddy, but it is tough, like you. It survives. And remember, in your memoirs, when you asked "who should say the mourner's Kaddish?" Daddy, we said Kaddish as we stood at Birkeneau * * * our voices, the young, the old, the victims, the onlookers stood together.

Elie Wiesel's friend, Pierre of France goes with me to Auschwitz. A burly large man, somewhat irreverent, quite cynical and sarcastic, takes me to his father's place at Auschwitz. Block 11—the death bunker was the destination of his father who knew 12 languages and served as schreiber (translator) for the place. He tells me about his father's story. When his Hungarian father was in Auschwitz, a young beautiful woman was brought in. He helped her for the night. Somehow they managed to fall in love and as she left she told him where she was from in Paris and that she would meet him in Paris after the war. When he survived he went to the address. She was there, they met, they married.

Short stories, sweet stories, bitter and unreal. We are shown an enormous room filed with suitcases that are all labeled with the names of the people to whom they once belonged. We see piles of hair. Eyeglasses. Wooden legs. Prayer shawls. It reminds me of the United States Holocaust Memorial Museum in Washington, where similar exhibits exist. I would wonder from time to time

why Washington should be the site for such a museum? What is appropriate about the nation's capital? But here in Auschwitz, I see the answer. I understand the importance of keeping evidence of the evil on display, and I also understand that there is a better chance of such a museum remaining open in Washington than in almost any other place in the world. Who knows what will happen here at Auschwitz in years to come? We already know how the Communists kept a lid on the enormity of crimes against the Jews. We do not know what the future will hold, and so it is right for us to have a museum of the Holocaust at the center of the world's oldest, greatest, strongest democracy.

Thursday night, we are taken to a concert at the Slowacki Theater in Krakow, where we hear an orchestral piece written in Poland for the occasion. It is so jagged and jarring—deliberately created so, because it was about the camps—that I want to get out of there. I had gotten through the day but now I need to run. It's so stifling. Finally, it's over, and we think, "oh God, let's just sit down and have some life." So we go to the Ariel Cafe. Let me sit here and be part of life again. Elie Wiesel is here and I recall how often he talks about night, and now we're in the land of night and we have to keep a certain part of ourselves in the night so that we don't lost it. Elie writes from that darkness, yet wants us to hope for the future, for our children. Surrounded by the light and life and sights and sounds of the Ariel Cafe, I want to be lively and have hope, but it is so hard.

FRIDAY, JANUARY 27: AUSCHWITZ

On Friday we take buses that go directly to the crematoria area at Auschwitz. I see Vaclav Havel on my bus. When we arrive, there are so many people packed together, walking forward, that it's hard to stand without being pushed. I think to myself, irreverently, that after 50 years, people are still pushing to get to the front of the line! I think, too, that we could have been those people 50 years ago, told to undress and have our hair cut! They were people like us who walked into this camp.

I see all the world's media gathered together, pushing for position, for the best views, wanting to hear every word, and I think, "where were you 50 years ago when you were truly needed?" How different things might have been had videotapes been smuggled out and played on television screens around the world!

After a few minutes, the crowd settles in. I stand near Richard Holbrooke and Jan Nowak. The program features representatives from many delegations and religions, including our own delegation leader, Elie Wiesel. I am moved when I hear the ceremony begin—after all—with Kaddish and another Hebrew prayer for the dead, El Maleh. It is a change in the program resulting from a meeting Elie had with Polish President Lech Walesa the day before, as was a reference to Jewish deaths in Walesa's speech.

The formal tribute begins in the growing cold air. A poignant moment occurs when the Boy Scouts and Girl Scouts of Poland walk around to give the people hot coffee. The elderly, in particular, reach out for cups. Watching these very young children working so charitably 50 years after the Holocaust gives us a warm feeling about the present and the future, even as it conjures up memories of all the other young children, in different kinds of uniforms, who died in the past at this place. There was the story of the little boy who jumped off a train bound for concentration camp with an apple in his hand. The train was at a station, and the SS caught him, took him by his legs and bashed him against the train until he was dead. A few minutes later, one of the murderers was seen casually eating the apple. And there was the story my own father told me of the parents who tossed their babies from the trains into the arms of strangers along the side of the tracks hoping against hope that those families would make a new home for their children.

Tears come to my eyes as I contrast the moments. An international display of solidarity, tribute, apology. Late, painful and yet a moment of hope. Then, it is over, and together we walk to our buses in the mud, past those in prison uniforms, national costumes and mostly, plain street clothes. All shoes and boots are covered with mud.

FRIDAY NIGHT AND SATURDAY, JANUARY 27 & 28: SHABBAT, KRAKOW

When I learned before the trip that I had to remain in Poland for Shabbat, the Jewish day of rest, alone and far from my family and synagogue, I worried about what I would do. But I am not alone, and, as it turns out, staying in Krakow becomes one of the most special Shabbats I have ever experienced. After the marches, the ceremonies, the journey to the other planet, to stop for Shabbat and to share the special moment with people from all over the world gives meaning to us all. And so we sit together on Friday night with the chief rabbis of England, Poland, Ukraine, Italy, and Jews from England, Germany, Krakow, Warsaw, Israel, America. Rabbi Avi Weiss is with us, the activist who protested the original plans for the ceremony and who has become so much of a celebrity that when the police arrested him in Poland for tearing down a sign that said "Protect the cross against Jews and Masons," they asked to take his picture and have his autograph!

We all sing and pray together and tell stories. Particularly poignant are the stories of the young Eastern European Jews sitting around the tables. Since the fall of Communism, they are learning of their Jewishness. Their family trees are deeply fractured by the Holocaust; many have no grandparents. Some were born to parents who were hidden with Polish Catholic families when their parents were sent to their death. Another learned just three years ago that he was Jewish. Perhaps some of them are descended from the babies tossed from the death trains. How ironic that Hitler's criteria for determining who was Jewish—in some instances, quite remote—is the same relationship many of these children have to Judaism.

The next day, on our way to services, I walk behind Rabbi Weiss and see him with his prayer shawl over his jacket. People along the way, not accustomed to seeing Jews, stop and stare. Some take pictures. And I think, "is it gaudy, is it showy, is it obnoxious for our group to be so obvious in such a place?" That is my first reaction, but then I remember Auschwitz and the hanging prayer shawls taken from the Jews who were annihilated, and now the descendants are alive and walking to the synagogue, and it seems right.

Our Shabbot services in the hotel are, strangely enough, joyous. We are all happy to be together, to be alive. We feel the history of the tragedy in our depths. We share our common history, common pain. We all have questions and no real answers. As we call out in our prayers, rising above and beyond the evil planet of Auschwitz and Birkeneau, the planet that bears witness to our people's destruction, we all turn to the very God that has not answered the prayers of our parents and their parents as the crematoria burnt their bodies into ashes.

Nothing on that planet gives you faith, hope or answers. Nothing there gives you hope for mankind. And yet, as I walked with my fellow travellers that day, as I felt their bodies near me, heard their feet in the mud and stone, walking silently, I knew our walk was a prayer. Our walk might defy—bear witness. Our walk might challenge any evils as great as powerful as wicked, and so, on Friday night, we all felt history around us. We were defying Hitler and his henchmen. I thought back to 1988, when I joined my husband on his first visit to the historic chamber of the Senate, where the historian lectured us about the famous figures in American history who had occupied these seats. I looked at Joe and asked him what he was thinking and he talked about how proud and honored he was to be part of this rich history. "What about you? What are you thinking?" he asked. "About Hitler," I replied. "About how he tried to annihilate all the Jews, and here I am on the floor of the Senate, the wife of a Senator. I am thinking about throwing my fist up in the air in defiance of Hitler."

That is the feeling I had again, more powerfully than ever before, at Birkeneau and Auschwitz. We were rising above the defiled and tortured and abandoned. We were free Jews singing to God, responsible for one another.

Am yisrael chai. The people of Israel live. The Israeli flag was around us and we knew how great our need for a place of refuge; wanting to trust, yet learning the bitter lessons of history. We Americans know how special our country is, a country where a Jew could become a Senator, and where his wife, a survivor, can be chosen by the President to participate in a commemoration of the liberation—the destruction—of the planet of death.

I had to go there. No matter how much you read, and how much you hear about it, and how much you talk to your family and parents—even if you are as close to the Holocaust as the child of survivors—you have to go there and see this horrendously evil, evil, evil place that stinks in its profanity, that is so ugly it shakes your belief in everything, your belief in mankind, your faith in God. You will not understand. But you will know.

Now, home with my family, I look forward to the day when I will travel to my father's grave in New Jersey and place the stone from Auschwitz on the ground that contains his earthly remains, confident that this spirit survives in eternity, never again to live on a planet of death. Never again.•

TRIBUTE TO THE COLORADO STATE FOOTBALL TEAM AND COACH SONNY LUBICK

• Mr. BROWN. Mr. President, I would like to recognize the Colorado State football team and Coach Sonny Lubick.

Last year, Coach Lubick and the CSU Rams finished their season with a 10-and-2 record, the most wins in school history. The team also claimed the school's first Western Athletic Conference championship and its first trip to the Holiday Bowl. Coach Lubick was named the Western Athletic Conference's coach of the year and Sports Illustrated's national coach of the year.

His players have distinguished themselves as well. Ten players over the last 2 years have earned first-team all-WAC honors. Demonstrating excellence in the classroom as well as on the field, six were named to the WAC's all-academic team.

For the first time since 1978, a Ram—Safety Greg Myers—was named first-team All-American. Greg goes into the season ranked by the Sporting News as one of the top five safeties in the Nation.

Their success has not gone unnoticed. CSU reports a school-record 8,000 season tickets sold this year. While that success will bring new challenges, I am confident Coach Lubick and his team will continue to reach new heights.

As the USA Today wrote: "In '94, the Rams found a way to win tough ones." That spirit, more than anything, defines the Colorado spirit.●

JOSEF GINGOLD

● Mr. LIEBERMAN. Mr. President, I rise today to honor the late violinist Josef Gingold and his family.

Mr. Gingold was a world-renowned violinist and a music professor at Indiana University who selflessly devoted his life to teaching music. His distinguished career in the musical arts and his devotion to teaching serves as an example of a life of tireless dedication. His legacy continues; many of his students have gone on to careers as conductors, musicians, and teachers in major symphonies and schools throughout the world. He also built the program at Indiana University's School of Music to become recognized internationally as one of the most respected curriculums for the world's next generation of violinists.

The Gingold family is a model of strong morals and family values in their cohesiveness and unity in crisis. Despite having encountered struggles since Mr. Gingold's passing, they have shown dignity and perseverence in coming together to grieve and to console one another.

Mr. Gingold's son and daughter-in-law, George and Anne Gingold, who are residents of the State of Connecticut, have graciously donated a collection of Mr. Gingold's books, music, letters, pictures, competition notes, and other materials to be available to teachers, musicians, and historians at the Library of Congress.

Josef Gingold lived a life that should be an example to all of us. He loved and provided for his family while as a professor of music at Indiana University. He will long be remembered as a man who touched many and helped countless others through his dedication and devotion to music and his passion for teaching.●

CODES AND STANDARDS PROGRAM

● Mr. BINGAMAN. Mr. President, today I rise in support of the Codes and Standards Program as mandated under the Energy Policy Act of 1992. Federal appliance efficiency standards were established because manufacturers wanted one Federal standard as opposed to 50 different, and perhaps inconsistent, standards.

The consumer benefits from the Codes and Standards Program. The program establishes minimum energy conservation standards for a variety of electrical components, electrical consumer goods and building codes.

The effects of the Codes and Standards Program are significant. For example, new energy standards for clothes washers have the potential to save consumers up to two-thirds of their current energy and water costs before the end of the decade.

The appliance standards adopted to date will save consumers a net of $132 billion over the lifetime of the affected products.

What is good for the consumer is good for the industry. The further benefits of this program are: The standards also decrease pressure on utilities to build new power plants; preserve precious natural fuel resources; promote greater water conservation in drought stricken states; make U.S. products more competitive in domestic markets against foreign competition.

I know that the industry has raised significant criticisms of the Department of Energy. As a result, the Department has organized workshops and public meetings with manufacturers to work towards consensus. I support continuing a consensus approach to revising standards.

Today, the Senate has accepted an amendment that will preclude the proposal, issuance, or prescription of rules on new or amended appliance and equipment standards for 1 year. After this limited time period for technical review, I urge my colleagues to remain firmly in support of the Codes and Standards Program.●

SEYBOURN H. LYNNE FEDERAL COURTHOUSE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 170, S. 369.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 369) designating the Federal courthouse in Decatur, Alabama, as the "Seybourn H. Lynne Federal Courthouse," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HEFLIN. Mr. President, I rise today to thank the Senate and the Senate Committee on Environment and Public Works for the unanimous support given toward the passage of S. 369, a bill which will rename the Federal Courthouse in Decatur, AL, in honor of Senior Judge Seybourn Harris Lynne.

This bill, which is cosponsored by Senator RICHARD SHELBY honors a distinguished Alabama jurist. Judge Lynne has contributed 45 years of dedicated service to the Federal bench, serving on the U.S. District Court for the northern District of Alabama.

Judge Lynne is a native for Decatur, AL, where he graduated from Decatur High School in 1923. He attended the Alabama Polytechnic Institute, the present-day Auburn University, and he graduated from this outstanding university with highest distinction. Judge Lynne then went on to earn his law degree from the University of Alabama School of Law in 1930. While he was in law school, he served as track coach and assistant football coach at the university. Upon graduation from law school, Judge Lynne practiced law in a partnership formed with his father, Mr. Seybourn Arthur Lynne.

In 1934, Judge Lynne was elected Judge of the Morgan County Court. He remained in that position until January 1941, when he took over the elected duties of judge of the Eighth Judicial Circuit of Alabama. On June 16, 1937, he married Katherine Donaldson Brandau of Knoxville, TN. In December of 1942, he resigned from the bench to voluntarily enter the military. After earning the rank of lieutenant colonel, he was relieved of active duty in November of 1945 and awarded the Bronze Star Medal for meritorious service in operations against the enemy.

When an opening occurred on the Federal bench, Alabama Senators Lister Hill and John Bankhead were called upon to provide an appropriate individual to be considered by the White House for this judgeship. After discussions and a reveiw of Judge Lynne's background, the decision was made to put forward his name. However, one important factor should be noted, namely that as he was being considered for a Federal judgeship, Judge Lynne was still serving his country in the South Pacific. In these days of self-serving rhetoric, it is refreshing to know that the outstanding reputation and attributes of Judge Lynne were already being recognized by his peers.

In January 1946, President Harry S. Truman appointed Judge Lynne to the United States District Court for the Northern District of Alabama. In 1953, he became the Chief Judge, and in 1973 he became Senior Judge.

As Chief Judge for the Northern District of Alabama, Judge Lynne was known as an outstanding leader. His knowledge and management skills ensured a solid, working relationship between the Federal bench and the bar. The Northern District was not burdened with a stale and over-ripe docket

and the court's caseload was kept timely and up-to-date thanks to the leadership of Judge Lynne.

In addition to this leadership responsibilities, Judge Lynne worked hard and carried a full caseload. In fact, even in senior status, he continues to work long hours and keeps a complete docket of cases. Over the years, Judge Lynne has been recognized as an outstanding mediator who often was able to reconcile competing interests in order to forge a thoughtful compromise. A number of businesses and individuals in Alabama are growing and thriving today due to Judge Lynne's abilities as an arbiter who was able to settle complex and difficult disputes.

In addition to his life on the bench, Judge Lynne has been very active in church, civic, school and professional activities. He has served his church, Southside Baptist Church—Birmingham, AL, As a Deacon, A men's bible class teacher, and a trustee. He has also served both the Crippled Children's Clinic of Birmingham and the eye Foundation Hospital of Birmingham as trustee. In 1967, he served as the president of the University of Alabama law school Alumni Association.

Therefore, I believe that the naming of this Federal Courthouse is a fitting tribute to Judge Seybourne Harris Lynne for his tireless work on behalf of the State and Federal bench.

Mr. HATFIELD. I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

So the bill (S. 369) was deemed read the third time and passed, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Courthouse in Decatur, Alabama, is designated as the "Seybourn H. Lynne Federal Courthouse".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the Seybourn H. Lynne Federal Courthouse.

BRUCE R. THOMPSON U.S. COURTHOUSE AND FEDERAL BUILDING

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 171, S. 734.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 734) to designate the United States Courthouse and Federal building to be constructed at the Southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building," and for other purposes.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 734) was deemed read the third time and passed, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. DESIGNATION OF BRUCE R. THOMPSON UNITED STATES COURTHOUSE AND FEDERAL BUILDING.

The United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, shall be known and designated as the "Bruce R. Thompson United States Courthouse and Federal Building".

SEC. 2. LEGAL REFERENCES.

Any reference in a law, regulation, document, record, map, or other paper of the United States to the courthouse and Federal building referred to in section 1 shall be deemed to be a reference to the "Bruce R. Thompson United States Courthouse and Federal Building".

ALBERT V. BRYAN UNITED STATES COURTHOUSE

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 172, S. 965.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 965) to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia as the "Albert V. BRYAN United States Courthouse."

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 965) was deemed read the third time and passed, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ALBERT V. BRYAN UNITED STATES COURTHOUSE.

(a) NEW COURTHOUSE.—

(1) IN GENERAL.—The Federal building located at Courthouse Square South and Jamieson Avenue in Alexandria, Virginia, shall be known and designated as the "Albert V. Bryan United States Courthouse".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in paragraph (1) shall be deemed to be a reference to the "Albert V. Bryan United States Courthouse".

(b) OLD COURTHOUSE.—

(1) IN GENERAL.—The Federal building located at 200 South Washington Street in Alexandria, Virginia, shall not be known and designated as the "Albert V. Bryan United States Courthouse".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building known and designated prior to the effective date of this section as the "Albert V. Bryan United States Courthouse" shall be deemed to be a reference to the Federal building referred to in paragraph (1).

(c) EFFECTIVE DATE.—This section shall become effective on the date of the completion of the construction of the Federal building referred to in subsection (a)(1).

FRANCIS J. HAGEL BUILDING

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 173, S. 1076.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1076) to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the "Francis J. Hagel Building," and for other purposes.

Mr. HATFIELD. I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1076) was deemed read the third time and passed, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FRANCIS J. HAGEL BUILDING.

The Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, shall be known and designated as the "Francis J. Hagel Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Francis J. Hagel Building".

CORNING NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. HATFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 174, H.R. 535.

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

The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATFIELD. I ask unanimous consent that the bill be deemed considered, read the third time, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 535) was deemed read the third time, and passed.

FAIRPORT NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 175, H.R. 584.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 584) was deemed read the third time and passed.

NEW LONDON NATIONAL FISH HATCHERY CONVEYANCE ACT

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, H.R. 614.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 614) was deemed read the third time and passed.

GEORGE J. MITCHELL POST OFFICE BUILDING

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2077, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 2077) to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the "George J. Mitchell Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (H.R. 2077) was deemed read the third time and passed.

ORDERS FOR THURSDAY, AUGUST 10, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:10 a.m. on Thursday, August 10, 1995, former President Herbert Hoover's birthday; 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; that the Senate immediately resume consideration of the transportation appropriations bill, with 4 minutes for debate remaining on the Roth amendment, with the vote occurring on or in relation to the Roth amendment following that debate.

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

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, the Senate will resume consideration of the transportation appropriations bill at 9:10 a.m. tomorrow, with a rollcall vote occurring at approximately 9:15 or 9:20 a.m. Additional rollcall votes have been stacked, with the remaining stacked votes limited to 10 minutes in length. Also, the Senate will consider the DOD authorization bill and the DOD appropriations bill. All Members should expect a late night session on Thursday in order to make progress and possibly complete action on all of these bills.

RECESS UNTIL 9:10 A.M. TOMORROW

Mr. HATFIELD. 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 11:17 p.m., recessed until Thursday, August 10, 1995, at 9:10 a.m.