SENATE—*Thursday, April 6, 1995*

(Legislative day of Wednesday, April 5, 1995)

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Schlegel. He is president of the University of San Francisco. He has been endorsed by Senator HATFIELD and Sheila Burke. We are very pleased to have him with us.

PRAYER

The guest Chaplain, Father John Schlegel, office of the president, University of San Francisco, offered the following prayer:

Let us pray:

God, designer of life and author of all that is good and beautiful. We know You to be a God of harmony and wholeness; a God who seeks justice and rewards goodness.

You give to Your daughters and sons many gifts, talents, opportunities, and challenges. You have endowed those elected to this Chamber great opportunities and great responsibility in conducting the public work of this land for the common good of all.

As they deliberate may they be motivated by service and guided by conscience.

Grant the Members of this Senate and the whole Congress: wisdom to their minds; clearness in their thinking; truth in their speaking; love in their hearts; and enthusiasm for their work. Help them be a source of unity not division. Help them be seekers of justice and forgers of equality. Help them to set the interest of the Nation above all else.

Guide them, finally, to exercise their power to assist our fellow citizens to feed the hungry among us; to ease the burden of those in pain; and to make our country, our communities, and our homes better places to live and to work.

As we make this prayer today as every day, we make it in confidence knowing You are a God of faithfulness and covenant, a God of love, a God of peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Wyoming.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the leader, let me say this morning that the time for the two leaders has been reserved, and the Senate will immediately resume consideration of H.R. 1158, the supplemental appropriations and rescissions bill. It is the hope of the majority leader that a unanimous-consent agreement can be reached that will enable the Senate to complete action on the supplemental appropriations bill today.

If an agreement cannot be reached, Senators are to be reminded that a cloture vote on the Hatfield substitute is scheduled for 2 p.m. today. Members should be aware that rollcall votes could occur throughout the day.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER. Under the previous order, the leadership time has been reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1158, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield amendment No. 420, in the nature of a substitute.

D'Amato amendment No. 427 (to amendment No. 420) to require congressional approval of aggregate annual assistance to any foreign entity using the exchange stabilization fund established under section 5302 of title 31, United States Code, in an amount that exceeds $5 billion.

Murkowski-D'Amato amendment No. 441 (to amendment No. 427) of a perfecting nature.

Daschle amendment No. 445 (to amendment No. 420) in the nature of a substitute.

Dole (for Ashcroft) amendment No. 446 (to amendment No. 445) in the nature of a substitute.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is now recognized.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

PAPERWORK REDUCTION ACT OF 1995—CONFERENCE REPORT

Mr. THOMAS. Mr. President, this request has been agreed to by both the minority and the majority leaders.

I ask unanimous consent that the Senate now turn to the consideration of the conference report to accompany S. 244, the paperwork reduction bill; that the conference report be agreed to; and that the motion to reconsider be laid upon the table.

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

The clerk will report.

The assistant clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of April 3, 1995.)

Mr. ROTH. Mr. President, I am pleased to state that our bipartisan efforts to strengthen the Paperwork Reduction Act, which began in the last Congress, has now in this Congress become bicameral. The conferees were able to resolve the differences between the Houses so that before the week is over the Congress will have concluded its work on a bill that significantly improves upon current law.

As my colleagues know, the 1980 Act established within OMB the Office of Information and Regulatory Affairs [OIRA]. That office was directed to review the paperwork burdens created by the Federal Government. All collections of information from 10 or more persons must, with very few exceptions, be reviewed by OIRA for their need and practical utility and must receive a clearance number before they can become effective.

The fundamental purpose of this review process is to reduce the paperwork burden on the American public.

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

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Hence, the name given to this legislation. However, before this legislation now pending, because of the Supreme Court decision in Dole versus Steelworkers, not all paperwork burdens caused by the Federal Government had to be reviewed and cleared. The Court said that the act applied to paperwork that flowed from a private party to the Federal Government and not to instances where the Federal Government required a person to provide information to another person.

As a policy matter, I have never favored the distinction made in the Dole case. The conference report makes clear that neither House of Congress accepts this distinction. The Dole case is overturned, and the scope of OIRA's review authority is, as a consequence, enlarged by 50 percent. This change marks a major breakthrough in our paperwork reduction efforts.

In noting the major effect of this legislation, I do not mean to imply that it was a major issue with the House. It was not. In fact, in view of the breadth of this legislation, the issues in disagreement were relatively few.

Perhaps the most significant disagreement concerned the duration of the authorization of appropriations for OIRA. The Senate bill provided $8 million for each of the next 5 years, while the House had an indefinite and permanent authorization. The conferees compromised on the Senate version for an additional year. This 6-year authorization will prompt us to review the legislation at some future time, which was the underlying rationale of the Senate provision.

The House argued that OIRA has clearly been established as a matter of policy, if not in law, as a central organ of the Federal Government and a key instrument of current regulatory reform efforts. The Senate responded that it was not its position to sunset either the Paperwork Reduction Act or OIRA. The lack of a permanent authorization of appropriations for OIRA has never before, even when it has expired, caused OIRA to terminate.

I agree that OIRA has become a necessary and permanent policeman of paperwork and regulation. But I also continue to hold my longstanding commitment to limited authorizations. Six years is a substantial period of time. A lot can change in 6 years. In 2001, it is entirely appropriate that Congress review the status of our paperwork reduction efforts and the role of OIRA.

A second major issue of disagreement between the Houses concerned the annual percentage goals for Government-wide reductions in paperwork burdens. The Senate set a 5 percent goal for each of the next 5 years. The House set a 10 percent annual goal forever. Of course, all the conferees would like to see substantial reductions. The question was a practical one: what goal was realistically achievable? Once we had decided on a 6-year timeframe, the issue became more focused. While the House conferees made clear that their 10 percent goal was to be set annually with respect to a new paperwork baseline that would include new congressional paperwork mandates, Senate conferees were still concerned that 10 percent a year for 6 years was unrealistic. After some discussion, it was agreed that the paperwork reduction goals of the Federal Government should be set at 10 percent for each of the first 2 years and 5 percent for each of the other 4 years.

A third major issue of disagreement concerned the House provision which permitted OIRA to charge the users of Government information more than the cost of disseminating such information. While there might be some instances where such an authority would be appropriate, the House provision was not crafted in any such limited manner. The Senate conferees thought it was a little late in the legislative process to start isolating circumstances where charges in addition to dissemination costs might be appropriate. Not having addressed this issue at all in the Senate bill, the Senate conferees asked that the House recede. And the House agreed.

Mr. President, the topic that captured more time in conference discussion than any other was that of redrafting section 3512, which provides public protection against agency noncompliance with the Paperwork Reduction Act. Since 1980, the act has provided a fundamental protection to every citizen that he or she need not comply with, or respond to, a collection of information if such collection does not display a valid control number given by OMB as evidence that the collection was reviewed and approved by OIRA. And if the collection does not display a valid control number, the agency may not impose any penalty on the citizen who fails to comply or respond.

In order to strengthen and underscore congressional desire to protect the public, the conferees included a definition of penalty at the end of section 3502 to make clear that the term not only applies to the payment of a fine but also to the denial of a benefit. What this means is that if an agency does not comply with this act, it is in serious trouble. If an agency does not act on a citizen's request for a Government benefit because the citizen did not complete a form that fails to display a valid OMB clearance number, it is the agency—not the citizen—that stands in violation of law. Once this is determined, the agency would not only owe the citizen the benefits due but also perhaps interest as well.

Now there are some who may grumble that this provision is too weak. Since 1980, section 3512 has included an alternative clause of public protection requiring the collection of information to state that if it did not display a valid OMB control number, it was not subject to the act. Some may view that second clause as a tautology. That is how agencies have interpreted it. But some others have believed that it requires: First, that every effort by the Government to collect information, even those not covered by the act, be accompanied by a statement advising that such collection is not required to have a clearance number; and second, that consequently a failure to provide such advice would subject the collection of information to the public protection sanctions of section 3512, even though the collection was not subject to the act.

Now the act specifies in section 3518 certain exceptions from the act. A subpoena is one example. Also, by definition, a collection of information falls under the act only if 10 or more persons are involved. My view is that since a subpoena is not covered by the act's clearance requirements and since a request for information made to nine or fewer individuals is likewise not covered, then in such cases the sanctions of section 3512 have no application. It is simply foolish, in my opinion, to require an agency to inform a person it is dealing with about the laws that do not apply.

So with the concurrence of all the Senate conferees, this second clause was rewritten to be both feasible and useful. It now requires the agency to inform the person who is to respond to collections of information governed by the act that such person is not required to respond to the collection of information unless it displays a valid control number from OMB. This statement of how section 3512 operates to protect the public technically need not appear on the collection of information itself. That is because the term collection of information includes more than Government requests for information. An example of an additional item included within the definition might be a recordkeeping requirement. In such case, the collection of information might not be a Government form but instead a legal requirement about which the agency provides instructions.

While the conferees provided some flexibility regarding the second clause of section 3512(a), it is their intention that the agency inform those who are to respond in a manner reasonably calculated to bring the matter to their attention. If the collection is a Government form to be completed and submitted by a person, then that form should bear the necessary statement to fulfill the requirements of section 3512(a)(2). If the collection concerns something else, such as recordkeeping, then the agency should make it section 3512(a)(2) statement as clearly as possible in some document, such as instructions regarding such recordkeeping.

Moreover, in section 3512(b) the conferees made clear that the protections of section 3512 may be raised at any time during the life of the matter. The protections cannot be waived. Failure to raise them at any early stage does not preclude later assertion of rights under this section, regardless of any agency or judicial rules to the contrary.

I believe that as a result of our changes to section 3512 we have substantially strengthened that section and, in turn, the entire act. Any agency that fails to comply with the clearance provisions of this act does so at its peril. Any collection of information, unless excepted by this act, must be cleared by OMB. And this applies to all agencies, including independent agencies.

Neither the House nor the Senate sought to change the policy of the 1980 Act that all agencies, including independent agencies, have their information collections, even those by regulation, subjected to OMB review and approval. So while exceptions are made for certain law enforcement and intelligence activities, none is made for duck hunting or the safety and soundness regulations of banking agencies. Apparently, no difficulties have arisen in the last 15 years under the 1980 Act. So no change is made from current law.

The final major item of disagreement concerned the standard by which regulations which include information collections are judged. Under current law, OMB reviews such agency rules and comments thereon applying the standard of section 3508—whether the collection is unnecessary) and thereafter approves or disapproves after receiving the agency's response to OMB's comments. By what standard does OMB decide? Current law allows OMB to disapprove if the agency's response was unreasonable. The House sought to tidy up by cross-referencing section 3508 rather than using the current law's formulation of unreasonable.

As a practical matter, there is no real difference between whether the agency's response to OMB's comments are unreasonable in light of OMB's views on whether the agency's collection is unnecessary under section 3508 and whether the collection is unnecessary under that section. Since both standards—unreasonable and unnecessary—lack precision, there is nothing in current law to stop OMB, unless persuaded by the agency's response, from disapproving a regulatory collection because it would be unnecessary under section 3508.

Some of my Senate colleagues believe that the House position undermined an important difference—a zone of deference to be accorded agency rulemaking. The argument is that OMB may disapprove a regulation only if the agency's response is unreasonable even if OMB believes that collection is unnecessary. While the argument tracks the words of current law, I am not persuaded that the zone of deference has any dimension to it at all. Nor do I see what benefit would derive from making a distinction between collections undertaken as part of a regulation and those outside of a regulation, which are covered only by section 3508. Either way, if the collections are unnecessary, they should be disapproved. What is the compelling argument for allowing unnecessary collections to burden the American public simply because the agency's response was not unreasonable?

Ultimately, the conferees decided to keep current law because it satisfied more conferees then did the House version's unambiguous language. Current law satisfies the majority of conferees who believe that nothing stops OMB from disapproving a regulatory collection found to be unnecessary while it allows others to argue that some metaphysical zone of deference is preserved for regulatory collections.

Mr. President, when we last came to the floor on S. 244, the Senate adopted several amendments that did not directly bear upon the Paperwork Reduction Act. Only one of those amendments survived the conference. That amendment by Senator COVERDELL sought to reduce small business compliance burdens with the Quarterly Financial Report Program at the Bureau of the Census. With some minor modifications, this provision has been transformed in conference from a pilot project to a permanent program change. The provision, as modified, has the support of its original sponsor and of the Census Bureau.

Two amendments dealing with the elimination of unnecessary reports to Congress—one by Senator MCCAIN and one by Senator LEVIN—were dropped at the insistence of the House. Conferees had received correspondence from various congressional committees and agencies raising technical and other concerns about these provisions. Representative CLINGER, who chaired the conference, indicated that he favored the purpose of the reports-elimination provisions but could not hold up the Paperwork Reduction Act while various concerns with these nongermane amendments were addressed. He said he would introduce a companion bill in the House and would seek to move the legislation there.

Finally, an amendment that expressed the sense of the Senate regarding the Oregon option was also dropped in conference at the insistence of the House conferees.

Mr. President, the Paperwork Reduction Act of 1995 passed both Houses on rollcall votes with not a single dissenting voice. I am pleased to report that the conferees have resolved all differences between the two bodies with the result that we have even a stronger bill than before. It should be noted that we could not have moved so swiftly to passage and through conference without the bipartisan cooperation of Senator NUNN, the chief sponsor of S. 244, and Senator GLENN, the ranking minority member of the Committee on Governmental Affairs. I commend them for their hard work on this legislation not only in this Congress but in the last. Their effort set a mark not only in the Senate but in the House and made enactment of this legislation possible within the first 100 days of the 104th Congress.

I urge my colleagues to approve this conference report.

Mr. GLENN. Mr. President, it gives me great pleasure to rise before my colleagues today and urge their acceptance of the conference report on our bipartisan legislation to reauthorize the Paperwork Reduction Act. This day has been a long time in coming. At long last, we can take our final step toward presenting the President with a bill that I am sure he will sign and that I am equally confident will reduce paperwork and improve the management of Federal information resources.

Passage of this legislation is an accomplishment that I am very proud of. Reauthorization of the act was one of my major priorities during my 6 years as chairman of the Governmental Affairs Committee. After several years of discordant debate about the act's implementation, we fashioned a bipartisan bill that resolved outstanding issues and moved the act forward to more clearly address new Information Age issues. This bill was unanimously passed by the Senate on October 6, 1994.

Unfortunately, the House was unable to act before the end of the 103d Congress. The legislation that we have before us today is this same bill, with only a few minor changes. This year's House bill itself was also modeled very, very closely on our bill. I am thus very proud of the leadership our committee provided in the last Congress, the bipartisan cooperation that continued into this Congress, and the accomplishment that we now have before us.

The Paperwork Reduction Act is a vitally important law. Originally enacted in 1980, and reauthorized in 1986, the act serves two closely related and very essential public purposes. First, the act is key to the ongoing effort to reduce Government paperwork burdens on the American public. Too often, our citizens—individuals, businesses, State and local governments, academic institutions, nonprofit organizations, and more—are burdened by having to fill out questionnaires and forms that simply are not needed to implement the laws of the land. Too much time and money is wasted in an effort to satisfy bureaucratic excess.

The Paperwork Reduction Act of 1980 took up the battle by transforming a leaky review process—created in 1942—

into a strong centralized OMB clearance process to control the information appetite of agencies all across the Federal Government. The Paperwork Reduction Act of 1995 strengthens this process, primarily by increasing the paperwork reduction responsibilities of the individual agencies, so that we can make new progress in fighting Government redtape.

The act's second core purpose is to improve Federal information resources management. This is not a separate or secondary goal. Reducing the costs and improving the efficiency and effectiveness of Government information activities is an essential element of paperwork reduction. As the 1977 Federal paperwork Commission commented, how can Federal agencies reduce paperwork if they don't know what information they possess or how best to use it? We simply cannot reduce paperwork burdens on the American people unless we can get more efficient and effective information activities out of Federal agencies.

Our entry into the Information Age signals an even more fundamental truth. We cannot provide efficient and effective Government operations without efficient and effective information activities. Program operations, service delivery, agency policy formulation and decisions—all now depend increasingly on information technology.

The scale of this transformation of the Government from a paper-driven to a computer-driven operation is staggering. The Federal Government is now spending over $25 billion each year on information technology. We have truly entered the Information Age. Automated data processing for program applications, electronic benefits transfer for food stamps distribution, electronic data interchange to speed up Federal contracting, direct deposit for more efficient delivery of pay and retirement benefits, computer matching to catch tax cheats, high capacity telecommunication networks and videoconferencing for more efficient work across the Nation and even the globe. These innovations are already a part of Government. They also suggest some of the opportunities still to come for improving Government operations.

Unfortunately, as oversight by our committee and others has shown, the Government is not realizing the full potential of this technological revolution. The Federal Government is simply wasting millions and millions of dollars on poorly designed and often incompatible systems. This must stop.

The Paperwork Reduction Act of 1980 took a first step on the road to reform when it created information resources management [IRM] policies to be overseen by OMB. The Paperwork Reduction Act of 1995 strengthens that mandate and establishes new requirements for agency IRM improvements. These requirements focus on agency responsibility for IRM improvement, including results-oriented performance standards. These strengthened requirements add needed detail to the larger IRM framework, with its essential oversight role for OMB, to ensure that we have both management results and accountability. The legislation balances process controls with program and management responsibility to provide IRM improvements without stifling micromanagement.

In serving these twin, closely related statutory purposes of paperwork reduction and information resources management, the Paperwork Reduction Act of 1995 includes several notable accomplishments.

We reauthorize the act for 6 years. While the House proposed a permanent authorization, the conference agreement contains a definite reauthorization period. While the difficulties in reauthorizing the act between 1983 and 1986, and again from 1989 to the present, may suggest to some that the act ought to be permanently reauthorized, I draw a very different conclusion. It is precisely because the act is so important, because it concentrates significant power in OMB—which is the President's enforcer, if there ever was one—and because there has been so much controversy about OMB's actions under the act—and its related regulatory review powers—that every effort must be made to provide and sustain serious congressional oversight.

Without a periodic reauthorization schedule, I am afraid that our oversight would suffer. With the requirement for reauthorization, we are required to scrutinize the act and its implementation, and persevere in resolving differences and arriving at any needed statutory reforms. The reforms found in the Paperwork Reduction Act of 1995 are the product of this reauthorization process and proof of its importance.

We strengthen the paperwork clearance process in several ways. The most important reform is the establishment of new detailed requirements for agencies to evaluate paperwork proposals and solicit public comment on them before the proposals go to OMB for review. These new requirements will, first of all, ensure the more thoughtful development of only truly "necessary" agency information collection proposals. Just as importantly, these requirements will also help agencies more clearly and thoroughly make their case for such proposals, and thus prepare for a fair hearing before OMB on what is or is not "necessary for the proper performance of the agency's functions," as the law puts it. Together, I believe, these expanded agency requirements provide the greatest opportunity for progress in the war against red tape.

We also strengthen the paperwork process by overturning the Dole versus United Steelworkers Supreme Court decision regarding OSHA's hazard communication standard, so that information disclosure requirements are covered by the OMB paperwork clearance process. This ends a controversy of several years and clarifies that the act covers all paperwork requirements, not just information that is collected for an agency's own use.

In other respects, the act's OMB paperwork clearance standards remain unchanged. In fact, the decision to overturn the Supreme Court "Haz Comm" decision is only appropriate given the continuing integrity of the procedure for OMB review of information collections required by regulation. As provided under the original 1980 act, after commenting on regulatory paperwork requirements in a proposed rule, OMB may disapprove a final rule paperwork requirement only if it finds that the agency's response to its comments are "unreasonable." As Senator KENNEDY said at the time, "[Without this provision,] this legislation would permit OMB to overturn * * * [an agency rulemaking] decision without even requiring OMB to justify its decision publicly. This violates basic notices of fairness upon which the Administrative Procedure Act is based, as well as concepts of due process embodied in the U.S. Constitution." (S30178, November 19, 1980). With this legislative history so clear, I am very pleased that the House receded to the Senate on this point in the current legislation—our committee and the Senate having already clearly decided to maintain unchanged the paperwork clearance standards of the act.

The Paperwork Reduction Act of 1995 also provides needed detail to the act's general provisions on information dissemination. OMB policy guidance responsibilities are delineated, as are the operational responsibilities of individual Federal agencies. The primary theme running through these provisions is the obligation of Federal agencies to conduct their dissemination activities in such a way as to ensure that the public has timely and equitable access to public information. A major element of this obligation is the mandate to make information available on a nondiscriminatory and nonexclusive basis so as to avoid disadvantaging any class of information users. Public information is public. It should not become a source of revenue for agencies or a means by which to exercise proprietary-like controls on information.

Finally, the legislation requires the development of a Government Information Locator Service [GILS] to ensure improved public access to government information, especially that maintained in electronic format, and makes other improvements in the areas of government statistics, records management, computer security, and the management of information technology.

These are important reforms. Of course, reaching broad bipartisan

agreement on this legislation has involved considerable compromise. There has been give and take on both sides. The result, like most compromises, has displeased some. I believe, however, that the legislation represents a practical compromise that addresses many real issues and moves the Government forward toward the reduction of paperwork burdens on the public and improvements in the management of Federal information resources. It should be supported for its very significant provisions.

Even with this accomplishment, it should be clearly understood that the legislative compromise does not resolve conflicting views on the OMB paperwork and regulatory review controversies that have dogged congressional oversight of the Paperwork Reduction Act. As I said in my additional views in our committee report:

Support for the original act and for the current legislation should not . . . lead anyone to overlook the problems that have frustrated full implementation of the law. Fifteen years of Committee oversight have produced a record replete with criticisms, largely directed at OMB, for unbalanced implementation of the Act. Slighting statistics, records management, information technology management, privacy and security, and other aspects of information resources management, OMB devoted itself to a paperwork clearance and regulatory review process that occasioned repeated charges of interference with substantive agency decision-making. I believe that this record should not be obscured . . ." (S. Report No. 104-8, p. 59):

This record should remind us of our continuing obligation to oversee the act, at the same time that we move forward with the current legislation to better fulfill its very important purposes.

In conclusion, the legislation before us strengthens the Paperwork Reduction Act. It also remains true to the intent of the original 1980 act. Both the administration and the General Accounting Office concur in this judgment and support the legislation. I am very proud of our accomplishment in bringing this legislation to final passage of the conference report. This has been a cooperative bipartisan effort. We could not be here without the hard work of Senator NUNN and Senator ROTH, who is now chairman of the Governmental Affairs Committee. I would also single out Senator BINGAMAN, my good friend from New Mexico, who, when he was on our committee, initiated the reauthorization effort in 1989. And, of course, as always, Senator CARL LEVIN of Michigan has played an important role, working to ensure that our committee's consideration of the legislation helped the fight both against paperwork and for Government efficiency.

This really has been a long-haul effort. And through those years, a small group of staff have labored long and hard, again and again working over drafts and coming up with legislative language to help us reach the point we are at today. I want to thank Frank Polk of Senator ROTH's staff, Bill Montalto with Senator NUNN, and Len Weiss and David Plocher of my staff. We could not be here today without their work. Finally, I want to thank Jeff Hill and Bruce McConnell of OMB's Office of Information and Regulatory Affairs, and Dan Latta and Chris Hoenig of GAO's Accounting and Information Management Division. Their technical assistance throughout the legislative process was essential, and they deserve our thanks for their help.

We are now one short step from final enactment of the Paperwork Reduction Act of 1995. I strongly urge my colleagues to join in supporting this very important legislation.

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

So the conference report was agreed to.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

FRESHMAN FOCUS

Mr. THOMAS. Mr. President, as you know, over the last several weeks, the Senate freshmen have taken time on various occasions to come to the floor to talk about the agenda that we believe was prescribed during the last election, the agenda that the 11 of us, as new Republican Senators, would like to see pursued in the Senate.

Our plan was to talk in morning business about that this morning. As you know, the order has been changed, and we respect that. But until such time as the majority leader and the minority leader are able to pull up the bill, we would like to proceed to talk about some of the things that we think are most important.

We call this the freshman focus, and we think we do bring to this body something of a unique point of view in that each of us, of course, just came off an election, each of us campaigned for a very long time in our States, each of us talked to many people, and each of us believes that there was a message in the election and that the responsibility of responsive Government is to respond to that election and to the voice of the voters as we see it.

So, Mr. President, we, I think, have going on here a great debate. It may not take the form of great debate in terms of its physical approach, but the great debate is between the way we see things happening, the way we see ourselves as a society and as a country entering into the new millennium, entering into the year 2000 in a relatively short 5 or 6 years and what shape we see ourselves in as a nation going into that new millennium.

The great debate is whether or not we want to go into that new century continuing as we are financially, continuing as we are with the huge debt that we have, continuing as we are with deficits of $250 billion in that foreseeable future or, in fact, whether we want to seek to make some changes so that we go into that millennium, so that we go into that new century, with a nation that is financially and fiscally responsible, and now is the time we have to do that.

That is the great debate, the great debate that has been going on in the House, the great debate that is going on here, the great debate that will take place over the next year in terms of the budget. Basically, the debate is overspending.

We all have charts. Unfortunately, I am not armed with a chart this morning. The chart would show, however, that spending has gone up in this kind of fashion, spending has gone up in the neighborhood of 5 percent a year for many years and is designed to continue to go up at 5 percent a year for the foreseeable future. The President's budget this year has a 5.5-percent increase in spending.

So we talk a lot about the deficit, the deficit which is a result, of course, of the difference between revenues and outlays, but really is the result of spending. If there was a message that I think was universally discernible in November, it was that Government is too big and that Government spends too much. Most people agree with that.

If we are to have a reasonable debate, there needs to be a couple of things agreed to, a couple of things have to be stipulated. One struck me some time back in our church in Cheyenne that we attend, and the message that the pastor had was that every day each of us has a responsibility to make this a better place to live.

Whether a person is a Senator, whether a person is a carpenter, whether a person is a rancher, we each, where we are, have a responsibility to make this a better place to live.

We do it in our own ways. We each have something different to contribute. But, Mr. President, we have, in addition to the citizenship responsibility, we have the responsibility of being trustees for this country, being trustees for the spending responsibilities of the United States—an awesome responsibility it seems to me, one that goes far beyond simply spending, goes far beyond arithmetic, goes far beyond accounting. It goes into the character of a nation.

Whether or not we are able to pay for the things we want, whether we are willing to have a cost-benefit ratio and decide for ourselves if it is worth paying for, we pay for it. It is irresponsible to continue to put it on the credit card for our kids. Our credit card is maxed out.

Within the next month or 2 months, we will be asked to raise the debt limit—$5 trillion. Talk about charts that impressed me a little some time ago, in 1970, the budget of this country was about $204 billion, in that category. Twenty-five years later, the interest payment on the debt is more than the entire cost of the Federal Government in 1970—not very long ago.

So the question in the great debate is how do we go into the 21st century? How do we go into the new millennium? That is what the freshmen are focusing on.

There is a great deal more to the debate on this question today of rescissions, this question today of whether we can find $15 billion to take out of spending, $15 billion that will not go on the debt. There is more to it than just this spending issue. It has a good deal to do with national character.

So that is what it is about. That is what the freshmen are seeking to do. Unfortunately, the opposition, rather than taking a look at where are we, where do we need to go, what changes do we have to make, what changes did voters ask for, are saying, "Oh, no, we cannot change. We want to continue with the programs we have had. We want to continue with the war on poverty"—which has failed. The war on poverty was started 30 years ago, and there are more people in poverty now than there were then.

We have the greatest opportunity now than we have had for a very long time, a great opportunity to take a look at where we are going. I suggested there needs to be a stipulation in this great debate, and that stipulation also has to be not only do we have a responsibility to make it a better place to live, but also that people who want to make changes have as much compassion and as much caring as do those who do not. The idea that people wanting to make a change and wanting to take a look at where we are going signifies that we want to throw everyone out on the street and there is no caring and that it is simply a mathematical thing is absolutely wrong. I am beginning to hear it. I hear it almost hourly from the opposition—the reason for not making a change is because it is not compassionate.

Let me suggest if we want to take a look at the long range, we want to take a look at your kids, my kids and our grandkids, we need to have a little compassion about that. We need to have a little compassion about what kind of a financial position and responsibility for our Government will we have in the year 2000 unless we make some changes.

Of course they are difficult. Of course they are difficult changes. We must make them. Americans voted for change in 1994.

We have the greatest opportunity we have had for a very long time to take a look at programs and say are they fulfilling the objective? Is that the best way to deliver services to people who need them? To take a look at welfare and say, the purpose of welfare is to help people who need help and to help them back into the workplace. A hand up, not a handout.

That is what we ought to be looking for, and to measure those programs and see if, indeed, they are successful, or is there a better way to do it. Do we need 165 programs designed to go from school to work? Of course not. We need to put them together and look at duplicity and look at repetition and see if there is a more efficient way to do it. That is what this debate is about.

Frankly, we are having a hard time keeping that debate in the arena of finding better ways to help people help themselves. That is what it is for.

Mr. President, I hope as we go through it, there will be a stipulation that we are setting out to find a better way, a better way to help people who need help; a better way to provide incentives for everyone to work and take care of themselves; a better way for the business sector to invest, to create jobs, so that we can help ourselves; a better way to eliminate bureaucracy and duplicity so that we can deliver services.

That is what it is about. That is the responsibility that we have.

Mr. President, I thank you, and I want to yield to my good friend from Pennsylvania, who certainly is one of the leaders in this effort to find better ways so that we have a society of self-improvement rather than dependence.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent I may proceed as in morning business.

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

CONGRATULATIONS TO THE HOUSE

Mr. SANTORUM. I want to commend the Senator from Wyoming for his continued effort to bring the freshmen here to the floor on a regular basis to talk about where this Senate is going and how we are living up here in the Senate to what the country said on November 8, and what the House is obviously very successfully doing in living up to their promises to the folks that they made when they ran for office back last year.

The first thing I want to do is congratulate the House, having voted, pretty strong showing last night, for a tax reform bill and a tax cut bill—both a tax cut bill and a tax reform bill. It is a progrowth bill, a bill that is going to create more jobs, it will help families, eliminate the marriage tax penalty that has existed—which is a tremendous break—an encouragement for people to marry, an encouragement to supporting families.

It is a bill that says to seniors that we believe seniors have value and worth, that seniors can, in fact, work past the age of 65 and earn a modest amount of money—$20,000, $15,000—and not lose your Social Security benefits, if you are age 65 to 70.

We think that that is important. It is an important sign to seniors that we understand that they have value to give to the communities and to give it their businesses, and that we do not want to discourage seniors out of the work force and penalize them at a rate of over 50 percent in taxation if they make over $9,600 a year as a senior. We think that that is a very positive thing that occurred in that tax bill last night.

The adoption tax credit provision which encourages adoption, we believe, is also a very, very positive profamily kind of tax change. And the list goes on.

I want to commend them for the great work that they did in paying for the program. It is not a tax cut that will increase the deficit. They offset it, more than offset it, with spending reductions in order to pay for the tax reductions.

That is the kind of decision that we will have to be making, whether it is, in fact, better to have a person keep their money or is it better to have a person send their money here and for Washington to figure how best to spend it, and of course take the cut for bureaucracy and write rules and regulations that make no sense, then send it back. That is the difference.

I think it is a pretty easy call for most Americans. I am not surprised that it passed over in the House, and I will not be surprised when it passes over here in the Senate.

On a larger scale, I want to congratulate the House for the great work that they have done. In 91 or 92 days they passed nine major pieces of legislation, nine major bills. The amount of work that they did in working—and I know a lot of folks around do not believe that Members of Congress and the Senate work very hard. I will say if we look at what the House of Representatives has done in this first 90 days, and the amount of hours they put in legislation in committees and in working groups and putting this stuff together to pass this kind of massive change that they promised, I think a person might think again as to whether Members of Congress do in fact earn their keep.

Let me suggest that the most important thing—I ask this question all the time—the most important thing that came out of the House of Representatives was not the tax bill, was not the balanced budget amendment, was not the line-item veto.

The most important thing was they kept their promise. They kept their

promise. They ran and they said, "If you elect us, we will do 1, 2, 3, 4, 5, 6, 7, 8, 9, 10—we will do these 10 things. We promise you we will bring them up and we will get a vote and we will work our darndest to try to make that happen." They could not promise passage because you never know. But they promised they would try their best.

Do you know what? They introduced bills exactly the way it was written in the contract. They did not change it. They did not say, look, I am going to cut taxes for middle-income people and then pass a tax increase. They did not say they were going to be for a balanced budget amendment and then pass big spending increases. No, they did exactly—exactly what they promised the American public. And they succeeded on 90 percent of it.

They are batting .900. Ted Williams would be proud—.900; 90 percent of what they said they would try to do, they did.

The only one they failed on was the constitutional amendment, which as most people know takes two-thirds of the body to pass, which is well beyond the number of Republicans that there are in the House of Representatives. So: The first ever vote on term limits. They failed, but 85 percent of the Republicans supported it. They got a majority of the House to support it. It is building. It is on the track to eventually pass, probably after the next election. So I think the country should look at the House of Representatives.

One of the big concerns I had when I came to the U.S. House, 4 years now, now here in the Senate, is I think the public has lost trust in our institutions. They do not believe that we mean what we say or say what we mean; we are here and all we care about is getting reelected and having some power and being able to throw our weight around. What the public really wants does not really matter. It is just this big game down here.

Is it not nice to know that promises can be kept; that people do sometimes mean what they say? They made some hard decisions. A lot of this stuff was not easy to do. A lot of it came, as you probably heard in the last few weeks, with a lot of criticism raining down on how mean-spirited this Contract With America is.

I know it is mean to cut off a lot of bureaucrats here in Washington—that is mean—and to give that money back to you. That is very mean to the people who are here to protect the bureaucrats. I know it is mean to say people who are on welfare have to work at some point. That is terrible. It is terrible that we should require people to work. It is just unbelievable to me that argument was made on programs that were trying to help people. We are trying to give more responsibility and freedom and choices back to people, but that is the way things are in this town. If we do not keep the power then it is mean, because of course we are the only ones who actually care about people. You do not care about your neighbor, we do. You do not care about your family, we do. We care about it more than you do.

I am sitting right behind the desk of the Senator from Texas, Senator GRAMM. I will never forget a statement he made on one of these talk shows. Ira Magaziner was on and they were talking about the health care plan of Clinton's a couple of years ago and Magaziner was making the point he does care about children, he does care about the young people in this country and the folks who are uninsured. He says, "I care for your children as much as you do." That is what he said to PHIL GRAMM, and what PHIL GRAMM said, I think, was classic. And that is: "OK, what are their names? What are their names?"

You see, we all care. But do we really care about that one person? Do we really understand what their needs are? Not what "the needs" are, but "their needs?" What "their concern" is? See, that is the problem. We cannot deal with "a concern." We deal with "the concerns." The problem is "the concerns" sometimes do not beat "a concern." And the closer we get to "a concern" and the closer we can tailor and allow the people who have the feeling and the relationship to deal with that concern, the better our country and the "gooder" our country is.

This line has been used a lot around here and it is so true, the de Tocqueville line. "America is great," he wrote in Democracy in America, "America is great because America is good."

The people are good, they care about each other. They reach out to their fellow man. There are volunteer organizations that developed here in the 1800's and 1900's that just did not exist anywhere else in the world because Americans cared about each other and felt that relationship and kinship. And he said America is a great country because it is a good country. "And when America ceases being good it will cease being great." We are ceasing to be good because we have delegated everything to this massive bureaucracy here in Washington to be good for us.

You hear the people, as you will over the next few months, get up and talk about: How can you be so mean as to not give money to—this or that. Folks, it is not my money. See, I am taking that money from somebody else who worked darned hard to make it. And who says I know best how to spend their money to help somebody else? That is the basic premise of what is going on here.

If you want to talk about the revolution that is going on, that is the basic premise. I care as much—I believe more—but I do not necessarily think I am the best person equipped to make those decisions for everybody. We can best make those decisions one-on-one, local communities and groups, as opposed to here in Washington, DC. That is the fundamental argument.

So, when you look at the first 100 days and you see what has happened in the U.S. House of Representatives, and I believe what will happen in the U.S. Senate, if you look at what we have accomplished and the hope that we have given to Americans that we in fact can change, that America, again, can be good, that America can be great, I think it is an inspirational story.

We have done something in the House—and I believe the Senate will follow—we have done something that is more important than any one particular thing, and that is, I hope, we have restored the faith that the American public used to have in their institutions. Because if they do not believe in us, if what we say is irrelevant, if they do not believe in anything we say on the campaign trail, that we are just a bunch of folks who say what we need to say to get elected—if they do not have any faith in what we stand for, if they think all we are going to do is change our minds when we get down here, then democracy itself is in danger.

If people do not believe in us anymore, if we do not stand for anything anymore, if all we are is symbols of a corrupt institution that does not respond to what the will of the public is, then democracy fails. It falls from within.

Whether you agree with what the House of Representatives has done, whether you agree 10 percent, or 90 percent, or 100 percent, you have to stand back and say "Well done. You did what you said you were going to do. We may not like it but, darn it, you did. And you have to tip your hat to that."

Hopefully here in the Senate, while we did not sign the Contract With America, and no one in this institution did, and that is often repeated, we have an obligation to do something. We have an obligation to follow through and let the country know that elections do matter; that when the country speaks, we here in Washington, in both the House and Senate, listen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS. Mr. President, I yield time to the chairman of our freshman group, the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Mr. President. I thank the Senator from Wyoming for giving me some time to talk about this.

I do not think there is any subject nor any issue in America right now

that people are more concerned about than what is happening with the budget and with the deficit.

I just had an experience a minute ago with two very dear people, and I would like to deviate a little. It fits very well into this. Two of the most beautiful women in America are Yvonne Fedderson and Sara O'Meara. They started many years ago an effort to address the problem of child abuse. This blue ribbon is in recognition of Child Abuse Prevention Month that is taking place right now. Here is a bumper sticker. They started many years ago a program outside of Government to do something effectively about the problem of child abuse in America.

We saw just yesterday a bill which passed the House of Representatives that also recognizes that the problems of this country are not going to all be addressed by Government. In fact, in many cases, Government is the problem.

This particular program, which was started by Sara O'Meara and Yvonne Fedderson many years ago, has a hotline throughout the Nation. Anyone who has an idea about or knowledge of child abuse can call 1-800-4-A-CHILD.

The reason I bring this up, Mr. President, is because this is a national problem. It seems to me that in the last 40 years the very liberal Congress in both Houses has felt that you had to respond to these problems by starting some new Government program. I suggest to you that most of the programs which address the problems in the Nation today are not Government programs, they are programs in the private sector. This program is a perfect example. They have in every State and every contiguous State—and perhaps the others too—a program where people can call a hotline and do something about one of the most serious problems in America, which is child abuse.

The Government has a number of programs. But I suggest to you when you look at the effectiveness of these programs it is far more effective to have one that is run by the private sector, that is staffed by volunteers, than having one that is a Government program. Our problem is we have become accustomed to assuming that the problems can be addressed by the Federal Government better than by the private sector.

In the bill that was passed yesterday in the House of Representatives, there is a tax incentive for families to take care of their own children as opposed to Government taking care of them. There is a tax incentive—not many people are aware of this—of $500 for people to take care of the elderly. This is something that many people did not know was in that bill, which just passed yesterday. The idea is families in this country can take on a lot of responsibilities that Government has learned to assume.

I read something with interest the other day. It is an article by Thomas Sowell. Thomas Sowell is an editorial writer. The name of his article is "A Dishonest Slogan." This "Dishonest Slogan" is the one that is called trickle down. It seems as if the liberals feel that with Government, higher taxes are the answer to our problems—and this was said, by the way, on this Senate floor by the distinguished Senator from West Virginia, Senator BYRD—that we need higher taxes in America. Then when they talk about the fact that they are giving tax reductions, they try to use slogans like "trickle down."

Mr. President, I ask unanimous consent that, at this point in the RECORD, this article by Thomas Sowell be printed.

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

A DISHONEST SLOGAN

(By Thomas Sowell)

If there were a prize for the most dishonest phrase in politics, the competition would be fierce and the outcome very uncertain. However, my nomination would be the phrase "trickle-down economics."

The trickle-down theory is supposedly the notion that the way to benefit the poor is to have the government provide benefits to the rich, which will then trickle down to the poor. But there is simply no such theory—not in Adam Smith, not in John Maynard Keynes, not in Milton Friedman. Not in anybody.

My specialty within economics is the history of economics theories—but there is no history of any such theory.

Still, no political campaign is complete without liberals accusing conservatives of applying trickle-down theories to benefit the rich, instead of having the government give benefits directly to the poor. With Republicans likely to raise the issue of reducing the capital gains tax in the next Congress, Democrats will no doubt cry that this is a "tax break for the rich" based on "trickle-down economics."

Let's go back to square one. There is no investment income to tax until after an investment has been made and people hired—and after it all works out successfully, which is by no means guaranteed. In short, the benefits to investors come after the benefits to those they employ, not before.

When investments finally pay off, perhaps years later, it would make no sense to call the eventual profit simply income for the year in which it is received. That is why capital gains are taxed differently from ordinary income.

Often there is no real capital gain at all, except on paper. If you bought an asset back when the price level was half of what it is today, and you sold the property for twice what you paid for it, then you have just kept up with inflation. If you sell it for 50% more than you paid for it, you have actually lost part of the real value.

Even when your capital "gain" does not keep up with inflation, the government still taxes you on it. Moreover, these kinds of "gains" go into the statistics supposedly showing that "the rich are getting richer and the poor are getting poorer."

Despite tilting against the windmills of a nonexistent trickle-down theory, the last thing the liberals want to do is to give benefits directly to the poor. They may not have a trickle-down theory, but in practice they make sure that any benefits to the poor trickle down through layers of bureaucracy and are siphoned off to pay the salaries, consulting fees and research grants of all sorts of "experts" with degrees.

That is why studies have shown that every man, woman and child in America could be raised above the official poverty level by direct transfers of money, at less than half the cost of all the government's antipoverty programs. Lots of people who are not poor by any stretch of the imagination have to be taken care of out of antipoverty money.

Proposals to replace public housing programs, "retraining" programs and other social experiments with hard cash given directly to the poor have repeatedly run into a buzz saw of opposition from liberals. They don't mind more money being given to the poor—or to anybody else—but not at the expense of programs that employ bureaucrats and "experts."

These anomalies are not accidental. The welfare state is ultimately not about getting more money into the hands of the poor but about getting more power into the hands of government. In program after program, the poor are to benefit only insofar as they allow themselves to be directed and manipulated by their self-anointed saviors.

When people get private sector jobs instead of government handouts, the situation is completely different. Capital gains tax reforms are needed simply to stop the government from discouraging the investment that provides employment.

It is nonsense to call this "trickling down" because the investment has to happen first, and workers have to be hired first and paid first, before the investor has any hope of reaping any gains. Since capital gains come last, not first, they do not "trickle down."

Obviously, the higher the capital gains tax rate, the less the incentive to invest and hire. If you want more Americans employed, you don't punish people for employing them. Otherwise, the investors have every incentive to invest their money in some other country that doesn't have such high capital gains taxes—or doesn't have capital gains taxes at all.

But the liberals are so politically dependent on class warfare, and on their own role as saviors of the poor, that they are very slow to admit that there wouldn't be so many poor for them to save if there were more jobs created by the economy. On the other hand, if they are not playing the role of saviors of the poor, how are they to get re-elected?

Mr. INHOFE. Mr. President, the idea is that nobody benefits from a capital gains tax or some of these tax reductions until they have actually provided a stimulus to the economy. For example, if you have a capital gains tax, the individual who will eventually benefit from that tax cannot benefit until he has already started a company, already invested his money, already met a payroll, and already hired people. What the liberals in Congress refuse to recognize is that for each 1 percent increase in economic activity in America, it produces an additional $24 billion of new revenue.

I am so sick and tired of sitting on the floor here listening to the liberal Members of Congress talk about how it did not work in the 1980's, how we tried

tax reductions in the 1980's and look what happened to the deficit. Well, the deficit went up during that decade, but it did not go up because we had tax reductions. It went up because the Members of the House and the Senate have an insatiable appetite to spend money that is not theirs and are borrowing it from future generations.

I will give you an example. Back in 1980, the total revenues that were derived from the marginal tax rates in America were $244 billion. Then, in 1990, the total revenues that were derived from the marginal tax rates in America were $466 billion. What happened during that 10-year period? During that 10-year period, we had the greatest tax reductions in this Nation's history. Remember, the highest rate went down from 70 percent to 28 percent. We had capital gains tax reductions. We had reductions all the way down so that people knew they could keep more of the money that they made. This stimulated people to invest in equipment, in company, in employment, and it did, to borrow a phrase that is often abused by our President, it did "grow America." So we almost doubled the revenue during that 10-year period when we had the largest tax reduction.

I would like to mention one of the things that I told the Senator from Wyoming, Senator Thomas, that I would make a reference to; that is, the moral issue that we are dealing with right now. I gave a talk not long ago where I had the pictures of two beautiful children on an easel behind me. Those two beautiful children I identified in the first hour as being my two grandchildren, Glade and Maggie. Each of them will be celebrating their second birthday this month. They are beautiful little children.

When people talk about the programs they say are going to be cut when we have passed a balanced budget amendment—and we will try to reach a balanced budget—and they try to pull on the heartstrings of America and say that all these great, wonderful Government social programs are going to be cut, they neglect to tell you who is really going to be punished by these programs, who is really going to be punished if we do not do something to bring the budget into balance, which we are going to do. And I do not want to sound partisan here, but by Republicans taking over the House and the Senate, you are going to see some cuts. You are going to see come growth caps. But you will see our budget come back into balance, and we are targeting right now the year 2002.

Let us look at what is going to happen if we do not do this in America. According to the CBO and all the other analysts, where are we in America today if we do not have some type of a change in the program that we have had? They have said that, if we continue to go on as we have gone in the past, if we do not pass a balanced budget amendment, if we do not bring it into balance, that a person who is born today, during his or her lifetime, will have to pay 82 percent of his or her lifetime income for taxes to support the Government programs. Stop and think about that.

The other day, we had an interesting visitor. We had a number of visitors from all over the world. This was during the National Prayer Breakfast. We had people from all over the world there. I was in charge of a group of the national visitors from the Ukraine, from Eastern Europe and some of that area. One man was here from Moldavia. He asked me a very interesting question. He said, "Senator INHOFE, here in the United States, how much can you keep?"

I said, "Pardon me? I do not understand what you are saying."

He said, "Well, when you earn something, how much do you have to give the Government?"

I said, "Well, that is a real interesting question." I kind of established a guess because there is not really a very simple answer to that question when you stop and think about what the Government really absorbs.

But he said, "We are celebrating in Moldavia. We are so thrilled that finally, after all these years of communism, we now have a free economy. We now have a free society. We now can own property. We now can buy businesses and we can work hard and pass on to future generations that which we reap."

I said, "In your country, how much do you have to give the Government?" He said, very proudly, "We get to keep 20 percent." I said, "How does that work?" He said, "Well, when you earn money, if you earn a dollar, you have to give 80 cents of that dollar to the Government." They do not wait until year end, Mr. President. This is something that is ongoing. And then we looked around at each other and thought, here are these people, seeking their freedom, so excited about this, they are all through with communism, and they can benefit and they can enrich themselves and future generations and how happy they were, and yet they have to give to Government 80 percent of what they have.

Mr. President, that brings it really to the surface of where we are today. If we do not do something to change this path, we will be behind Moldavia. It will cost our future generations 82 cents on the dollar.

So I would like to think that this is not a fiscal issue. It is a moral issue. We are going to see in the next few weeks the Republicans coming out in the House and the Senate with a program, with a budget, a proposed budget that would eliminate the deficit by the year 2002. I disagree with the way we are doing it. I hate to be the one who disagrees with my own party. I have talked to different people who are on the Budget Committee, and I say I think we are making a mistake when we come out with a budget and say exactly where we are going to cut programs, where we are going to expand programs. Why not do what we know would work? Let us put spending caps on. If we initiate a resolution that says we are not going to let any Government program increase more than 2 percent, we would not touch one program, not have a reduction in one program, not have elimination of one program, and we would be able to balance the budget by the year 2002.

That is because—and most people do not realize it and you are not going to hear it said by a lot of the liberals here in Congress—our problem is not where to cut programs but how to stop the accelerated growth. And when you hear people like the President standing up and saying proudly, "We are cutting the deficit," that is garbage.

There is an article everyone should read. It was in the Reader's Digest last year. It was called "Budget Baloney." And in it they described how Members of Congress say they are cutting the deficit. They described it this way: They say let us say you have $5,000 but you want to buy a $10,000 car. All you have to say is I really want a $15,000 car, but I will settle for a $10,000 car and I have cut the deficit by $5,000.

That is the way they do things around here.

Let me suggest to you that there is going to be a come-home-to-roost time. There is going to be a time when these individuals who have habitually voted for expanded Government into our lives and are not a part of the revolution of November 8 are going to have to come back and take the consequences.

I would like to show you just two charts that we put together back when we were debating the balanced budget amendment to the Constitution.

This chart shows the characterization of those Members of the Senate who were voting for an amendment called the Right To Know Act. Now, what this was was an amendment to the balanced budget amendment to the Constitution, and it said show us exactly where you are going to cut every program. Obviously, you cannot do that 7 years in the future. But we analyzed the voting behavior of the 41 Senate cosponsors of this bill. We find that every one of them voted yes on the $16 billion President Clinton tax stimulus program which was the largest increase in spending that we have had in one bill, I believe, in the history of the Congress; that every one of the 41 who had signed on as cosponsors to this amendment was ranked by the National Taxpayers Union as either a D or an F. In other words, the people who were behind this were the people who were the big spenders in Congress.

Then the most revealing chart is the one that shows what is going to happen to a lot of these people by showing what did happen to them in the revolution of November 8.

On November 8, there were either defeated or retired in the Senate eight Senators. Of the eight Senators, all eight voted for the spending increase. This was the spending increase that put all kinds of subsidized programs in there, supposedly to stimulate the economy. All of them voted for the tax increase. The tax increase was the 1993 tax increase that President Clinton had. It was characterized as the largest single tax increase in the history of public finance in America or any place in the world, and those are not the words of conservative Republican JIM INHOFE. Those are the words of PATRICK MOYNIHAN, who at that time was chairman of the Senate Finance Committee.

Further down here they all had either D or F ratings by the National Taxpayers Union. In other words, they were the big spenders, and those are the ones who were defeated. They are not here. Look around. They are not here.

In the House of Representatives, 66 of them went out. Almost all of the 66 voted yes on the stimulus bill, voted yes on the tax increase, and had a D or F rating by the National Taxpayers Union.

So I just suggest to you, Mr. President, that we make it abundantly clear to the liberals in Congress, the few liberals who are left, because most of them were wiped out in the November 8 revolution, there is going to be another wave coming up in 1996, and this is the opportunity for us to be fiscally responsible, for us to be able to stand up and say no to some of these useless programs that have outlived their usefulness and say yes to future generations, including my two grandchildren, Glade and Maggie Inhofe. This is what is going to work for America, and this is probably the centerfold of the revolution of November 8.

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

The PRESIDING OFFICER. The clerk will please 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.

Mr. LEAHY. Mr. President, I understand that the parliamentary situation is that we are in morning business; is that correct?

The PRESIDING OFFICER. Technically speaking, the Senate is on H.R. 1158.

Mr. LEAHY. Mr. President, if no one else is seeking recognition, I ask unanimous consent to proceed as though in morning business.

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

REMOVING THE ANTITRUST EXEMPTION FROM MAJOR LEAGUE BASEBALL

Mr. LEAHY. Mr. President, yesterday the Senate Subcommittee on Antitrust, Business Rights and Competition of the Committee on the Judiciary voted out S. 627, the Hatch-Thurmond-Leahy bill clarifying the application of our antitrust laws to major league baseball.

What we did was to remove the antitrust exemption given to major league baseball. I hope that the full Judiciary Committee, the Senate and the other body will take this up and pass it relatively soon.

Baseball has for decades had a special exemption from the antitrust laws, which laws apply to everything else, every other business in this country and every other professional sport. What this means is that baseball and those who own it and run it are basically above the law.

Now they have shown what this means. They have shown great disdain for the fans, for those who do not make the $1 million salaries, like the people who park the cars, that sell peanuts and beer and hot dogs and soda at the various stadiums, for the communities that have taxed their people through bond issues to build stadiums, for those who make the pennants and the T-shirts and the baseball caps, and even, in the State of Vermont, those who make the souvenir bats given out on bat day. Such people have been out of jobs over the past year because of the baseball strike.

And throughout all of this, people, some acting in extremely high-handed fashion, are able to say, "Well, the fans be damned. Because we have this exemption from antitrust, we can act together. We can do whatever we want."

The antitrust exemption was provided for baseball on the assumption that those who control baseball would act in the best interest of the game and the best interest of the fans, would do it responsibly and that we would have a strong commissioner. The practical matter is they have done none of this in the last few years.

I recall testimony in a hearing that Senator THURMOND and I had in which the question was asked: Let us assume baseball did not have an exemption from the antitrust laws and let us assume we saw the situation, the sorry situation, we have seen for nearly a year in baseball. If the owners came in and said, "Oh, by the way, Congress, give us something you have not given any other business. Give us an exemption from the antitrust laws." Would they not be laughed off Capitol Hill? Of course, they would.

Republicans and Democrats alike, both in the Senate and the House, would say, "We are not going to give you that. We are not going to give you this special exemption from the antitrust laws that we don't give to football or basketball or General Motors or Dow Chemical or Monsanto or Apple Computers or anybody else. We are not going to give it to you. And especially we are not going to give it to you because of the way you have been acting."

We would not pass a statutory exemption, and I daresay, Mr. President, there would not be one Member of the U.S. Senate that would vote to give them an antitrust exemption today, yet they have it.

So, I hope, by the same token, everyone in the Senate will join with Senator THURMOND, Senator HATCH, and myself—an interesting coalition, if ever there was one—and would withdraw the antitrust exemption. It is not deserved by baseball. It should not be continued for baseball. They should be treated as anybody else.

Their behavior in the past year has shown why they should not have that special exemption, if they ever really deserved it. But whether they have deserved it or not, they have now lost it. We should take it away.

So, Mr. President, I hope that this legislation will work its way through the committee process fairly quickly, come to the floor of the Senate, and be voted upon.

I have watched some of the activities of the baseball teams, I mean things that are so petty, so petty. For example, the way they treat Little League teams.

When I was a youngster and when my children were, the idea was, if you had a Little League team, you built up some following for various teams. You proudly wore the logos of a team—the Red Sox, the Yankees, whoever else it might be.

Now they say: "Well, we will require each one of those children to pay us $6 for the privilege of having their logo on their uniform." This is just penny-ante baloney.

What it does, it says, "We expect you to be fans supporting us, but, kid, you're going to pay for it."

I recall as a child being at Fenway Park and seeing some of the greats of baseball come by. If you held out a baseball, they would autograph it for you. And they were paid a tiny fraction of what is paid to these multimillionaires today who tell you, "Yes, you can come in and for x number of dollars we may give you the autograph." This is spoiling the whole idea of baseball.

So, as I said, Mr. President, we ought to lift their antitrust exemption. They do not deserve it. They never really earned it in the first place, and they have done nothing to keep it today. Let us get rid of it. Let us treat them as the business they have become and let us stand up for the fans for a change.

I have seen a situation in the hearings where even the acting commissioner of baseball in his testimony tried to mislead the Senate; gave conflicting testimony, gave testimony that turned out not to be true; and did not move to correct his testimony. This is the kind of disdain that they show for the Congress.

Well, then let us not give them the exemption to the laws. You can have disdain for the laws, you can have disdain for the game, you can have disdain for your own responsibilities, you can have disdain for your own fans, but we are not going to give you a special exemption under the law to carry out that disdain.

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

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUDGET BALANCING IS A THREE-STEP PROCESS

Mr. KYL. Mr. President, I wanted to comment on two things, one which has just occurred and one which is about to occur, I hope. We know that last night the House of Representatives passed historic tax relief for the American people. I want to address that for a moment.

Second, we know there have been discussions between the majority and minority leader on an attempt to reach an agreement on a rescissions package which we could conclude before the Easter recess.

Mr. President, the House of Representatives adopted a rescissions package of about $17 billion and the Senate has been working on a package somewhat less than that. It is our hope between the majority and minority we can come to an agreement on a package which would represent our effort to meet the House, if not precisely their figure, at least something close to it so that as the House and Senate take the recess during the Eastertime, our constituents back home would know that both the House and Senate were serious about saving money.

Mr. President, during the last campaign, as I was running for this office, people asked me what it would take to balance the budget? I said it is a three-step process.

The first thing we can do is immediately try to save some of the money that the Congress has already appropriated. We know that every year there is money appropriated that really cannot be spent very effectively. If we could make a head start on balancing the budget by just saving some of that money for next year, it would demonstrate our commitment to a long-term goal of balancing the budget.

That is what the rescission package is about. I will come back to that in a moment. The second step, of course, is the decisions that we make throughout the year for that year's budget. The third step, of course, is the long-term balancing of the budget process which I have contended can only be done effectively through the adoption of the balanced budget amendment, because without the discipline of the constitutional requirement to balance the budget I have always felt it doubtful Congress would actually develop the willpower and the commitment to see that difficult project through.

Those are really the three steps that I articulate.

In the second step, what I had said was each month throughout the legislative year we deal with legislation that spends money. We can make the conscious decision not to spend as much, to limit Federal spending. When it comes time to appropriate the funds, we can set priorities and we can end passing appropriations bills that limit the growth in Federal spending.

Mr. President, we have heard the figures that if we adopt a tax relief plan for the American people we can still balance the Federal budget by the year 2002 if we limit growth in Federal spending to 2 percent a year. We are not talking about draconian cuts, but talking about limiting the growth in spending.

So the first step is to try to save money that we do not have to spend next year through a rescissions bill. The second step is to make the tough additions each week, each month, as this year goes by, as we pass the appropriations bills, to spend less money than we had anticipated spending.

If we do that each year for 7 years, we will have achieved a balanced budget by the year 2002, without the need for a constitutional amendment.

We know that would provide more discipline, would give the Congress a better ability to control spending, but we will deal with the issue of the constitutional amendment later this year and probably next year.

Let me go back to the first of those three steps, the rescission package, because that is what has been before the Senate for the past week.

The idea of rescissions—not a term that the American people would necessarily relate to—but the idea of rescissions is to simply not spend money that we counted on spending, because we really do not have to spend it.

Here is an example: We appropriate money to the General Services Administration to build a building. We say it will cost $2 million, so here is the money for it. GSA lets out the bids but none of the companies that would bid on it gives the GSA a bid they want to accept. The bids do not supply the right kind of construction or architect or something.

So the GSA does not let the bids for the contract, so the contract is delayed a year. That $2 million which has been appropriated for next year, really, cannot efficiently be spent next year. The construction project on which it was supposed to be spent cannot be built.

Why should we force the GSA to spend that money on something? We can rescind the money. We can call that money back, and save it for this year, and either decide to apply it to deficit reduction or apply it to some other expenditure for next year.

There are a lot of different programs that we have been talking about rescinding money in. The net result has been an agreement that somewhere between $13 or $14 billion and $17 billion, we can save the American people—taxpayers—that much money in this coming fiscal year because we really do not need to spend that money even though the money has been authorized to be spent.

Now we have had some disagreements in the Senate about whether we should agree to the House level of $17 billion. There has been some disagreement between the Democrats and Republicans as to where to save that money.

I am hopeful that within a few minutes the majority and the minority leader will announce an agreement which represents not totally a Republican view or a Democratic view but a view that both share, that we need to save as much money as possible.

While it will not get to the $17 billion level that the House of Representatives has adopted, it will be close to that. It will be in the range of $16 billion, I hope, and that we will then be able to quickly adopt that rescissions package, go into conference with the House so that as soon as we return from the Easter recess we can send to the President savings of between $16 and $17 billion.

Some people have said, why are we taking time to deal with that problem when we have a much bigger problem of developing a budget of over $1 trillion? Beginning the process of reducing Federal spending over a period of 7 years to reach a balanced budget, perhaps in the order of magnitude of $1 trillion over the 7-year period.

What is $17 billion? Well, we have all quoted Everett Dirksen, who use to speak in this Chamber, and who made famous "A billion here and a billion there, pretty soon you are talking real money." To the American people, $17 billion is a lot of money, and it is a very good downpayment on the savings that we have to make in the future.

Because of the consternation I have seen expressed on the floor here about some of the savings even within the $17 billion package, it makes it clear to me that it will be a very hard process if we

cannot agree to some of the things that are in the $16 or $17 billion package, how will we agree to something 10 times greater than that or 100 times greater than that?

Clearly, we have to start from the bottom up. Each program has to be prioritized, and we have to try and find savings everywhere we can. In each line of that Federal budget, there is something to be saved. When we add it all up, it adds up to big dollars.

If we only look to the big programs, then we are forced to look at things like Social Security and Medicare and defense. Frankly, most Senators understand that there is much about those programs which precludes the Senate from making the huge savings that would have to be made there if we ignore the smaller programs.

It is important to start at a level of rescissions. I am very, very hopeful that within a few minutes our leadership will indicate an agreement on a rescissions package of $16 to $17 billion that we can adopt, and begin this process of balancing the Federal budget.

Just one more comment, since I see the Senator from Alaska is here and wishes to speak. I wanted to comment on what the House of Representatives did last night. It was historic, Mr. President. Never in the history of the country has a body as the House of Representatives in less than 100 days adopted the sweeping legislation that the House of Representatives has now adopted. Nine out of the 10 points in the Republican Contract With America were adopted, concluding last night with the historic $180 billion-plus tax cut for the American people. A tax cut which guarantees not to cost in terms of the deficit but has added to the deficit reduction planning.

In other words, the House committed to reducing the Federal budget deficit and achieving a balanced budget by the year 2002, and in addition, providing for $180 billion in tax cuts for the American people.

This is in keeping with the commitment that many made in the last election to our constituents and to the desires of the American people expressed to Members in the last election.

I want to commend the House of Representatives and all of the people there who thought it important enough not only to express the intention to balance the budget but also to allow American families to keep more of what they earn and to allow American businesses to generate the capital, to create the jobs to employ the people, to create the kind of employment that we know is necessary to bring people out of poverty and create a high standard of living for working Americans, for all of middle America.

This is an important commitment that needed to be kept. And it is up to the Senate, after we return from the Easter recess, to follow through on our part of that commitment. Our tax cut program may not be precisely what the House program was. It might be a little bit less, in terms of money. We know that there is a little bit different point of view here.

I, for one, would be happy to adopt every penny of the tax cuts adopted by the House of Representatives. To me, every one of them is justified and I will be urging that we do that here on the Senate floor. But even if it is not exactly identical, I think we can be proud and we can go back to the American people and say we kept our promises to you, we kept our commitment, if we are able to adopt a program of tax relief that is close to what the House adopted last night.

I think it is important for us in the Senate to say to our colleagues in the House, "Job well done. You did what you promised you would do. You set the stage for us to come in behind you and to finish the job and we are committed to doing that when we return from this Easter recess."

I think, as we prepare to go back and spend time with our constituents, much has been achieved. We should be prepared to talk about that. But most important—most important we should be prepared to listen to our constituents when we go home now, to listen for 3 weeks to what they have to tell us. Have we been doing the right thing? Do you want us to continue on this path? My guess is, when we come back, we will be energized with the spirit of our constituents telling us to carry on, keep on with that fight, balance the Federal budget, save this money in rescissions and provide tax relief for American families. I think that will be their message to us. I cannot wait to get back and hear it.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, let me commend my colleague and a number of the freshman Senators for their initiative in pursuing appropriate action relative to cutting Federal spending. While I have been around here a little longer than they have, I think their energy and commitment is to be recognized, and I think the spirit of leadership in relationship to the tough decisions that have to be made are certainly evidenced in this new group that has joined our membership.

I believe we are in morning business?

The PRESIDING OFFICER. Technically, we have before us H.R. 1158, FEMA supplemental appropriations.

Mr. MURKOWSKI. I ask that I may extend my remarks concerning an invitation to allow the President of Taiwan to visit the United States. I assume under the rescission package before us, unanimous consent would be sufficient?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. Mr. President, I had intended to offer an amendment to the rescission package which would express the sense of the Congress that the President of Taiwan, Lee Teng-hui, be allowed to visit the United States.

It is my understanding it is unlikely that I will have an opportunity to offer such an amendment. But I intend, at an appropriate time in the near future to offer the amendment to another vehicle and request an up or down vote.

The amendment I intended to offer would have been identical to Senate Concurrent Resolution 9, which has 52 bipartisan cosponsors, including, I am proud to say, both the majority and minority leaders of this body. Senate Concurrent Resolution 9 passed the Foreign Relations Committee unanimously 2 weeks ago.

Specifically, that resolution calls on our President to allow President Lee of Taiwan to come to the United States, not on a state visit but on a private visit. It is an identical resolution to House Concurrent Resolution 33, which was introduced in the House by Congressmen LANTOS of California, SOLOMON of New York, and TORRICELLI of New Jersey. It passed the House International Relations Committee yesterday, I am told, by a vote of 33 to 0.

Obviously, the support is there. I hope the State Department will be sensitive to the recommendations of the Congress.

We have a rather interesting situation with regard to our relations with Taiwan, as well as China, but clearly we should not allow the People's Republic of China to dictate who can visit the United States. Again, we are not talking about an official state visit; we are talking about allowing President Lee to make a private visit. He has received two invitations that the Senator from Alaska is aware of. One is to come visit his alma mater, Cornell University, where he has been asked to make an address. Further, he has been extended an invitation to the U.S.-ROC Economic Council Conference. This is an organization whose purpose is to promote trade and commerce between Taiwan and the United States. That organization will be meeting in Anchorage, AK, my home State, in September.

In both instances, the State Department has discouraged the issuance of these invitations and implied that they would not look favorably on a request for a visa.

That is offensive to this Senator. The suggestion of the State Department is that allowing President Lee to visit the United States would upset relations with the People's Republic of China. I think we have to recognize the gigantic strides that have been made by Taiwan over the years. They ended their martial law. They have initiated free and fair elections. They have a

very vocal press. Human rights have steadily improved. They have the development of a strong second party. And Taiwan ultimately is a friendly, democratic, stable, and prosperous nation. They are the 5th largest trading partner of the United States, and the world's 13th. They buy twice as much from the United States as the People's Republic of China. They are among the holders of the largest foreign reserves of any country. They contribute to international causes.

But our country continues to give a cold shoulder to the leader of Taiwan, President Lee. It went so far that last May in Hawaii when President Lee was in transit from Taiwan to Central America, the State Department refused to allow President Lee an overnight visit. The State Department continues to indicate that a private visit will not be allowed. They suggest that the United States would allow transient stops. That means perhaps the airplane can stop for refueling and President Lee would be allowed to get off and perhaps spend the night.

One of the inconsistencies I would like to bring out—and this came up on a recent trip I made to both Taiwan and Beijing—is the expanding relationship between Taiwan and the People's Republic of China. I learned of an organization called the Association for Relations Across Taiwan Straits. That is the organization in Beijing. On the Taiwanese side, there is the organization called the Mainland Affairs Council.

Although the People's Republic of China is telling the United States not to have any relations with Taiwan because it would offend the People's Republic of China, there is a relationship between Taiwan and the People's Republic of China through these two organizations that have been established and that meet regularly. The Association for Relations Across Taiwan Straits and The Mainland Affairs Council talk about everything but politics. They talk about trade, they talk about commerce, they talk about hijacking.

I think it is fair to say the Chinese business men and women are among the best in the world. They are motivated, obviously, by the opportunity for trade and commerce. So they are discussing between them matters of interest and matters that are beneficial to both. They have even announced proposals for direct shipping from Taiwan to the southern provinces in China that would bypass Hong Kong.

Here we have a situation of inconsistency, and it is beyond this Senator to understand how the State Department can overlook that. Trade and commerce is flourishing between Taiwan and the People's Republic of China, yet the People's Republic of China dictates to us that we cannot extend a private visit to the President of Taiwan.

I have a great respect and fondness for their representatives.

I know the Ambassador. I have had the pleasure of meeting Chairman Deng. But the People's Republic of China bellows about virtually everything that we do— United States pressure at the United Nations on human rights, world trade organization membership and anything we do with regard to Taiwan. That is the litany. It is expected. We should recognize it for what it is. But we should not be dictated by the terms and conditions which they mandate.

In my opinion, in the end the People's Republic of China will make calculations about when and what to risk with regard to their philosophy of doing business and participating in our markets. We should simply do the same.

There is precedent for a visit by Lee. I will be specific. This administration has welcomed other unofficial leaders to the United States. The Dalai Lama called on Vice President Gore over the objections from the People's Republic of China. Yasser Arafat came to the White House ceremony. He was once referred to as a supporter of terrorism. Gerry Adams has been granted numerous visas over Great Britain's objection. In each case the administration, I think, made the correct choice to allow us to advance American goals. President Lee's visit would do the same.

I would also call my colleagues' attention to the extended debates we have had in this body about most-favored-nation status for China. I have supported MFN for China, and most of my colleagues have also supported it under the premise that engagement helps bring about change. We can bring about greater recognition on human rights if we establish a dialog, open trade, and commerce. So we apply it to China. But with regard to Taiwan, we will not even invite the President of the Republic of China on Taiwan for a visit to the United States. This is a private visit. We are not talking about a state visit.

By the number of supporters on the amendment, 52 bipartisan cosponsors, the State Department should get the message of the prevailing attitude in this body. As I said when I started, I am not going to have an opportunity to offer this as an amendment before this body on the rescissions package. But I intend to bring it up later for an up-down vote because that is perhaps the only way the State Department can understand the prevailing attitude.

Finally, the U.S.-ROC Economic Council conference is to be held in Anchorage in September. Visiting Alaska would not be a political statement. We consider ourselves almost another country. We are out there all by ourselves and I think it is appropriate that President Lee participate in an economic meeting. Lee's alma mater, Cornell University, as I indicated earlier, is another completely private matter.

So I call on my colleagues to vote to send a strong signal to the administration at an appropriate time when I have an opportunity to bring up the amendment.

I also ask unanimous consent that a letter be printed in the RECORD. This is a letter from David W. Tsai, President of the Center for Taiwan International Relations.

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

CENTER FOR TAIWAN
INTERNATIONAL RELATIONS,
Washington, DC, March 15, 1995.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to urge you to demonstrate your Administration's support for global democratization by permitting President Lee Teng-hui of Taiwan to visit the United States. In particular, you should allow President Lee, a distinguished Ph.D. alumnus of Cornell University, to visit his alma mater this summer, where he has been invited to give the prestigious Olin Lecture to over 2,000 returning Cornell alumni all over the world. He should also be permitted to address the Economic Council meeting in Alaska as an honored speaker later this year. Such visits are well-provided for within United States policy toward Taiwan. In addition, the Administration should take advantage of President Lee's visit to the U.S. by granting him an audience with yourself.

President Lee, a political reformer, has significantly advanced democracy in Taiwan. He is committed to the further democratization of the island nation—a process which has been encouraged and prodded along by the United States Congress and six different administrations. He has played a central role in the Taiwan model that so many nations are now seeking to emulate. Today Taiwan is an emerging democracy and an economic powerhouse. Yet while Taiwan has made great strides in response to the calls for reform and has achieved international economic distinction, the United States has continued to treat Taiwan like an international pariah. Many Members of Congress and the American public were outraged last May at the Administration's refusal to allow President Lee to stay overnight in Hawaii en route to a presidential inauguration in Central America. It undercuts American credibility and concern for human rights when a country like Taiwan with its strong democratization record is treated so badly.

It is in the American national interest to allow President Lee to visit. In so doing, America will reaffirm its commitment to freedom and democracy and to friendship with the people of Taiwan. We cannot continue to let China dictate U.S. policy or determine who can and cannot visit the United States. It weakens the Clinton Administration and compromises the U.S. world leadership to allow even the appearance of taking orders from Bejing or being bullied by China.

As you know, President Lee's visit has strong bipartisan support in both Houses of the U.S. Congress. Having visited Taiwan three times yourself, you undoubtedly recognize Taiwan's strategic importance to maintaining the balance of power in East Asia. Also, Taiwan is important as a friendly partner of the United States, particularly in trade, education, and diplomacy. Today Taiwan is the seventh largest trading partner of

the United States and buys more than twice as many annually from the U.S. as does the People's Republic of China. Both the Taiwanese American community and the American business community will support your favorable decision to permit President Lee's visit. A visit to the U.S. by the President of Taiwan is not only in America's national interest but in line with the democratic traditional values that the United States stands for.

Congressional and grass roots support for President Lee's visit is building, and I urge you to take immediate steps to welcome President Lee to the United States.

Sincerely,

DAVID W. TSAI, Ph.D.,
President, Center for Taiwan International Relations.

This letter is also endorsed by the following Taiwanese American organizations:

World Taiwanese Chambers of Commerce (President: Jentai Tsai), N.Y.

Taiwanese Import and Export Association (President: Wen-chu Huang), N.Y.

North America Taiwanese Medical Association (President: Bernard Tsai, M.D.), Potomac.

Taiwanese Christian Church Council of North America (Chair: Rev. David Chen), Santa Ana.

Taiwanese American Citizens League (President: David D. Tsay, Ph.D.), Houston.

Society of Taiwanese Americans (Representative: Wilbur Chen), Bethesda.

Mr. MURKOWSKI. Mr. President, I see my good friend, the Senator from West Virginia, on the floor. I would be happy to yield to him.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I have no desire to have the floor. I thank the Senator.

Mr. MURKOWSKI. I wish my friend a good day and thank him.

MEXICO'S DEBT

Mr. MURKOWSKI. Mr. President, let me speak very briefly about another amendment that I was prepared to offer. But, again, because of the circumstances on the floor, it is not going to be presented. It is an issue that is ongoing. I would like to speak briefly on the merits of the issue, although, as I have said, the amendment will not be offered.

This was to be a very simple and very straightforward amendment. It would require the Government of Mexico to provide our Government with information relative to the names of the individuals or institutions that are redeeming Mexico's debt when the redemptions are made with the funds provided by the United States Government. As my friend in the chair, the Presiding Officer, will recall, this package is almost $52 billion.

It is the contention of the Senator from Alaska that is a bailout that has been crafted by the United States through the Treasury Department. It is my understanding that Mexico has already used some $13 billion to pay off the debt, of which $5 billion initially has come from the United States. Another $15 billion of American taxpayer money is at risk. That is money that came from the Exchange Stabilization Fund that was set up when we went off the gold standard.

We are all aware of the fact that the administration came to the Hill to seek support for the Mexico bailout. But they could not get our support and decided that they would find another avenue to bail out Mexico. And they came up with the $20 billion that is in the Exchange Stabilization Fund, the International Monetary Fund, the Bank for International Settlements, and others and the commitment now is some $52 billion.

It is rather interesting to reflect on that because the Senator from New York and I had a colloquy some time ago. And both our recollections are that the current debt of Mexico, as communicated by the assistant to the President of Mexico at a meeting we had, was in the area of $70 billion. The current debt is debt payable in a year. This debt is to meet an obligation issued by the Mexican Government in the form of bonds. These are bearer bonds. That means we do not know who holds them. It is like a check payable to cash.

The question my amendment attempts to address is who is being bailed out? Is it the Mexican people? Is it Mexican financial institutions? We have not been able to get a definitive answer from the Department of the Treasury. It is my opinion that the ordinary citizens of Mexico are not being bailed out. In fact, the ordinary citizen of Mexico is currently facing interest rates that are clearly out of reach, in some instances 75 and 100 percent. Mortgage rates are absolutely unrealistic. The reality of lost jobs, higher taxes, higher inflation, and when we look at the obligation of who pays this back, we find it is the citizens of Mexico. It is the economy of Mexico.

Businesses operating in Mexico are not being bailed out by this commitment, which is the first advance of some $52 billion. Mexico has already used $13 billion to pay off the debt which comes from the United States; hence, the United States taxpayer.

Companies that have put brick and mortar in the ground for new plants and employ Mexican citizens are not the beneficiaries of this money. In fact, they are suffering from the havoc caused by the interest rate explosion. They cannot borrow for inventory. They cannot borrow for expansion. American mutual fund investors—let me repeat that—American mutual fund investors whose funds invest on the Mexican Bolsa are not being bailed out. In fact, these equity investors have seen the value of their holdings drop more than 50 percent, and in some cases the loss of these stocks are even larger. So the questions are, Well, where is this money going? Who is it going to benefit?

Mr. President, you know who is being bailed out. So do I. The owners of the so-called tesobono debt. Most people do not even know what a tesobono is. In fact, this debt really did not exist a year ago. It is the Mexican debt which, when it comes due, is paid in pesos.

It is rather interesting how the financial intrigue of this adjustment occurs. However, the important thing to recognize is the amount of pesos that the debt-ridden holder receives at maturity is linked to the peso-dollar exchange rate. Mexico, unfortunately, made a decision to issue this type of debt early last year because it was finding it more and more difficult to attract more investors to finance its debt.

That sounds rather curious, does it not, that they have to have foreign investors to finance their debt? Yet that is the reality that Mexico faced. Canada has to have foreign investors to finance its debt. I noted the other day a figure which indicated that 29.6 percent of the Canadian budget was to pay interest on the debt. That is almost a third. When you get into that area, the ball game is almost over. It is almost over.

Now, the foreigners, of course, in order to invest, when they see a situation that is less than stable, demand higher interest rates, and they demanded as much as 20 percent from Mexico. Not only that, but that demanded that the debt be linked to the peso/dollar exchange rate.

These are very shrewd investors, Mr. President. They know that money goes to the highest return and the least risk. And they must have foreseen that the peso could be devalued, and they wanted to ensure that they would suffer no currency risk.

That is exactly what happened, Mr. President. The peso went from 3.5 to the dollar to 6.5 in barely 2 months, and now that this debt is due these investors are completely insulated from the financial crisis that is affecting all other sectors of the investment community and the working community in Mexico.

One asks the question why? It is because the United States Government has decided to give Mexico these billions of dollars to pay off these investors. Now, who are these investors? As I said, they are sophisticated investors. They are the investors who went out there and took a risk because the attractiveness of 20 percent interest suggested that risk was worth taking. These are not the ordinary Mexican people.

This was done because the United States Government has decided to give billions of dollars to Mexico to pay off these investors. If we had not come to the rescue, then these investors would have had to suffer the financial consequences that everyone else in Mexico must face. Why should these investors

be bailed out? We do not bail out the investors who put money in Orange County bonds. Why are these investors in Mexico so very special?

One of the reasons, obviously, we do not know who they are. That makes them special. We know who the investors are who bought Orange County bonds. Who bought these tesobonos? We do not know. They could be American investors, Japanese or German investors, they could very well be some of the billionaires who live in Mexico City and are friends of the controlling PRI party.

What we do know is that whoever owns this debt is really cashing in, and they are shipping their money where? They are shipping it out of Mexico. In fact, so many tesobono owners were immediately converting their proceeds into dollars that the peso began to crash above seven to the dollar, and then the Mexican Government decided to stop paying off tesobono debt in pesos and immediately paid the debt in dollars. Where did the money come from? It came from the United States. Whose dollars are they using? They are using U.S. taxpayer dollars. We are bailing them out. Why? We are being told it is to stabilize the monetary and currency system.

That is what we are told. If you buy some shares on the New York or American Stock Exchange and lose money, we do not bail you out.

But if we had not bailed out the bond holders and the Mexican Government, what would they have done? They would have done as everybody else who runs in to credit problem. They sit down and work a deal out. You know you cannot get 100 percent back on the investment. You might get 40 percent. But that is the way the process works in the ordinary debtor/creditor situation. Then we would know who the holders of the tesobono debt are. They would have to come forth, submit their bearer bonds through investment brokers, commercial, international banks. We would know who they are and they would sit down and work out a deal. That is what should have been done.

I believe it is important that the American taxpayers know who the recipients of this debt are. Some have said, what difference does it make who they are? I think it is important when American taxpayer money is used to provide a guarantee on a foreign government debt to a very select group of holders of debt. Not only are they going to get their principal back; they are going to get the interest back—20 percent.

You and I, where do we go to get 20 percent? I do not know. Maybe you get in line down there and buy some tesobonos. But we ought to know who the beneficiaries are because we know that it is not the Mexican economy that is the beneficiary. This is not going to do a thing for the Mexican economy. Those holders of that debt are moving that money out of Mexico. Yet, the Mexican economy, the Mexican citizens are expected to pay it back. In the conditions that exist in Mexico that is unlikely to occur.

Now, many of my colleagues make the point that we cannot indicate that we are supporting a process and then not follow it through. The problem with this sales package, Mr. President, is we did not understand it in the first place. We were told continually we were going to stabilize the Mexican economy. What we are doing is paying off the debt of sophisticated investors who bought those tesobonos who are standing in line to get United States dollars and will bail out and they are not going to put that money back in Mexico.

There are assumptions that a large portion of this debt is held by Americans, yet the Treasury Department claims that these bearer instruments are of a nature where they do not know who owns the debt.

I do not know who controls the debt. But what if we found out that $5 billion of the debt was owned by the Bank of Libya or maybe the debt was owned by an investment house operating as a front for the Government of Iraq or Iran. Would not the taxpayer be curious? Do we not have an obligation as we sign off on this money as a Congress to know who those recipients are? Is it too much to demand that when American taxpayer dollars are used by the Government of Mexico to pay off an investor or speculator the identity of that investor or speculator be known? Because again, we are being told that this has to happen to solidify the economy of Mexico. It is going to solidify the holders of those bearer notes.

What my amendment seeks to accomplish is to try to identify who those holders are. Mr. President, reality dictates that if my amendment passes and Mexico does provide the information we are seeking, we will probably never know who really holds that debt. It will probably be reported in the name of the Bank of Panama, the Bank of the Bahamas, a couple of major brokerage house firms, but I think it important that this body focus on this principle: that it was an unnecessary and unwise action taken by this administration at the expense of the U.S. taxpayer to favor the holders of an extraordinary type of foreign debt that was issued out there to make them whole when we do not do it to any other investor when their investments turn bad. But we made an exception for these investors.

The New York Times reported last Sunday:

> Most of those investors, a mix of rich Americans and other foreigners, have swept up their hefty profits and immediately transferred their money out of the country of Mexico.

Now, if that is true, Mr. President, we have not done Mexico a favor. We have put a burden on the taxpayer and the Mexican economy because they are the ones we expect to pay that back.

So that is the extent of my statement and my concern, Mr. President. And I urge my colleagues who have anguished over whether or not the Congress should take a position on this matter to recognize that we have an obligation to the U.S. taxpayer to make an accounting of the worthiness of a $20 billion commitment, and that is not what we have done.

I would feel entirely different in this matter if I felt this was an investment in the Mexican economy which would benefit the Mexican taxpayer.

It is like, if you borrow money, Mr. President—and I know you are a businessman—and you could use that money to make more money, that is a good thing. You are employing more people; you are building up inventory. But if you borrow money and you have to mortgage your income to pay it back, I may be doing you a grave disfavor.

That is the principle that I think is applicable in this particular case of bailing out this select group of investors, whom we have no knowledge of at the expense of the Mexican taxpayer.

Mr. President, I have concluded my statement. I intend to pursue this matter at a later date when the opportunity arises with an appropriate vehicle.

In the meantime, I ask my colleagues to consider the merits of my statement this morning relative to identifying who the beneficiaries are of our $20 billion commitment. This is just a part of the current Mexican debt, which will in this year require some $70 billion in order to meet the obligations of the Mexican government.

I thank the Chair and I wish the Presiding Officer a good day.

I yield the floor.

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

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

STRIKER REPLACEMENT

Mr. FAIRCLOTH. Mr. President, on March 23, I introduced S. 603—a bill to nullify Executive Order 12954 which prohibits Federal contracts with any company that hires permanent replacements for striking workers. This is the companion bill to H.R. 1176 introduced by Chairman GOODLING of the Committee on Economic and Educational Opportunities. Yesterday, Mr. GOODLING's

committee held a hearing on H.R. 1176, at which testimony was given concerning the fundamental flaws of this Executive order. Many of the same issues were addressed in this Chamber when the distinguished Senator from Kansas, Chairman KASSEBAUM, ably led an effort to limit funding for the implementation of the Executive order.

We lost that fight, but the opponents of this Presidential power grab will not rest until the Executive order is overturned and balance is restored to this Nation's labor policies.

Today, I would like to speak briefly about just a few of the more recent and compelling criticisms of the Executive order.

I share the opinion of those who conclude that the order is invalid because it exceeds the President's constitutional and statutory authority. The Justice Department's legal memorandum in justification of the order cites a statute which was enacted in 1949 to implement the recommendations of the Hoover Commission.

The Justice Department takes the position that this statute authorizes the President to adopt any regulation which promotes economy and efficiency in Government procurement. However, there is no Supreme Court decision that supports the Justice Department's interpretation of this statute as conferring such sweeping Presidential authority.

Moreover, the Congressional Research Service recently concluded that Executive Order 12954 "may not survive even the most restrained judicial scrutiny."

We must be clear about the legal foundation which restricts the President's authority to issue an Executive order regarding a central tenet of national labor policy.

The National Labor Relations Act itself authorizes the hiring of replacement workers—and by so doing, limits Presidential authority to regulate the relationship between management and striking employees. The President has not been granted authority under any statute to alter this carefully balanced congressional design.

If this order is not overturned, just imagine the possible consequences of allowing the President to bypass Congress and issue directives on any and all matters relating to Federal contractors.

For example, President Clinton would be permitted to unilaterally impose on Federal contractors a mandate to implement the type of health care plan which he advocated last year and which was so thoroughly and soundly rejected by Congress and the American people.

In issuing Executive Order 12954, President Clinton has made a sweeping assertion of Presidential power which is completely at odds with our constitutional system of separated and enumerated powers. It should not be allowed to stand, and during the 104th Congress we should commit ourselves to reversing this ill-conceived precedent.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from North Carolina withhold his request? The Senator from Illinois is seeking the floor.

Mr. FAIRCLOTH. Mr. President, I am sorry. I did not see the Senator from Illinois.

I withdraw the request for a quorum call.

Ms. MOSELEY-BRAUN. I thank the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Illinois is recognized. The Chair apologizes. I was raptured by the Senator from North Carolina, and my head was turned the wrong way. I wish her a good day.

WINNERS AND LOSERS OF THE CONTRACT

Ms. MOSELEY-BRAUN. Mr. President, I would like to discuss the first 100 days of Congress, and the winners and losers of the Contract With America.

We have heard a lot from those who would compliment the leaders in the House for their speedy answers to some of this Nation's most pressing problems. Many will say that they have made history for their ability to address so many issues in a mere 100 days. I dare say, though, that if the Contract With America makes history, it will not be for its achievements, but for the reckless manner in which critical issues were considered, issues that have will have a severe negative impact on the lives of countless Americans.

At the outset, I want to say that we all know that spending must be reduced. We all know that the deficit must be brought under control. This is why I supported the balanced budget amendment. But out jobs as Members of Congress means prioritizing the needs of the American people within our fiscal constraints. What the Contract With America does is give the wealthy a higher ranking over working class families and children in this country.

I can sum up the winners in the last 100 days easily, the super wealthy and the billionaires. Unfortunately the list of losers is much longer, children, students, hard working middle-income families, and the list goes on. The losers are those who would greatly benefit our investment in the people of this great Nation, quality education for our children, job training for young people and adults, efforts calculated to help prepare this Nation for the future.

WINNERS/EXPATRIOTS

Who are some of the winners in the first 100 days? Some of the winners have been big. The big winners include 24 billionaires who escape $1.4 billion in income and estate taxes by renouncing their citizenship, the expatriots who abandon this great land that has helped them gather their wealth. Democrats tried to close that loophole in the Finance Committee we were outvoted by the Republican majority.

Our current tax laws are not neutral. To favor those that would renounce their citizenship over hard working loyal American citizens who are struggling to get by.

A few dozen ex-patriots take advantage of this loophole in Federal tax laws by removing their assets beyond the reach of U.S. taxing jurisdiction just before renouncing their U.S. citizenship, thereby avoiding taxation of the appropriated value of their assets.

While they enjoyed the benefits of U.S. citizenship—police protection, roads, schools, national security, and countless of other Government services—they looked for ways to get around paying their fair share of taxes.

Although the Senate Finance Committee voted to eliminate this loophole, the provision was restored in conference. This is nothing short of astounding. At the same time that Republican leaders in the House were proposing massive cuts to be placed on the backs of the children and families of this country, the House Republicans chose to continue granting massive benefits to billionaires.

WINNERS/HOUSE TAX PACKAGE

Among the other winners, are those that would benefit from the House tax and spending package that has been labeled the crown jewel of the Contract With America. I fail to see the glitter in this jewel.

Among the tax cuts is a provision which will give families that pay taxes eligibility for a $500 tax credit for each child under the age of 18, including families earning more than $200,000 a year.

But what this crown jewel does is reverse an original proposal which would have made the credit partially refundable, meaning that some low-income working families, who pay no income tax but who do pay substantial social security and Medicare taxes, could have received the credit. This version is now nonrefundable. And what that means is that those earning $200,000 will not be affected, but that the working poor of this country have once again lost out.

LOSERS/OPENING

And who else loses, well, these tax loopholes and tax breaks are paid for at the expense of middle Americans who will have to pay more to send their children to college or to a child care program. These breaks are also being paid for by the children in this country, thousands of kids, who are on

waiting lists to attend a Head Start Program. For example, in my hometown of Chicago, only 26 percent of all poor children qualifying for Head Start are able to attend a program because of the shortage of slots available.

I would like to take a moment to talk about the many other educational programs that will suffer as a result of the past 100 days. I would also like to review, in somewhat greater detail, the consequences of these ill-considered actions to decimate programs that invest in this country's future.

Mr. President, it is an understatement to say that it is vital to the interest of our Nation that we maintain quality public education for all Americans. Education is not just a private benefit, but a public good. It is the cornerstone of a healthy democracy and as a society, we all benefit from a well educated citizenry. What quality education results in is the means by which we prepare our children to succeed, to earn a living, participate in the community and give something back to their communities.

LOSERS/EDUCATION AND THE WORKFORCE

Education is also the vehicle to understanding the technology that has reshaped our workplace. This country is experiencing a new era in economic competition. If we are to succeed and retain our competitiveness into the 21st century, there must be a renewed commitment to education in this country.

The results of a failed commitment to our educational system will have direct ramifications on this country's work force—the private sector—and this country's economy. Every day, businesses across this country are trying to cope with the fact that a great percentage of the work force is functionally illiterate. Every day, thousands of Americans are being told that they do not qualify for jobs because they lack a high school diploma, or a college degree.

Mr. President, our continued commitment to education will mean jobs for the American people.

Nonetheless, as other leaders of our countries continue to recognize the increasing importance of education, many in this country continue—and I am sorry to say, many Members of Congress—continue to wear blinders. We must not retreat from this commitment.

HOUSE RESCISSIONS BILL

The rescissions bill sent to this chamber by the U.S. House of Representatives would cut $1.7 billion from the 1995 Department of Education budget. It enacted this legislation would cut: $481 million from the Safe and Drug Free Schools Program; $261 million from vocational education and literacy programs; $186 million from the Goals 2000 program; $113 million from chapter 1, and $50 million from bilingual education programs.

The House has also recommended rescinding critical funding for programs which advance our Nation's education technology infrastructure, which I will also address. These cuts include:

$30 million from the Educational Technology Program, a program which promotes equal access for all elementary and secondary students to the educational opportunities made available through advances in technology.

$10 million from the Star Schools—a program designed to improve instruction in math, science, foreign languages, and other subjects through telecommunications technologies. It also supports eligible telecommunications partnerships organized on a statewide or multistate basis to develop and acquire telecommunications equipment, instructional programming, and technical assistance.

$2.7 million from the Ready to Learn Program, the first national goal which states that all children should start school ready to learn. The program helps local school districts meet this goal by supporting the development and distribution of educational television programming for preschool children.

GAO REPORT

Mr. President, last year, I asked the GAO to conduct a nationwide study on the condition of our Nation's public school facilities. Earlier this week, I elaborated on the second of those reports—released this week by GAO—which focuses on our Nation's education technology infrastructure needs. I would like to just briefly comment on this critical subject again.

This GAO report concludes that our Nation's public schools are not designed or sufficiently equipped to prepare our children for the 21st century. More specifically, the GAO report found that more than half of our Nation's schools lack six or more of the technology elements necessary to reform the way teachers teach and students learn including: computers; printers; modems; cable tv; laser disc players; VCR's, and TVs.

In fact, the GAO report found that even more of our Nation's schools do not have the education infrastructure necessary to support these important audio, video, and data systems. More importantly, this second GAO report confirmed our worst fears, the availability of education technology in our Nation's public schools is directly correlated with community type, the percentage of minority students, and the percentage of economically disadvantaged students.

Mr. President, this is simply unacceptable and the proposed cuts to educational programs are also simply unacceptable. There is no reason why our Nation's children should not have equal access to the best education technology resources available.

EDUCATION INFRASTRUCTURE

Let me mention briefly the first GAO report, released in February, on the state of school facilities. This report found that our Nation's public schools need $112 billion to restore their facilities to "good" overall condition.

And what is the Republican response to our Nation's schoolchildren? I am sorry to report that the House rescissions bill would also slash funding for all new education initiatives, including the education infrastructure act which I introduced last April to help local school boards improve the physical conditions of our schools and ensure the health and safety of their students.

EDUCATION CUTS IMPACT ON ILLINOIS

While the Senate bill does restore some of the educational funding, it is not enough. The cuts are still deep and will have a great impact on children throughout this country. I would like to use my State of Illinois as an example. Some of the Senate-recommended cuts will result in the following loss to the children in Illinois alone: Disadvantaged Students Program, (Title I): −$3.4 million; Safe & DrugFree Schools: −$4.3 million; Goals 2000: −$2.4 million.

HIGHER EDUCATION

The contract's attack on education does not stop at the grade school and high school levels. College students and middle-income American families will also pay a higher price.

For example, the proposed elimination of four higher education programs—supplemental educational opportunity grants, Federal work study, Perkins loans, and the State student incentive grants, along with the elimination of the "in-school interest forgiveness exemptions on student loans"—will increase the cost of college for American families by $20 billion over the next 5 years.

Eliminating the subsidy on school interest forgiveness alone would mean the following for middle-American families: 4.5 million current borrowers will accrue interest on their loans while they are still in school; a student who borrows $17,125 over 4 years would owe $3,150 or more and have his or her monthly payments increased by more than 18 percent and, in my State of Illinois, the number of students who will pay more for student loans will increase by 198,053.

AMERICORPS

The contract's attack on young people continues. Republican attempts in the House to gut the AmeriCorps Program would eliminate opportunities for thousands of students to serve their country while earning money for their own education. A promise that has been made to these thousands of young Americans; the communities they serve; the charitable groups they serve with; and, the partners who share the costs of the National Service program,

will be broken. Thousands of working families who depend on the promise of college scholarships for service, will lose this valuable financial assistance.

The House rescission on AmeriCorps will mean that the almost 700 projected number of students who could take part in the program in fiscal year 1995 will be rejected.

Mr. President, I would like to use City Year Chicago—the model program that AmeriCorps is based on—as an example of some of the outstanding and desperately need work that is being done by students in the Chicago area. Some of the community service work includes: The Alter Group Team—Members work with Bethel New Life, a community development corporation in the Garfield Park neighborhood, a low-income area in Chicago. Projects include designing and piloting a computer-literacy program for adults and assisting in the renovation of both a hospital, which will become senior housing and a school, which will become transitional housing for battered women.

The First Chicago/Harris/LaSalle/Northern Trust Team—Members are running a teaching assistant program at the Brian Piccolo Elementary School in West Humboldt Park, a public elementary school serving approximately 966 African-American and Latino students. Each team member works as a teaching assistant in a classroom, tutoring children with special needs, assisting in bilingual classes, or helping to implement special art or education programs.

Mr. President, these are just two examples of what's being done under the AmeriCorps Program after only 6 full months of operation. I would like to submit for the RECORD, a complete list of the AmeriCorps Community Service Programs underway in Chicago, and ask unanimous consent that the list be printed in the RECORD following my statement.

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

(See exhibit 1.)

Ms. MOSELEY-BRAUN. Across this country, more than 20,000 AmeriCorps members have begun to serve their neighbors; children, the elderly, students, and persons with AIDS.

AmeriCorps members have taught or tutored more than 9,000 pre-school, elementary, and junior high school students in basic educational skills. They have launched after-school and summer tutoring programs for more than 4,600 kids. And they have organized hundreds of community service projects, cleaning up neighborhoods and providing food for the elderly.

CLOSING

In closing, I want to make clear what I am for and what I am not for. As I stated at the start of my remarks, a lot of what the spending process includes is prioritizing. By providing the needed and long overdue support for educational programs, job training programs, and programs for children, we invest in this country's future. Cutting these opportunities is clearly in the wrong direction. We must not retrench on our commitments to young people and American families.

Mr. President, before the celebrating of the contract and the first 100 days begins, the American people need to understand who's been invited to this party. If you are a billionaire, or part of the small percentage of the super-wealthy elite in this country, your invitation has been signed, sealed, and delivered.

For the rest of American people—the children, students, or hard-working, middle-income Americans—I dare say, your invitation has been lost in the mail.

EXHIBIT 1

CITY YEAR CHICAGO—COMMUNITY SERVICE UPDATE—AS OF MARCH 1995

THE ALTER GROUP TEAM

The Alter Group Team is working with Bethel New Life, a Community Development Corporation in the Garfield Park neighborhood. In the mornings, the Alter Group Team members participate in a variety of group and individual projects under the direction of Bethel New Life staff. Corps members are designing and piloting a computer-literacy program for adults; organizing community improvement and gardening projects; helping to organize a volunteer week and other community events; and assisting in the renovation of both a hospital which will become senior housing and a school which will become transitional housing for battered women. In the afternoons, the team members tutor students in the after school program in Bethel's affiliate elementary school.

THE FIRST CHICAGO/HARRIS/LASALLE/NORTHERN TRUST BANK TEAM

The Bank Team is running a City Year in Schools Program at the Brian Piccolo Elementary School in West Humboldt Park, a public elementary school serving approximately 966 African-American and Latino students. Each team member works as a teaching assistant in a classroom, tutoring children with special needs, assisting in bilingual classes, or helping to implement special art or physical education programs. Corps members also act as role models for the young students by establishing an environment of common goals and values and promoting the City Year values of team work and inclusivity. When the school day is finished, the team continues working on a project designed to improve students' self-image and enliven the school environment through the creation of inspirational banners.

THE AMOCO TEAM

The Amoco Team also works in partnership with an elementary school: the John Spry Community School in Little Village. Spry is a pre-kindergarten through eighth grade school with approximately 1,300 students. By working individually in classrooms as teaching assistants, City Year corps members are helping to give students the confidence to excel academically. They lead small groups in math and reading, work closely with troubled students and teach lessons in English as a Second Language and art. The Team also participates in such special programs as the celebration of Young Readers Day, for which corps members rotated classrooms and read to over 700 children. The creation of perfect attendance and honor roll certificates for the entire school, and the renovation and reorganization of the Spry School Library for reopening can also be credited to the team members. The Amoco Team is currently working on a violence prevention curriculum, which the team will take to classrooms throughout the school.

THE RONALD MCDONALD CHILDREN'S CHARITIES TEAM

The Ronald McDonald Children's Charities Team is helping to run an after school club at the Chicago Youth Centers-Lower North in Cabrini Green for over 100 children. The team's service is focused on expanding the curriculum offered at the youth center and strengthening the educational components of the program. The team members not only tutor the young children in the program, but create and run after school clubs such as Arts and Crafts, No-Bake Cooking, Tumbling, Volleyball/Softball, Basketball, and Chorus. Along with their work with the After School Club, the team is succeeding in changing the face of the Youth Center. The team has painted most of the building's interior surface, repaired the outside fence, created a mural in the gymnasium, and completed many other physical service projects at the Center. When not at the Center, the Ronald McDonald Children's Charities Team works in partnership with Careers for Youth and Uptown Habitat for Humanity on the West side. They are painting and installing light fixtures in a two-flat apartment building, so that a family can move in this Spring.

THE DIGITAL EQUIPMENT CORPORATION TEAM

The Digital Equipment Corporation Team runs an after school club for approximately 80 children at the Price School in the Grand Boulevard community through Chicago's Youth and Family Resource Center. Under the supervision of the Digital Team, the children study and work on their homework for two hours tech day. Corps members give the special attention and individual tutoring that is often difficult for teachers to provide in a classroom context. Following completion of their homework, the children can participate in one of the Digital Team's After School Clubs: "An Exploration of Culture;" Art; Rap Session (a discussion group); Dance; Music; Reading and Writing Workshop; and Athletics. The Team also works with Habitat for Humanity/Careers for Youth doing renovation and carpentry for low cost housing on the West Side. In addition, Team members work with the Chicago Historical Society's Neighborhoods; Keepers of Culture Exhibition, a project created to collect, interpret and exhibit the histories of four Chicago neighborhoods. The entire Digital Team is also being trained as AIDS Counselors, and this Spring will begin doing AIDS/HIV outreach in the Little Village community.

(Mr. FAIRCLOTH assumed the chair.)

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I would like to take up another subject that is probably as controversial as the Contract With America and what has happened in the last 100 days.

I recently met with a group of concerned women in Illinois to discuss the

continued relevance of affirmative action. The idea of the meeting arose quite naturally. As with any other debate that is happening here in Washington, I try to reach out to those in my State who will be impacted by changes that Congress might make, in order to get the input of their collective wisdom.

The meeting was arranged when we, at last, had a few days to spend back in the State. As you know, Mr. President, we have not been able to get back home as much as we would like. So the meeting was arranged somewhat hastily; we did not have a great opportunity to plan for it. Nor were we able to provide interested parties with much in the way of advance notice.

However, as it turned out, the meeting was a resounding successful. Frankly, I do not think I could have even imagined how successful it would be, or how many people would rearrange their plans to meet with me on a moment's notice.

My office was filled with women who spanned the political and economic spectrum. There were women who had spent their lives doing grassroots political organizing, and women who had spent their lives working in corporate America. There were women who had started their own businesses from scratch, as well as women working in unions and associations. Many of the women present had also spent years exclusively as homemakers.

Despite the diversity of viewpoints and backgrounds represented at the meeting, there was a near unanimity of response. The women in that room wanted to know why Congress would choose this moment in time to turn its back on the promise of equal economic opportunity, when so much work remains yet to be done; at a time when, despite all of our efforts, a glass ceiling still works to prevent qualified women and minorities from making full use of their collective talents.

The women at the meeting wanted to know how Congress could ignore the overwhelming evidence that affirmative action benefits not only individuals, but employers and society as well. Finally, they wanted to know what they could do to help preserve this country's commitment to equality, opportunity, and fairness.

Every woman at that meeting agreed that she would have been denied opportunity in the absence of affirmative action. Every woman agreed that she had been provided with opportunities because the climate created by affirmative action helped to encourage diversity and inclusion, and helped to open up fields of endeavor that might have otherwise been closed to her. And, more importantly—or as importantly—every woman there could recall a roadblock that had been placed in her way as she tried to become an equal participant in the marketplace.

The barriers to equal opportunity, and the roadblocks that one runs into because of gender are not subjects that most women generally discuss. Frankly, most women would prefer to meet the potholes and the ruts in the road, to confront them head on and overcome them, if possible, and then move on. Yet every woman present agreed that congressional efforts to repeal affirmative could only serve to put cement on the glass ceiling, and to make those hurdles higher. If that happens, Mr. President, these women will come out of the woodwork. Letters and phone calls will pour in from across this Nation, Mr. President, as women tell their stories. The sentiment in that room can be summed up quite simply: Women cannot, and will not, turn back.

The simple fact is that many of these women were in professions that women could not even enter 20 years ago. Many of the women in the room had been hired for jobs or had received promotions that would have been unthinkable in 1965, or even 1975. And all of them felt that the existence of affirmative action in the laws and in executive orders in this country had opened doors, had created a climate of diversity, had created an environment for their inclusion.

Finally, despite the progress they had made, all of these women felt that there were still barriers to their advancement, that the glass ceiling was all too real. They concurred that efforts by this Congress to retreat from the commitment to equal opportunity in the workplace would have the effect of putting cement on that glass ceiling, and make it much more difficult for women to participate in the economic, political and social life of this country.

Given the enthusiastic reaction at the meeting that took place in my office, I was frankly not surprised to learn 2 days ago that a Coalition for Equal Opportunity is being formed in Illinois. At a press conference on the 17th of April, more than 40 women's, civil rights, labor, religious, and business organizations will announce their intentions to work to preserve equality and fairness in Illinois and throughout the Nation. They announced their intention to begin to galvanize and work to explain to women what affirmative action really means—the truth of it.

I gave a statement on the floor the other night, Mr. President, in which I went some detail about the truth of affirmative action—what the myths are, what the realities are, and how women and minorities will be affected by efforts to repeal it.

For those who may be wondering if the reaction of that group is atypical, I can assure you, it is not. There is a tendency in Washington to get wrapped up in what is happening here on the Senate floor. Sometimes, we can lose sight of what people are saying out there in the real world, what is actually going on in communities.

It is interesting to note that there is an old expression, "How does it play in Peoria,"—a town that is, of course, in my State of Illinois. How does it play in Peoria? This is a shorthand way to cut through the beltway issues and get to what the people out in the heart of the country think about the issue.

There was a major story that recently appeared in the Peoria Journal Star, a major newspaper in Peoria, that gives us a sense of how this issue, the affirmative action debate, is playing in Peoria.

The headline of the article is entitled, "Toward a Middle Ground: Re-Think Affirmative Action, But Don't Kill It; Issue Demands Caution."

I ask unanimous consent that the text of the article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Ms. MOSELEY-BRAUN. I would like to discuss a few points made by that article, because I think it is helpful for those of us in this body to be aware of how some people in America's heartland feel about the affirmative action issue.

First and foremost, the people in Peoria are echoing the conclusions reached last week by the Department of Labor's glass ceiling commission: affirmative action makes good business sense. As the article states:

> A half-dozen Peoria area employers and educators contacted over the last week said they make special efforts to promote diversity not because the Federal regulators are on their backs, but because it's in their interest. In some circumstances and with some individuals, a black cop or teacher can be more effective than a white one. A rape victim may be more willing to tell her story to a female reporter. A Hispanic salesman may be better able to reach that market. It's not just black students who benefit from attending college; whites are more fully educated—wiser if you will—for having black classmates and roommates.

Mr. President, these are businesses in Peoria, not New York or even Chicago. This is Main Street, not Pennsylvania Avenue. And these Main Streeters recognize that affirmative action is more than a private benefit; it is a public good. If we can open opportunity to a student or a job applicant who has been previously excluded from consideration, obviously, that person benefits. What is less obvious, but just as important, is that society benefits as well.

The Journal Star's article continued on to point out that, while America has made great strides in equal opportunity, there is still much work to be done. The dream of America as a colorblind society has not yet been realized even though all of us want, I think, to move in that direction. There are still entire professions, entire companies and even entire industries that remain

virtually off-limits to women and minorities, particularly in the upper-levels. The glass ceiling report reached that conclusion after years of painstaking research; in reality, all people need to do is look around their boardroom or their classroom to figure out what is really going on. As Clarence Brown, personnel director at Peoria's Bradley University, stated:

Everyone still believes the Government is forcing businesses to hire minorities—it's not. At every workshop, somebody brings that up. We say, look around you, and in most of those workshops there are no minorities at all, and most of the people there are white males.

Mr. President, as I have said before and will say again, I agree that all affirmative action programs should be subject to review. Everything that we do in Government, if the Government is to function effectively, from time to time, be subject to scrutiny and accountability. But there is a difference between review and retreat. In fact, the issue we are facing right now is that we make certain that retreat does not mean retrenchment. It is important that efforts to promote diversity are fair to everybody. It is important that the affirmative action initiatives do what they say they do and that we weed out the companies that run amuck and bureaucrats that run amuck and make a rash of regulations that are illogical.

So review in and itself can be an opportunity for improvement of affirmative action but it should never be used as an excuse for retrenchment from our commitment to fairness.

As the Peoria Journal Star article concludes:

It would be a mistake to abandon the broad commitment to act affirmatively to make for a more inclusive America: To recruit, to recognize the value in diversity, to provide more opportunities to those, regardless of sex or color, who have too little from the moment of birth.

In other words, an absence of discrimination is not enough. The Federal Government, employers, and our universities must reach out beyond the traditional groups and ensure that all people are given the opportunity to succeed in America.

Some have argued that, even if the Federal Executive order on affirmative action is repealed, businesses will continue to seek out diversity because it is the right thing to do. It affects the bottom line in a positive way. That is possible. But I do not think promotion of diversity would proceed as rapidly in the absence of legal guidance. Indeed, it is likely to slow down and some of the evidence suggests that where the legal requirement has changed affirmative action efforts have slowed down.

The more probable scenario is described this way in the article from the Peoria paper:

The other possibility is that ending Federal affirmative action mandates will make our workplaces and campuses look more Germanic than American. The commitment to minority recruiting will fade as time passes. Blacks shackled by poor schools and single-parent families will be more disadvantaged than they already are in competition for spots in good colleges, necessary to put them in competition for good jobs. Minorities and women who would be otherwise competitive will run up against the good-old-boys network and the human tendency toward the familiar—to give the job to somebody who looks and things as you do.

Is that what we want from America? That scenario runs counter to the American dream, the dream of opportunity for everyone, the dream of traveling as far as your abilities will take you; or, as many parents put it to their children, the dream that any one of us could one day grow up to be the President of the United States. If that dream is to have any basis in reality, we cannot retreat from our commitment to affirmative action. To those who will easily dismiss the Peoria Journal Star observations, and my remarks on this subject, again I have already made one more detailed speech about this issue, and I intend to make others about this issue to focus in on particular parts of the debate and particular issues going to the facts of this issue, I would like to remind whoever is listening that Illinois has long been a bellwether State on the issue of equal opportunity.

As far back as 1914, a woman's organization known as the Kappa Suffrage Club realized the link between equality of women, and equality for minorities, and worked for the election of the first black alderman in the city of Chicago. The League of Women Voters was founded in Illinois in 1919 by Carrie Chapman Catt, who stated at the time that "Winning the vote is only an opening wedge, but to learn to use it is a bigger task."

I know that there are attempts by some to turn the affirmative action issue into a cynical debate about race. We cannot allow that to happen. There are too many problems facing this country—problems of job creation, deficit reduction, education—that need our collective energy. To divide Americans one from the other is not only counterproductive, it is irresponsible and I submit irresponsible debate. Affirmative action is about opportunity, and affirmative action is about giving our country the ability to compete in the world economy, in this world marketplace on an equal par and with the capacity to tap the talents of 100 percent of the people of this country.

As our country is able to tap the talents of 100 percent, we grow stronger as a nation and we are better able to participate and to compete. To close that door to, put cement on the glass ceiling at this point in time, it seems to me, turns this country in the absolute wrong direction and will put us on a course that I hate frankly to imagine.

I hope that over the months as we discuss this issue that people who care about it will, one, focus in on the fact and, two, hear the voices of reason coming from the America's heartland. We all stand to gain from the wisdom of people who are out in the real world trying to make our country work as one America.

If any objective should command our complete consensus, it is ensuring that every American has a chance to succeed. And in any event, the facts will not support tagging blacks and other minorities with any failures of affirmative action programs.

Mr. President, I will close on a note of caution from the Peoria Journal Star:

There are fewer threats to the Nation's future that a wide divide between angry whites and disenfranchised blacks.

Those who would seek to enlarge that divide by using affirmative action as a racial "wedge" issue may score short-term political points; but they do so at the expense of America's long-term future. Before we travel down that road, I urge everyone to consider the voices of reason coming from America's heartland. We all stand to gain from their wisdom.

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

EXHIBIT 1

[From the Peoria Journal Star, Mar. 12, 1995]

TOWARD A MIDDLE GROUND: RETHINK AFFIRMATIVE ACTION, BUT DON'T KILL IT; ISSUE DEMANDS CAUTION

Call it the revenge of the angry white guys.

Claiming white males denied access to a janitorial training program, the United States Justice Department last week sued Illinois State University. ISU President Thomas Wallace responded that the program has been set up to integrate a largely white, male work force. White men weren't precluded from joining, Wallace said. But the Justice Department alleges none were among the 60 people trained and hired between 1987 and 1991.

It's not often lately that the feds have gone to bat for white guys, especially those who allege they are being denied an opportunity to become janitors because of gender or skin color. Before affirmative action sought to put the power of programming behind the pledge of opportunity, most of the positions that paid Buick-buying money went to white men. Why would they mind if custodial jobs went to blacks?

We have come not quite full-circle in the 30 years since President Lyndon B. Johnson committed the country to guaranteeing black Americans "not just equality as a right . . . but equality as a fact." What followed was a host of federal programs—the Library of Congress lists 160—which seek to increase the number of minorities and women in college and medical school, behind jackhammers and at the kneehole side of vice-presidential desks. That it did, though imperfectly (women benefited more fully than blacks) and with fallout.

The fallout is the growing resentment of whites. Only a few take their cases to court: the Colorado contractor who lost a federal highway job to a minority firm which submitted a lower bid and the white schoolteacher, hired on the same day as a black,

who was laid off when her employer opted for diversity over a coin-toss.

More often, white males who believe they've been victimized take their cases to their buddies: They can't get hired, they can't get into law school, they don't have a shot at a promotion because they are being discriminated against. But with some notable exceptions, it's not the best case. For the work force, especially at higher reaches and in the professions, remains predominantly white and largely male.

"Everyone still believes the government is forcing businesses to hire minorities—it's not," says Clarence Brown, Bradley University's personnel director. "At every workshop somebody brings that up. We say look around you, and in most of them there are no minorities at all and most of the people there are white males."

Yet most employers and universities do make special efforts to make their offices and their student bodies look more like America.

A half-dozen area employers and educators contacted over the last week said they do so not because federal regulators are on their backs, but because it's in their interest. In some circumstances and with some individuals, a black cop or teacher can be more effective than a white one. A rape victim may be more willing to tell her story to a female reporter. A Hispanic salesman may be better able to reach that market. It's not just black students who benefit from attending Bradley; whites are more fully educated—wiser, if you will—for having black classmates and roommates.

A colorblind society, free from all discrimination, is a wonderful goal, but it's not the reality. And so most of those questioned say they'd remain committed to the wisdom of diversity, in the absence of legislation. That's one of the arguments made by those who call for dismantling federal affirmative action programs.

But it's also an argument that ends up running in circles. To wit: Race and sex should not be considered. Laws that require their consideration should be repealed. Without laws, employers and institutions will continue their voluntary efforts to attract more minorities because a diverse work force is in their interest. Hence, race and sex will be considered—and all those white guys who think that's why they failed to get hired or promoted will be angry still.

The other possibility is that ending federal affirmative action mandates will make our workplaces and campuses look more Germanic than American. The commitment to minority recruiting will fade as time passes. Blacks shackled by poor schools and single-parent families will be more disadvantaged than they already are in competition for spots in good colleges, necessary to put them in competition for good jobs. Minorities and women who would be otherwise competitive will run up against the good-old-boys network and the human tendency toward the familiar—to give the job to somebody who looks and thinks as you do. There will be fewer black doctors and business executives and teachers.

All this is a long-winded way of saying that affirmative action is an extraordinarily complex and explosive issue. It's admirable that we want to be a society free of racial or sexual bias, but we are not. What to do about that remains a huge and divisive issue.

A story in this newspaper a couple of weeks ago reported that President Clinton had decided to review all affirmative action plans to search for a middle ground: "Affirmative action review carries a no-win risk," read the headline. Yet a compelling case can be made for an effort to find a middle ground on this issue.

The House began last month by repealing legislation that granted tax breaks for companies that sell broadcast stations to minorities. No sound argument could be made for filling the pockets of rich white men so blacks could get into broadcast. Minority set-asides deserve a look; so do bidding rules that result in more expensive contracts because race or gender offset a low bid.

But it would be a mistake to abandon the broad commitment to act affirmatively to make for a more inclusive America: to recruit, to recognize the value in diversity, to provide more opportunities to those, regardless of sex or color, who have too little from the moment of birth. There are fewer threats to the nation's future than a wide divide between angry whites and disenfranchised-blacks. If ever an issue demanded a middle ground, free of reckless passion, this is it.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. I thank the Senator from Illinois. I appreciate hearing her remarks, particularly on affirmative action.

Mr. President, I ask unanimous consent that I my speak as if in morning business.

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

Mr. FEINGOLD. I thank the Chair.

ALLOWING GIFTS AND SPECIAL BENEFITS

Mr. FEINGOLD. Mr. President, I want to state first of all that, as we get to the end of the Republican contract of 100 days, it is time to take stock. Everyone is taking stock of what is in the contract, what is passed, what has not passed, what is not in the contract.

The piece I want to discuss today is something that just is not included; that is, whether we are going to ban the practice of allowing gifts and special benefits from private interests to Members of Congress.

I want to thank my colleague, the Senator from New Jersey, Senator LAUTENBERG, and the Senator from Minnesota, Senator WELLSTONE, for keeping up this fight during a series of months when in effect it appears that the effort to ban the gifts has been ruled out of order. It is not part of the contract. So we do not come out here and talk about it.

This came up in the very first week when we addressed something that Democrats have supported that was included in the Republican contract—there have not been many—namely to make sure that Members of Congress have to live by the rules that we make for everyone else. It makes sense. It passed overwhelmingly, if not unanimously, and a lot of us thought—certainly the three Senators behind the gift ban—what a perfect opportunity the first week to get rid of this outrageous practice.

So we tried to put it on the bill. We were defeated by almost a pure party line vote.

It is not very surprising in light of the fact that the new majority wanted to set the agenda. I understand that. We protested. But I certainly did not see it as outrageous given the fact that it was the first week and that there would be other opportunities. At that point, though, we received something that I think most of us perceived as an assurance that the gift ban issue would come up in a timely manner. This is not something that needs to be evaluated at length anymore such as welfare reform or the whole issue of how to cut the Federal deficit. Those are very complicated subjects. This is an easy subject. It is not the kind of thing that should wait until later this year or the end of session. It is important that the gift ban be enacted now so that the negative effect it has on this institution and the perceptions of this institution are mitigated now. But that is not what has happened.

The distinguished majority leader on January 10 said that it was his intent to try to move the bill as quickly as he could. He said:

> I am not certain about any date. I am not certain it will be May 31. It could be before, maybe after May 31.

Some of us hoped at least the end of May would be a good target time to solve this problem, certainly by the Memorial Day recess.

Unfortunately, Mr. President, that is not the position now. We have received a list not too long ago of must-do items entitled, "The must-do list for Memorial Day Recess, nonexclusive."

Among the items listed on there are some very important items: The defense supplemental appropriations bill, the line-item veto, which we have taken care of in this House, regulatory moratorium bill, which we have moved out, product liability, the self-employed health insurance extension—we have taken care of that—FEMA supplemental, which we are dealing with now, crime bill, budget resolution, telecommunications bill, and various other items are listed as likely.

Nowhere on that list is there any suggestion either that we will be taking up the gift ban, or that we are likely to take up the gift ban before the Memorial Day recess, so I am beginning to get concerned. The majority leader had given us what I thought was a pretty strong commitment this bill would be taken up in a reasonable time but we are not getting that indication now. And I am beginning to wonder why.

Mr. President, a lot of things have not surprised me about these first 100 days of the Republican contract. That does not mean I like them, but they did not surprise me. I am not surprised

that the House of Representatives, that talked so loudly about deficit reduction, yesterday passed a $200 billion step in the wrong direction in the form of tax cuts for everyone including some of the very wealthiest people in our society. I am not surprised. The Republican contract was voodoo mathematics from the beginning. It is about having your cake and eating it, too, saying you are for deficit reduction, saying you are for balancing the budget and then as fast as you can trying to make sure that everybody in the country is happy with you by giving you a tax cut that you cannot afford. I am not surprised by that.

I was not surprised but dismayed that the Republican contract does not even mention campaign finance reform. The American people want campaign finance reform, but it is very easy on that issue to confuse people, to say that if the Democrats write the bill, it is going to help out the Democrats; if the Republicans write it, it is going to help the Republicans. And it is terribly confusing because it involves so many different issues of PAC's and campaign limitations, contribution limitations. I think it is a tragedy that it was not a part of the contract and before us. But that does not surprise me. I would have expected that especially after the effort to kill the campaign finance reform bill in this body last year.

I am not surprised about the complete ignoring of the whole health care issue in the Republican contract, which everybody in the Senate said was an important issue; everybody said they wanted universal coverage somehow and acknowledged the 40 million Americans with no health care coverage. Everybody said we have to deal with it somehow, but there is no action on it. There is hardly mention of it.

Again, though, Mr. President, I am not surprised. I saw that one coming. Health care became a symbol of something that Government should not get involved in at all during the 103d Congress, and I think that is a regrettable result.

What I am surprised by, Mr. President, is that the folks running the Republican contract believe that it is just fine to not include the gift ban and not take it up in a timely manner. It is not important enough apparently to be handled in the first 100 days. I thought it was just too obviously inconsistent with the tone and the spirit of the Republican contract and the November 8 elections to ignore the fact that the gift ban is one of the greatest symbols of the corruption that exists in this town. That is what I would have thought. After eliminating the free gym, the free health care, the special stationery, and all the little perks that certainly should go—and I am glad they are gone—I would have thought it was just incredible that either party felt safe and secure not trying to get rid of the use of gift giving to Members of Congress. It seems like just offering up raw meat to the folks who do the "Prime Time" television show, begging them to come and photograph Members of Congress on tennis trips paid for by special interests.

That is what I would have thought. But that is not the perception. That is not the approach. The approach is to stonewall the gift ban issue. And why would Members of Congress continue to allow that perception to exist? Well, I guess the conclusion I have come to is because the giving of gifts to Members of Congress by private interests, by special interests—not by the Government—is not any old perk given by the Government like the haircuts and other things that have been discovered here and, I hope, changed. It is something different.

The practice of gift giving and special interest influence behind closed doors is a key link in a chain of influence, Mr. President, a circle of influence that operates in this town to create a culture of special interest influence. Among the links in this chain are the practice of the revolving door—Members of Congress and staff members working a while here and then finding a nice job downtown and finding out that they can, in effect, trade on their experience here to get a job lobbying later on. That is one link.

Another major link, of course, is the horrible problem of the way our campaign financing system works—the news today in the Washington Post of the incredible numbers of new contributions coming into the National Republican Committee now that they are in charge of both Houses. You can mention the book deals. You can mention the piece of legislation that is before us in the Senate Judiciary Committee today, the so-called regulatory reform bill.

Mr. President, in that bill it is seriously proposed and apparently is going to be passed that the review of these regulations, when they get to the highest level, will not be done by a disinterested group but will include a so-called peer review panel that will include the very interests that have a financial interest in the outcome of what happens with those rules.

That is a link in this chain. And so is the practice of giving gifts and free trips by lobbyists to Members of Congress.

The gift giving practice is the piece of the chain of special influence that has to do with feeding and pampering Members of Congress, and it is part of a system that tears the people of this country away from the people they thought they elected to represent them.

It is no wonder that the Republican contract does not mention the gift ban. It is no accident that the 104th Congress blocked action on that issue so far. Is it not interesting, if you listen to the talk show hosts, the rather conservative talk show hosts that talk about all the perks in Congress, they will talk about the pension problems here and the fact that the pension system needs reform, which I agree with, they will talk about anything that has to do with a Government perk but they seem to not talk about this practice of meals and gifts and special benefits, personal benefits to Members of Congress. The only time I have ever heard it discussed on one of those shows was on the Jim Hightower show. He was interested in pointing out what happened the first week of Congress. But basically it is not mentioned.

I can tell you the failure to mention it is not because it is something very difficult to enact or follow. A gift ban works very, very well. I have said many times in the Chamber—I guess I will be saying it many more times—we have had a law basically banning all these kinds of gifts in Wisconsin for 20 years. It has worked extremely well. Although we certainly have problems with special interest influence in our Government as well, it is a very different culture in Wisconsin government because of the Wisconsin gift ban. The type of thing that happened that was described in the Washington Post this week could not happen.

In an article in the "In The Loop" section a couple of days ago, entitled "Hospitality Sweet," a recent fact finding trip was described as follows:

> Some House Republicans have come up with a neat way to fulfill their promise of slashing the cost of Congress. When members of the Resources Committee recently held field hearings on endangered species and wetlands in Louisiana, the trip included dinner at Armand's in the French Quarter.
>
> Who picked up the tab? The not-so-disinterested Louisiana Farm Bureau Federation, Midcontinent Oil and Gas Association, American Sugar Cane League and Louisiana Land and Exploration company.

And then:

> A week later, it was dinner in San Antonio, sponsored and paid for by groups like the Texas Cattle Feeders Association, Texas Sheep and Goat Raisers, San Antonio Farm and Ranch Real Estate Board and Texas Association of Builders.

Mr. President, there was a rather lame response from one of the staff members of the House Members trying to explain why there was no problem with this.

Mr. Johnson said:

> We just consider this to be local hospitality. It's an opportunity for Members to discuss issues with people from Louisiana.* * * We didn't solicit any of these companies. I feel confident if any environmental groups had come forward and offered to have a luncheon or media opportunity we would have tried to accommodate them.

Mr. President, if they try to accommodate all these meals, they are going to have to go to a weight-loss clinic pretty soon.

In Wisconsin, you cannot do this. If you want to meet with constituents and sit down with them at a meal, that is fine, but you have to pay your own way. Sometimes the waiter or the waitress is a little irritated because they have to write out separate checks. But that is the worst thing that happens. You pay your own way. You do not do the kind of stuff that was done just recently by the House Republicans who said they felt they had to do this in order to investigate concerns in their State.

Mr. President, the problem is not that we cannot enact a gift ban or comply with one. It is just too darn simple to get rid of this horrible practice.

Mr. President, let me just be clear. I consider this gift ban issue to be very, very important. But I do consider it to be sort of the kid brother to the bigger issue, which I consider to be campaign finance reform.

I am not suggesting in any way that getting rid of gift-giving would solve the problem of special interests and the problem of lobbying. I think the answer there is to limit the amount of money, total amount of money, that can be spent, or at least make sure that those who abide by the limits get an advantage to make up for the loss of advantages of the greater spending.

I also think you ought to get a majority of your campaign contributions from your own home State, something many Republicans have proposed. I think that would really dilute and limit the influence of special interests and lobbyists in the campaign finance context.

But this is different. This is about personal enrichment. This is about, in effect, having an opportunity to subtly buy the time, the precious time, of Members of Congress. This is about creating a feeling of personal, not professional, obligation between one individual and another, one who happens to be a Member of Congress, one who happens to be a lobbyist for a special interest. This is about the opportunity to use gift giving and buying dinners and giving trips to achieve undue access to Members of Congress.

It is part of a chain, as I have said, it is part of a circle of influence that I think has broken down the trust between the American people and their elected representatives.

Mr. DORGAN. Will the Senator from Wisconsin yield for a question?

Mr. FEINGOLD Yes, I yield for a question.

Mr. DORGAN. Mr. President, I was listening to the Senator from Wisconsin talk about gifts. I had come over to speak about something else, but in many respects it relates to the issue of gifts. I thought I would ask the Senator a question about it.

Last evening, the House of Representatives passed a tax cut bill, about $190 billion lost in revenue for the Federal Government in the 5-year period, about $630 billion lost in revenue during the next 10 years.

The same people who were the loudest proponents of changing the Constitution to require a balanced budget now have taken a bunch of polls and have found out if they offered a tax cut, it would be very popular. So they pass a tax cut bill.

It is the wrong way to balance the budget. The first step is to cut Federal spending and to use the money to cut the Federal deficit. Then we should turn our attention to the Tax Code and try to promote some fairness in the Tax Code.

But I find it interesting looking at the numbers in this bill passed by the House last evening. Last night they talked about this being a tax cut for families; this is a family-friendly tax cut to kind of help out working families. This morning I looked at the numbers. If you added it all up together—the child credit, capital gains cuts, eliminating the alternative minimum tax for corporations and a whole series of other things—and figure out who benefits, here is what the numbers show. It shows that if you are an American with over $200,000 in income, you get an $11,200 cut in your tax bill. If you are an American who has an average income of less than $30,000, your tax cut under the House bill was a whole $124. In other words, if you are earning above $200,000, you can expect to get a check in the mail for $11,200. That is a pretty good gift.

These folks say this is for working families. Well, working families that make over $200,000 a year get an $11,200 tax cut—at a time when we have debt up to our neck trying to figure out how we try to deal with this Federal deficit—and then the working families earning $30,000 or less get an $124 tax cut.

It is the old cake-and-crumbs approach. Give the cake to the very rich and the crumbs to the rest and say, "Everybody benefits."

We are told that broad capital gains tax cuts help everybody. That is kind of like saying, OK, you take 40,000 people and put them over in Camden Yards; fill every seat. And then say, "I'm going to pass out $100 million to these folks." And you pass out $1 to 39,999 people and to the other person you give all the rest of the money. And then you go outside and crow that everybody in that place got some money. Yes, they did—but one person got almost all of it and all the rest of them got just a little. So you can make the claim that everybody benefits, but the fact is one person got most of the benefits.

So that is the circumstance of the tax cut. At a time when we should be dealing with the deficit honestly, we have people taking polls and cutting taxes that promote enormously beneficial gifts to the very wealthy in this country.

Has the Senator had a chance to take a look at what happened last evening and what I think is essentially gifting to the wealthiest Americans in this generous tax cut proposed by the majority party in the House?

Mr. FEINGOLD. I am happy to respond to the Senator from North Dakota.

I did not want to see that headline this morning, but I did. And I did have a chance to take a look at it.

Let me say, first of all, to the Senator from North Dakota that long before I had the honor of being elected to this body, I admired the Senator from North Dakota when he was in the other body as one of the true leaders in the Congress on the issue of tax reform and tax fairness. He knows this stuff.

And so when he speaks about what this is all about, and what the tax cut for all Americans supposedly, but especially for wealthy Americans, is all about, he knows exactly what he is talking about. He was a key force for the positive aspects of the 1986 tax reform, parts of which I think are at least an example of when Washington got some things right. So I think his comment is very appropriate.

What I want to say in response, since I know the Senator wants to speak at more length about the tax cut, is that there is a common thread between the various parts of the contract. There is a connection between the fact that the gift ban is not mentioned in the contract and campaign finance is not mentioned in the contract, but the tax cuts are there for the wealthy, the so-called regulatory reform is included for the very interests that probably still do need some regulation. The common thread is this:

If you have a lot of resources and you have a lot of lobbyists here in Washington, you are not going to get nicked by the Republican contract. You just are not. If you are on welfare, you are going to get nicked. If you have a lunch coming to you at school, you are going to get nicked. But if you have any kind of serious interest supporting you on this Republican contract, you are not going to get nicked.

It is worse than that. This giant $190 billion piece of legislation that the House passed makes a complete farce out of the notion that the contract has anything to do with deficit reduction. Everyone knows it.

I have to say to the Senator from North Dakota and the Chair, I was the first Member of Congress—I am proud of this—of 535 Members of Congress, I was the first one to say "No tax cuts." I said it the day after the November 8 election and I said it the day after the President proposed his tax cut. The Los Angeles Times said there was one lone voice that thinks this should not happen.

It is not nice to say, "I told you so." I do not get to say it very often. On this one, it feels good to say it; that the people of this country know better than the people in this town and the people in this town are beginning to wake up, especially in the Senate, that it is a total fraud on the American people to say you are for balancing the budget and then start handing out $200 billion or $700 billion in tax cuts, tax gifts. The sad thing is, it is the repeating gift after gift after gift after gift to the same people.

Mr. DORGAN. Will the Senator yield for one additional question?

Mr. FEINGOLD. Yes.

Mr. DORGAN. The Congress in 1986 changed the tax law. And maybe it did not do such a great job. But it really tried to eliminate all the artificial things in the tax laws that promoted artificial investments and tried to let the marketplace make the decisions about where the investments would go.

Prior to that time, we had a circumstance in this country where you could pick out some of the biggest names in American corporate life and find out that they made billions of dollars in profits, and what did they pay in taxes? Zero. Nothing.

So in 1986, we put in place an alternative minimum tax that worked, and we said, "You can't make billions of dollars in profits and end up paying nothing." The folks who work for a living pay taxes. They cannot get by without paying taxes. So we constructed an alternative minimum tax that worked.

The legislation they passed last night in the House of Representatives says, "Let's get rid of the alternative minimum tax for corporations"—with 2,000 corporations benefiting to the tune of washing away $4 billion in revenue annually. The way I calculate it, that is about a $2 million a corporation every year. Talk about gifts? There is a gift. I bet there was not much debate about that.

Mr. FEINGOLD. Mr. President, if I may respond briefly, I am very glad the Senator mentioned some of the specifics of the 1986 bill, because as he was speaking, I realized, in 1986, we had a Republican President and, I believe, we still had a majority of Republicans in the Senate. Although that bill had flaws, there were changes in accelerated depreciation, and limits to the practice of using tax loss farming, which was something of great concern to farmers in Wisconsin. There were limits on some of the most visible aspects of tax deductions that seemed to be unfair.

What is ironic, Mr. President, is that here we have now, again, the majority of the Republican Party in the U.S. Senate—as well as the other body—and they are doing just the reverse.

There was a book written about the success of the 1986 bill called "Showdown at Gucci Gulch." Gucci Gulch, of course, is where all the lobbyists were with their Gucci shoes, and it was a Republican, the Senator from Oregon, who I believe chaired that famous meeting. Tax loopholes were limited. Here we are, again, many years later with just the reverse happening: The restoration of some of these special deals at a time when the deficit is far worse than it was in 1986.

So let me simply conclude, Mr. President, by saying what I have told my constituents back home regrettably. They say, "How is it going out there in Washington? How is the Republican contract working out? Are you cleaning things up?" And I have to tell them the truth, and the truth is that the lobbyists in Washington have never had bigger smiles on their faces than they do now. This is the happiest time for lobbyists in America in many, many years, because they are running the show.

And as a final example, there was a rather disturbing occurrence in front of the Senate Judiciary Committee recently where our staff members were told to come to a staff briefing by the Republican majority staff on the regulatory reform bill.

As I understand it, although I have not been here for very long, it is normal practice for majority staff folks to brief the minority staff on what is going to be proposed by the Chair. But they were not briefed really by the majority staff. They were briefed by a couple of attorneys. And when they were asked who they were they said, "We're the folks who represent 12 to 15 corporations that basically wrote this thing." Apparently, several times, when questions were asked about details of the document, the Republican majority staff was even overruled by these attorneys, lobbyists from downtown Washington.

I think that is another symbol, another link in the chain of special influence that I am afraid has infected this town more this year than at any time in recent history.

So, Mr. President it is time to pass the gift ban. It is time to clean that up on the bipartisan basis that I thought we were going to do last time with an overwhelming 93-to-4 vote.

I am very delighted to yield in order to allow further discussion of what I consider to be an even more important issue: The need to let the Senate do its job by getting rid of this foolish tax cut at a time when all available dollars have to be devoted to eliminating the Federal deficit.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the presentation of my colleague from Wisconsin. I note the Senator from Arkansas, Senator BUMPERS, is on the floor, I think intending to speak a bit about the tax-cut bill that was passed by the House of Representatives last evening.

Might I ask about the order of the Senate. Are we in morning business?

The PRESIDING OFFICER. No, the Senate is on the supplemental appropriations bill. As the Senator will note from the remarks that we have heard before the Senate, it would be in order to ask unanimous consent.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 7 minutes.

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

IT MAY BE POPULAR, BUT IT IS NOT RIGHT

Mr. DORGAN. Mr. President, I will not take a great amount of time because I made some points here already. I did want to come and speak briefly about the action last evening with respect to one portion of the Contract With America in the House of Representatives.

As almost everyone understands, the Contract With America is a document that resulted from substantial polling of focus groups that the Republican Party did all across this country. They were polling to try to understand what is popular, what do people want, what do people think we should do, how will they react positively to words and phrases and ideas, and they put that together in a contract.

It is not surprising to me that one would discover the answer to a question, "Would you like lower taxes," that the answer "yes" would be the popular answer. "Yes, of course, we'd like to have lower taxes. We'd like to have a tax cut." I understand that. I understand any poll in this country would achieve that result.

But there are times when we have to choose between what is right and what is popular. Although I think it may be popular for them to be talking about tax cuts, I am convinced it is right only for us to talk about how to get this country's fiscal policy under some control. We are up to our neck in debt. We are choking on fiscal policy debt, budget debt and trade debt, and we must straighten it out.

Not more than a month or two ago, we had people on the floor of this Senate trying to change the U.S. Constitution in order to require a balanced budget. Among those who bellowed the loudest about changing the U.S. Constitution are some of the same ones who now say what we want to do is not balance the budget, we want to cut taxes. This is a stew that we have tasted before. This recipe was concocted in 1981, and it resulted not in a balanced budget, as was promised by 1984. In fact it resulted in staggering massive public

debt over the last decade and a half. Mr. President, nearly $4 trillion ago in debt we learned the lessons of this dilemma.

Our job is very simple. It is to aggressively cut spending and to use the money to cut the Federal deficit. And even to start paying down on the national debt and then turn our attention to finding out how we can change the tax system; yes, then to give some relief, but especially to give relief to middle-income working families who had to bear the burden of this Tax Code over all these years.

But to decide now at a time when we have this staggering debt, to decide now that what we need to do is the popular thing to simply propose a tax cut of $200 billion or in the next 10 years nearly three-quarters of a trillion dollars loss of revenue is preposterous. It may be popular, but it is not right.

I had not spoken about the specifics of the tax cut yesterday because it will not surprise anybody to learn the specifics. It is the same old Republican philosophy: Call it a tax cut for the rest, and give a big tax cut to the rich. Call it a tax cut for families, and give a big tax cut to rich families.

Class warfare? No, it is not class warfare to talk about that. It is talking about who gets what check in the mail as a result of these tax reductions.

If you are a family that has over $200,000 in income, the bill that passed last evening in the House of Representatives is going to give you an $11,200 a year average tax cut. If you are a family with less than $30,000 in income, you are going to get all of $124 and, in fact, a whole lot of folks are going to get nothing. If you make $15,000 a year and have three kids, that child tax credit means nothing to you. Zero. There is no $500 a child. You get zero.

The fact is, this tax bill is the same old thing from the same old boys that have always proposed this kind of remedy: It gives a very large tax cut to the very, very wealthy and gives a few crumbs to the rest.

Why? They believe if we pour in a lot of money at the top that somehow the magnificence of the top will spend this in a way that will help the rest.

I happen to think that the American economic engine runs and works best when we give working families something to work with. If we give a tax cut—and I do not think we ought to until we have solved the deficit problem in this country—we ought to provide real tax relief to real working families.

It is interesting to me as I have said, that the very same people who have fought the hardest to change the Constitution because they say we must balance the Federal budget are the first ones out of the chute who say now that we have had this debate about politics and polls over the Constitution, we will have another debate about politics and polls about our favorite subject: Cutting taxes, or cutting tax now, which we know exacerbates the deficit.

It does not reduce the Federal budget deficit, but expands and explodes the Federal budget deficit. Only those who do not care about this country's deficit could be proposing something that irresponsible at this point in this country's history.

Yes, I said I know it might be popular but it is not right. We all ought to put our shoulder to the wheel and do what is right. We know what is right—cut spending and use the money to cut the deficit.

Those who are off trying to suggest we should give tax cuts to the rich when we are choking on Federal debt in this country do no service to this country or its future or its children.

We are seeing a bill come out of the House of Representatives that has the same old proposals. I mentioned to the Senator from Wisconsin a proposal to eliminate the alternative minimum tax. I could bring names of companies—I will not, but I could bring names of companies to the floor—that every single American would recognize immediately, companies that made $1 billion, $500 million, $3 billion, $6 billion, and paid zero in Federal income taxes. Paid less money in Federal income taxes than some person out there working for $14,000 a year, struggling, working 10 hours a day, working hard all year, and they end up paying a tax.

An enterprise making $6 billion over a few years ends up paying zero. So we change that and said, "You cannot end up paying zero any more. You have to pay an alternative minimum tax at the very least."

It is called fairness. What did the House of Representatives do? They passed a bill that says we do not care about fairness. We will abolish alternative minimum tax and go back to the good old days of zero tax obligation for some of the biggest special interests in this country.

At the same time, they are saying, "Let's give away the store in those circumstances," and just that provision—the one provision on the alternative minimum tax—gives away $4 billion to 2,000 companies. Mr. President, $4 billion washed away to 2,000 companies. That is $2 million a company.

I do not know how that is justifiable in the circumstances of the fiscal policy problems and deficit dilemma problem we have in our country. How is it justifiable? How will the proponents justify coming to the floor of the Senate and saying, "We don't have enough money anymore to provide an entitlement to a school hot lunch to a poor kid. We will eliminate the entitlement status to a hot school lunch," because we frankly cannot afford it.

But we can afford to give somebody with a $400,000 or $200,000 annual income a check for $11,200 a year and say, "Partner you are lucky. Here is a big tax break for you."

We are running this big deficit and we have to cut back on dozens of programs dealing with issues of nutrition, issues of child abuse on Indian reservations, just name it, cutting back all of them, because we cannot afford it.

They say, "But we can afford to hand over a very large tax refund to some of the biggest economic special interests in this country."

I know when I finish speaking, and when the Senator from Arkansas finishes speaking, there will be people who say, "Well, it is the same old complaint: Class warfare." You should not stand up and talk about who actually gets the benefit. Because if we talk about who gets the benefit, and you describe someone with $200,000 income getting an $11,200 check, and someone with $30,000 income getting $124, somehow you are being unfair.

It is unfair to point that out to the American people. That is not class warfare. That is a discussion of what is real about the proposals to change our revenue system.

I will support substantial changes in our whole revenue base when we are through this process of honestly trying to get this budget deficit under control.

Frankly, our revenue system does not work as well as it should. Our revenue system ought to be changed in a wholesale way to encourage savings. Our revenue system ought to be changed in a substantial way to tax more consumption than we tax and to encourage savings.

We ought not keep taxing work every chance we get. We hang every social good on a payroll tax. Frankly, our payroll taxes are too heavy. I bow to no one to my interest and desire to try and change our tax system. I do not believe it is right at this time, given the problems our country faces, to propose as a matter of public policy, very large tax cuts to very big special economic interests, and then come to the floor of the Senate and the House and crow about how Members want to change the Constitution to eliminate the Federal budget deficit.

Anybody who wants to eliminate the Federal budget deficit can do it honestly. The honest way is to aggressively reduce Federal spending in areas where we ought to reduce Federal spending, and continue to make investments where we ought to make investments, especially in the lives of children and then use the savings from reducing Federal spending to reduce the Federal budget deficit.

When we have set this country on a course in a constructive path to solve that problem, we ought to turn to the Tax Code. When we turn to the Tax Code, we should not have middle-income families turn out to be the losers.

Every single time somebody monkeys with the Tax Code, especially the majority party, somehow middle-income

families end up getting less or end up paying the bill to provide tax cuts and big tax rebates and big generous refunds to the wealthiest Americans.

We ought to have learned in the last 50 years what works and what does not work. What works is to give working families something to work with. The biggest advantage we can provide working families in this country today is to reduce the Federal budget deficit.

We do that by cutting spending and using the savings to reduce the deficit. When we finish that job, then I think we can turn to the Tax Code. And I think we will do a substantially different job than was done over in the House of Representatives for fair tax cuts, for a fair tax system, for those people in this country who work hard and who have borne the cost of Government for far too many years.

Mr. President, I will have more to say about this subject along with some charts tomorrow. I notice my friend from Arkansas, a man noted for charts, has brought charts to the floor, so I am anxious to hear what he has to say. I yield the floor.

Mr. BUMPERS addressed the Chair.

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

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for up to 10 minutes as in morning business

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

TAX FAIRNESS

Mr. BUMPERS. Mr. President, I cannot add or detract from what the Senator from North Dakota has just eloquently said.

I do have some charts that perhaps are a little more graphic, but I also want to say that one of the things that my wealthier friends not only back home but across the country say to me is, "The thing I do not like about Democrats is they promote class warfare."

The Senator from North Dakota alluded to that. I do not believe in class warfare. I believe in fairness, justice, and the judicial system, as well as in our economy.

What happened in the House last evening is one of the most bizarre things I have witnessed in my 20 years in the U.S. Senate. A tax cut—a tax cut—of about $180 billion over the next 5 years but which balloons to about $600 to $700 billion for the 10-year period.

In other words, $180 billion for the first 5 years, and between $400 and $500 billion for the next 5 years.

They say they will identify cuts to pay for it. We see in the House they can do that because they only have to project 5 years out. Our budget in the Senate requires the Senate to come up with a 10-year projection.

To get on with the story, I do not like class warfare but how do we say to the American people that the tax bill that passed last evening provides a tax cut for people who make over $200,000 a year, provides them a tax cut of $11,266—and that is per year—and provides an average for those who make zero to $30,000 a year, gives them $124 a year.

Mr. President, for the people who make less than $30,000 a year, the tax cut last night will not even buy a 13-inch pizza for the family to enjoy on Friday nights. Are we engaging in class warfare to bring up this fact? Is it class warfare to point out the unbelievable unfairness of this situation? I ask the American people and my colleagues, if you are going to provide a tax cut, how do you say to the American people that those who make over $200,000 a year are going to get a $11,000 tax cut and people who make $30,000 or less get a $124 tax cut? Class warfare? It is utterly the most bizarre thing I have ever seen.

Who do you think needs the tax cut most, the guy making $200,000 a year or the guy with a wife and two kids making $30,000 a year?

Let's discuss the capital gains part of the tax bill. Capital gains occur when you buy and sell stocks or other property. I agree with Felix Rohatyn, who I watched on CNBC yesterday, who said, "I have never understood what economic benefit this country derives when somebody sells General Electric and uses the money and buys DuPont stock." What does that do for the economy, except fatten some broker's fees?

But look at this chart showing who benefits from the capital gains tax cut. Who benefits from it? You guessed it. Those who make $100,000 a year or more are going to get 76 percent of the benefit of this capital gains tax cut. What does this poor stiff get who makes only $30,000 a year? Only 6.4 percent of the capital gains tax cut. Class warfare? Who believes that is fair, Mr. President? Who believes that the people making $100,000 a year or more—which includes every single Member of Congress—who believes we ought to be getting 76 percent of this tax cut. How can I believe that this is fair while the people of my State—where the median family income is less than $30,000 a year—will get only 6.4 percent of the cut?

Mr. President, here is a USA Today poll. It points out what I have been saying for months around here. I never lost a friend voting for a tax cut. It is so wonderful to be able to vote for a tax cut and go back home and say, "Look what we did," and beat our chests. I get letters from people who want their taxes cut. But I get more letters from people who want the deficit reduced. People who are making $30,000 a year or less would gladly give up that $124 tax cut in return for a balanced budget. Do you know why? Because if we balance the budget, it will hold down inflation and interest rates. Mortgage interest will be less, interest on car loans will be less, the economy will be more stable, the dollar will stabilize. Why in the name of God are we considering this tax cut when polls like this one indicate that 70 percent of the people in this country say they want the deficit reduced before they want a tax cut? Only 24 percent of the people in this poll said, "I want the tax cut over deficit reduction."

Do you know who the House agreed with when they passed the tax cut last night? Not with the 70 percent of the people who say, "Deficit reduction first." And, actually, not with the 24 percent of people who say they want a tax cut more than they want deficit reduction. No, the House agreed with this 5 percent of people who say, "We want both." That is what the House is saying. "We are going to cut your taxes and balance the budget, too." Think about it—5 percent of the people in this country saying we want both—and that is where the House comes down.

We tried that $3.5 trillion ago in 1981. Here is a graph that shows pointedly and precisely what happened. In 1981—and I remember it well—Ronald Reagan's press conference, after Congress passed his tax cut plan. He said, "You have given me the tools. Now I will do the job. We will balance the budget by 1984 and with a little luck we will balance it in 1983." Those were Ronald Reagan's words.

Well, it did not happen. Instead the deficit shot up to record levels. I want it put on my epitaph that I was 1 of the 11 U.S. Senators who voted against those 1981 tax cuts. I said, "You will create deficits big enough to choke a mule." They turned out to be big enough to choke an elephant.

Look at this chart. Here was our deficit in 1981 and here is how the Reagan administration said they would reduce the deficit. That was the promise. That was the siren song that an irresponsible Congress bought into.

But what happened? The deficit did not go down as promised. Look where it went. By the time we were supposed to have a balanced budget in 1983, we had $200 billion deficits and we have never had one less than that since.

Ironically, I can remember the last year Jimmy Carter was President, the deficit was $65 billion and people were threatening to impeach him. Unthinkable.

No, Mr. President, I am not voting for a tax cut. I am going to vote the way 70 percent of the people of this country want me to vote. When it comes to fairness, the tax cut, even if desirable, is hopelessly inequitable and unfair. The greatness of this Nation, the greatness of the Constitution, is it says each one of us counts. We are all somebody.

Whether you like Jesse Jackson or not, I always like it when he has those

kids say, "I am somebody." The soul of America is that each one of us counts. And no one of us should count for $12,000 or $11,000 a year more than the people who did not happen to be born quite so wealthy.

This chart shows where the deficit has been going since Bill Clinton became President. There it is in 1995. Here are his projections for the outyears and here is the projection the American people want. They want that deficit to continue going down. They do not expect miracles, but they do expect a responsible, thoughtful Congress to give this Nation a chance. Give our children a chance. You are not ever going to achieve the greatness of this Nation by cutting student loans, or AmeriCorps, where people can pay off their student loans.

When the families of America sit around the dinner table in the evening and talk about what they love most, it is not the tax cut. It is not that Mercedes out in the driveway. It is not that nice big split-level home. It is not the farm out back or that posh office downtown. What they talk about most is loving their children. In light of that, what do you think the ordinary American person with a family believes—that he or she should get a few dollars more in spendable income or that this Nation ought to start living within its means so that those children have a real opportunity, not a saran-wrapped opportunity, but a real one.

I come down on the side of all of those American families. My children are all grown. I have two grandchildren. They deserve better than they are going to get if we do not reverse our overspending ways; if we do not show the kind of responsibility they have a right to expect of us.

Mr. President, I believe the Senate will show a great deal more discretion in dealing with this, and if we do not, if we do not, the chart you saw a moment ago of what happened from 1980 to 1995 will just be compounded.

Mr. President, I have taken more time than I really intended to take. I feel very strongly about it and will speak again on the subject and again and again. My side may lose just as 11 of us lost in 1981. But I am absolutely certain without intending to be arrogant or self-serving that it will be one of the greatest travesties ever to befall this Nation.

Mr. President, I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, we had hoped that we might have an agreement reached on the rescissions bill. But apparently that will not be possible. So there will be a cloture vote at 2 o'clock. We will file cloture again today for a vote on Saturday because we intend to finish this bill before we leave for the Easter recess; spring recess.

I would hope that our colleagues on the other side would understand that we, this Senator and the Democratic leader, worked in good faith most of yesterday into the evening until 9 or 10 o'clock. So did other Members on our side of the aisle, the Senator from Pennsylvania, and both Senators from Arizona. And we believe we gave up a great deal to get an agreement. I thought there was an agreement until I read it in the morning paper.

So I was surprised when I later learned that our colleagues on the other side did not agree to the agreement we thought we had agreed to.

Having said that, I hope we can invoke cloture. If we do that, a lot of these amendments will disappear. I do not know how we can deal with 100-and-some amendments that are out there. But if cloture is obtained, that will shorten the process a great deal.

I do not know where the hot buttons are on the other side. I maybe know of one or two of them. But it seems to me many of the so-called cuts were in effect funny money and many of the add-ons are not going to be spent either. But if both sides felt they had a good position, I fail to understand what may have derailed the whole process.

But there will be a cloture vote at 2 o'clock. The second-degree amendments must have been filed by 1 o'clock. So it is too late to file second-degree amendments.

It is still my hope that Senator DASCHLE and I can bring everybody together here. I think we are pretty much together on this side. What we want is an agreement with no amendments. We do not want an agreement and then have everybody say we have 10 amendments here and 10 amendments there. If you have an agreement, you have an agreement. Right now we do not have an agreement.

So I just urge my colleagues to be patient, to take two aspirins, take a nap, whatever. If we finish this today, we will finish some conference reports, and hopefully we will be in session tomorrow but no votes. If we do not finish today, we will be in session tomorrow with votes and we will be in session on Saturday with votes.

Mr. BUMPERS. Will the majority leader yield for a question?

Mr. DOLE. Certainly. I yield.

Mr. BUMPERS. The announced consent agreement has not been propounded yet has it?

Mr. DOLE. Only with respect to the adoption of the Jordan amendment.

Mr. BUMPERS. How many amendments do you anticipate would be allowed under an agreement?

Mr. DOLE. We thought we had narrowed it down to about four on each side. We thought some of those were acceptable. Some who had problems with the CPB, said, "Well, give us $20 million somewhere else in spending restraints." So they have to be "this or nothing."

I think, as has been the attitude certainly of the Democratic leader, Senator DASCHLE, as we both know, it can still come together, and I hope it would because we could finish late afternoon and that would be probably the last vote until we come back from recess.

Mr. BUMPERS. I thank the leader.

Mr. SANTORUM addressed the Chair.

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

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I am incredibly disappointed at the outcome of this negotiation. I had hoped that the good-faith effort of the majority leader who stayed here late last night and worked on this bill late, and diligently, and I think more than bent over backward to accommodate leadership on the Democratic side to help them restore some of the money that they felt was so desperately needed for programs that they have long fostered and supported in this institution.

We have been working with the majority leader, several members of the freshmen class, Senator KYL from Arizona, Senator ASHCROFT from Missouri, Senator MCCAIN from Arizona, and myself have been working to try to craft an amendment that recognizes the concerns of the minority and at the same time preserve some of the objections that we had to the bill. Frankly, we thought we were pretty generous.

The minority leader came in and asked in the original amendment, the amendment that was pending, for almost $1.3 billion in more spending, more spending on almost all social programs; just more social program spending. These were not, just so you understand, the bill that came to the floor of the House—the Hatfield substitute was not—had increases in these programs. Every one of these programs that the minority leader asked for already had an increase from last year. They already had an increase, and in many cases huge amounts of increases. But they cut back a little bit on the rate of the increase with the Hatfield substitute.

The Democratic leader did not like that. So he jacked it back up. OK. We said, fine. You want to jack up some programs and put them back to the level that they were before, which was a dramatic increase over where we were last year, you think those are the most important, we understand the sensitivity you have, we are willing to work on that.

As Senator DOLE, and other freshmen, came forward with an amendment, we said we believe we should offset these expenditures not with money from a year or two down the road—which is what the minority leader, the Democratic leader—they pulled back money out that was funny money from years down the road. You want to spend money this year, let us take money out this year. That is the way we should do things around here, not spend more money this year and find funny money down the road to pay for it. We have been doing that a long time around here. Let us get serious.

And so we got serious. We made a serious compromise. And we thought we had a serious compromise agreement that would have accomplished three major things. No. 1, it would have given the minority leader, Senator DASCHLE, and folks on his side almost all of what they wanted in this increase in social spending—almost. Instead of $1.3 billion, we give $800 million in more spending—$800 million in more spending on many programs that are not exactly well received on this side of the aisle, like the AmeriCorps Program. We gave them an increase in the AmeriCorps Program from what the Appropriations Committee had suggested. We allowed an increase of $100 million in a program that in our amendment we wanted to cut by $200 million.

So from where we started, we gave them a $300 million increase. That was not good enough. We gave them all the money they wanted in WIC, school-to-work, child care, Head Start, $60 million of the $67 million they wanted for Goals 2000, title I, impact aid, safe and drug-free schools, Indian housing, housing modernization, community development banks—every social program, all the way down, they got almost all of what they wanted. We took some of their cuts. Some of the things they used in the original Daschle amendment to pay for this bill we accepted, we accepted as ways to pay for this.

And we said, OK, in exchange for not getting all that you wanted, we will not take all that we wanted. We will get rid of a lot of the proposed reductions that we wanted. And we put on the table some pretty minor things, folks—reducing the foreign operations, foreign aid by $25 million—$25 million; libraries by $10 million—and by the way, the libraries money was the President's rescission; that is the President's suggestion to us to take this money out, said it was not needed—Federal administrative travel, something that they agreed to, that they suggested we increase, we increased to a cut of $225 million. By the way, that is out of a $107 billion budget we are taking out $225 million for Federal travel, hardly something that the public is concerned about, that we are not traveling enough around here; water infrastructure; and, oh, the sticking point. We took out of their sacred little cow $21 million of $312 million. We took $21 million out of the Corporation for Public Broadcasting.

In the end, we would have had savings of $1.6 billion. They had additional spending of $800 million which would get us a net deficit reduction out of this amendment of $800 million. So we both win. They get $800 million more spending, we get $800 million in deficit reduction, so everybody sort of stands even.

I always thought that is what compromises were all about. And so I am hopeful that in the next 45 minutes, the other members of the Democratic caucus who seem to be holding up this compromise take a look at this and realize it is in the best interests of this body and this Congress and this country to move forward with this compromise piece of legislation and get this enacted.

Mr. President, I ask unanimous consent that a paper entitled "Possible Compromise" be printed in the RECORD.

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

Possible Compromise

[Dollars in millions]

	Cost
Add-Backs:	
Women, Infants, Children	$35.0
School to Work	25.0
Child Care	8.4
Head Start	42.0
Goals: 2000	60.0
Title I Education	72.5
Impact Aid	16.3
Safe and Drug-free Schools	100.0
Indian Housing	80.0
Housing Modernization	220.0
AmeriCorps	105.0
Community Development Banks	36.0
Total	800.2
	Savings
Offset:	
Foreign Operations	$25.0
HUD Section 8 Project Reserves	500.0
Airport Improvement	700.0
Libraries	10.0
Federal Admin. and Travel	225.0
Water Infrastructure	62.0
IRS	50.0
Corporation for Public Broadcasting	[1] 21.6
Total	1597.0
Deficit Reduction	796.8
Addendum: Items in Dole amendment used in Defense Conference:	
Foreign Ops	$40.0
Legal services	15.0

[1] $3.4 million in 1997.

Mr. SANTORUM. I yield the floor.

APOLOGY FOR RADIO REMARKS

Mr. D'AMATO. Mr. President, two mornings ago I gave a radio interview on the Imus talk show program.

I am here on the Senate floor to give a statement as it relates to that episode.

It was a sorry episode.

Mr. President, as an Italian-American, I have a special responsibility to be sensitive to ethnic stereotyping. I fully recognize the insensitivity of my remarks about Judge Ito. My remarks were totally wrong and inappropriate. I know better. What I did was a poor attempt at humor. I am deeply sorry for the pain I have caused Judge Ito and others. I offer my sincere apologies.

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

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

REPORT OF THE BUREAU OF JUSTICE STATISTICS ON TORT CASE FILINGS

Mr. GRASSLEY. Mr. President, today I want to discuss a Bureau of Justice Statistics special report that is supposed to be released in the very near future. I am very disturbed about what I consider to be the political manipulation of a Government report.

This draft report concerns tort cases in State courts. One of the so-called findings of what is, undoubtedly, a flawed report, is that tort case filings have remained steady and that there is no tort litigation explosion.

I believe this document by the Bureau of Justice Statistics was clearly prepared for political reasons. This is underscored by the fact that the study conveniently omits any study of the cost of torts; it omits all Federal liability suits; and it is a scientifically flawed telephone-based survey on only a fraction of the counties in the United States. In addition, the report does not even address many of the important issues regarding tort reform.

Included in this report are some of the results from a study of tort cases in State courts. The study claims that the basis of this report is a representative sampling of the courts in which half of all tort cases nationwide are adjudicated. I disagree with that, Mr. President.

First of all, the report only involves 16 States and a total of 75 counties out of our more than 3,000 counties, but there is nothing scientific about their selection. They are simply the 75 most populous counties, and even if they were selected randomly the results

would not have been much better. Filings are not random occurrences; the number of filings in any set of counties cannot possibly represent anything but the counties that are being surveyed.

Worse, this study does not even involve the use of the most rudimentary sampling techniques. It relies on only the 75 largest counties and further stratified them so that only samples of the data in some of the counties were used.

After reading over this study, you will find that there is a lack of rational sampling methodology in selecting which counties would be used. There is absolutely no evidence contained in this Bureau of Justice Statistics special report that the counties selected are in any way representative of the entire United States.

However, once the counties were selected, only a few of those were used to select various kinds of data. The counties were divided into four strata, although it is not clear how the strata were defined. In the first strata, all 14 counties were selected for the first stage of the study; in the second strata, only 12 of 15; in the third, only 10 of 20; and in the fourth, only 9 of 26. In the second phase, the study relied on interval or random samples. It seems unusual to use more than one sampling method as they have here.

In this study, it reads:

> Contrary to the belief that there has been an explosion of tort litigation, tort case filings have remained stable since 1986 according to multi-State data.

Now, there is no rational way to identify whether there has been an explosion in tort filings or not from this study, since the data is limited to 1990 for the first phase of the study and for a 1-year period from mid-1991 to mid-1992. It should also be pointed out that the study was based on phone interviews in only 45 of the 75 largest counties.

Now, to determine whether there was an explosion in tort filings, it seems to me that you would need to start with data at least as far back as 1970, or maybe as late as 1980, and run a longitudinal analysis to see what happened. The study simply declares out of thin air that "multi-State data" since 1986 proves that there has not been any such explosion. Another concern I had was the fact that no financial data of any kind was shown anywhere in the report. Let me stress that again. In this whole study of tort liability explosion, there is no financial data of any kind involved in the report.

This means that there is no way to identify the most important of all indicators. The report simply omits any discussion of whether the size of tort awards had changed over the years.

Because there are no financial data, there is no way to see if venue shopping is real or not. For example, we know that awards in certain counties in Texas are extreme. However, you would not know that from this report.

The report also conveniently fails to provide any information on the effect of large tort awards on settlements. In other words, one could ask, are settlements made more often now without regard to the merits of the case because of the threat of an expensive suit? This study does not answer that question, and it does not do it, of course, because it also conveniently failed to include any data on award amounts.

Lastly, this report does not limit itself to the torts with which we are most concerned, those that affect products, like product liability, those that affect premises liability and medical malpractice. It does not include any of those. Instead, it includes auto torts, which make up more than 60 percent of all tort cases considered. This seems to make every other tort look minor, even though auto torts are very common. Generally, they are very quickly settled and, generally, they involve only one or two parties and relatively small amounts of money. By adding auto torts, the average time for the disposition of all torts falls to about 19 months, whereas the auto torts average less than 17 months.

Yet, all other torts average more like 2 years, involve more parties and they involve much larger amounts of money.

These are just a few of the criticisms that can be leveled at this flawed and ill-conceived report. But the more telling criticism has to do with the timing of its release. I am concerned about the possible political manipulation behind the report. We all know that President Clinton, and one of the most powerful special-interest supporters, the Trial Lawyers Association, opposes tort reform. Apparently, the original plan was to have the report out before the House considered tort reform. The goal now seems to be to release it before the Senate takes up tort reform. The Bureau of Justice Statistics claims the study has been in the system for several years. If this is so and they, indeed, had several years to compile this study, why is it so limited and so conveniently timed?

I strongly believe that this document by the Bureau of Justice Statistics was clearly prepared for political reasons. Once again, this is underscored by the fact that the study conveniently omits any study of the cost of tort, no study of the cost of torts. It omits all Federal liability suits and is a scientifically flawed telephone-based survey of only a fraction of the counties in the United States.

In addition, the report does not address the real issues, such as what effect do large awards have on settlements, and is there extensive venue shopping for those counties which consistently make the most outrageous awards?

You could hypothesize about the answers to these questions. That is why our civil justice system is in need of reform, and studies like this, I think, cloud the issue. If this report comes out as written, the Justice Department should be embarrassed, the people in the Bureau of Justice Statistics should be ashamed that they allowed themselves to be used for political purposes, and I hope the Justice Department will try to reestablish some credibility and integrity by refusing to release this report or at least require it to meet minimum scientific standards.

I also hope and even challenge the media to look into this matter and shine some light on the political maneuvering that is going on over at the Justice Department.

The Assistant Attorney General, or Associate Attorney General, Mr. Schmidt, will be briefed on this tomorrow. He has an opportunity to make sure this study, if it is going to be used as a basis, is done in a more scientific and intellectually honest way and, most importantly, it seems to me, since this study has been supposedly going on for a long period of time, that we do not let it come out at just about this time that the Senate is going to discuss the issue of tort reform.

There has to be the integrity of an agency, as the Justice Department, particularly under this Attorney General, seems to have a great deal of independence and integrity, to make sure that there is not this sort of manipulation that is going to undercut the principal approach to running the Department that our Attorney General has assumed.

I hope that my speaking at this point will encourage another look-see at this report, and I hope that the report that I have seen will not be the one that comes out. I think there are plenty of checks and balances within our system to see that it does not, and I hope those checks and balances will work in this instance. I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, last night, the majority leader and I announced that we had a tentative agreement with regard to the pending legislation. We had hoped that as a result of our negotiations, which have been conducted in good faith on both sides, it would lead, hopefully, to an opportunity to come to some closure in the not-too-distant future on this important matter.

Unfortunately, as a result of differences on both sides of the aisle with regard to the agreement, amendments

are likely which would significantly alter the result of the negotiations that have been ongoing.

As a result, the real prospect that the agreement could be successfully concluded in debate on the floor this afternoon becomes increasingly unlikely. I am disappointed because I feel it was an effort made on the part of many Senators—Republicans and Democrats—to bridge our differences to accomplish what we all want.

The amendment that I have had pending has now been pending for a week. Unfortunately, we have not had the opportunity during these negotiations to vote on it or on any other Democratic amendment. We have been hopeful that over the course of the last several days, we could have come to some conclusion about the agreement or about at least a time limit relating to the amendments, and come to some conclusion this week in one way or the other. That now does not look possible.

But the fact is, because we have not been given an opportunity to have votes on these amendments, we will come to the cloture vote this afternoon not having had one vote on one Democratic amendment. As a result, I urge my colleagues to protect our right to offer these amendments. I urge my colleagues to recall how important it is that the amendments that we have offered over the course of the last couple of weeks dealing directly with the concerns that have been raised on this floor now for more than 7 days, that we have the opportunity to have good debates about those issues prior to the time we come to closure on this vote.

As I have said on several occasions, we really have three goals here:

The first goal is to ensure the Federal Emergency Management Administration is adequately funded.

The second goal is to ensure that we provide the necessary deficit reduction that this rescissions package will allow, and we are now at a point of $15 billion in the total deficit reduction package.

And the third goal was one that all of us on this side of the aisle feel especially strongly about.

That is, if we are going to do it, we should do it right. If we are going to do it, we should ensure that we do not eat the seed corn. We should ensure that as we remember our priorities, we remember our kids and working families who are struggling to ensure that they can be productive citizens in this country.

Those are the three goals. Our whole effort, the amendment that we have pending, is designed to accomplish those three goals. Without that amendment, unfortunately, all we do is accomplish the first two goals. We provide adequate funding for FEMA. We provide for necessary deficit reduction, but we do it at the expense of kids. We do it at the expense of people who are counting on these investments so they can be the productive, working people that they want to be.

That is what this debate was about. So this cloture vote is very important. It is a cloture vote that will allow Members the opportunity to accomplish all three goals. Without defeating cloture we will not have that protection.

I want to emphasize as loudly and as plainly as I possibly can, our desire is not to hold up this bill. Our hope is that we do not have to hold up this bill. Our hope is that before we leave here, Democrats and Republicans can come to time agreements on amendments. We will have up-or-down votes on the amendments that are proposed on this side and do so in a way that will allow Members to get our business accomplished.

We will finish, we will have final passage, and we can all go home satisfied, however the votes may fall. We only hope we will be given the opportunity to have up-or-down votes on these issues because that is critical to the degree of enthusiasm, the degree of support that we ultimately will have for the bill itself.

I think it is very clear that for a lot of different reasons, we have not been given a right today to offer those amendments, and it is equally as clear that, unless we block cloture this afternoon, we will not have that right after 2 o'clock today.

So, Mr. President, I come to the floor to express regret. In good faith we have not been able to accomplish what I sincerely had hoped we could accomplish. Having said that, we now must accomplish what our original intent was, which was try to protect all three goals as we move toward final passage of this legislation.

I urge my colleagues to weigh carefully their decision on this cloture motion. I hope that we can defeat it, not in the interest of extending debate, not in the interest of prolonging this issue any longer than we have to, but in the interest of accomplishing the three goals and protecting our rights to offer amendments and improve legislation as these occasions arise.

So, Mr. President, to accommodate my colleagues who have amendments to the bill, it is important at this point, from a parliamentary procedure motion only, to withdraw my amendment to allow others to offer the amendments that they will so offer. I will certainly come back at a later time and describe, as we intend to, the importance of the amendments that will make in the composite what our amendment was originally designed to do as it was laid down last Friday. We will do that at a date or at a time later, perhaps today.

AMENDMENT NO. 445 WITHDRAWN

Mr. DASCHLE. Mr. President, at this time I withdraw my amendment.

I yield the floor.

The PRESIDING OFFICER. The minority leader has that right. Amendment No. 445 is withdrawn.

The amendment (No. 445) was withdrawn.

The PRESIDING OFFICER. As a result, the second-degree amendment No. 446, which was pending thereto, falls.

Mr. PRYOR. Mr. President, may I ask the Chair if we are in morning business at this time?

The PRESIDING OFFICER. The pending business is H.R. 1158.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak as in morning business.

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

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

(The remarks of Mr. PRYOR pertaining to the introduction of S. 687 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I just rise to really express my great disappointment that, after working for over a week, no agreement has been reached on this legislation. Now we will be going to a cloture vote at 2 o'clock. I certainly hope that cloture will be invoked. I remind my colleagues if that is done, we still will have lots of time to debate—30 hours, I believe. Germane amendments would still be in order. I think most of the key amendments that colleagues on that side of the aisle have been interested in would be germane.

But as it stands right now, I believe there are some 72 amendments on one side pending and a number on the other side. We still have 100 amendments at the desk. Many of them are obviously not germane and really nobody ever intended for them to actually be voted on, I suspect.

But after a week of negotiations, we basically came up emptyhanded. I know there was a lot of good-faith effort. I thought a reasonable agreement had been worked out between the Daschle amendment and the Dole amendment that was pending, with an understanding there would still be a few amendments that would be offered on both sides—two, three, four, five, whatever—but that we would find a way to bring it to conclusion.

Here we are Thursday afternoon. Presumably, we are going to go out tonight or tomorrow or Saturday or sometime for the Easter recess period. I just have to raise this specter. Are we now going to just let this die off, go off into the night with no results? No Department of Defense supplemental appropriations? No Jordan aid? No rescissions package? Is this the total white flag of our effort to begin to seriously deal with the needs for supplemental appropriations, commitments that

have already been made and paid for in the Department of Defense, in disaster aid? And the first opening effort, the first shot to begin to deal with the deficit? Are we not going to be able to do any of that? Just collapse in a puddle of nothingness here in the Senate?

I cannot believe my colleagues would want to allow this to happen. We need to find a way to begin to make some savings. This bill provides some savings. The distinguished Democratic leader just said he would like to see this bill passed. The President has said he would like to see this legislation passed. We want it passed. Everybody wants it, but we do not seem to be able to get it.

I really think we need to work——

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

Mr. LOTT. To be able to find an agreement to bring all these issues to conclusion, one that I think would be basically satisfactory to both sides. Sure, we disagree on how we should get there. But maybe we should have just started voting, taking up issues and voting on them a week ago. But there was a feeling that we could reach an agreement, and that negotiating started I think last Thursday, and here we are a week later, emptyhanded.

So I really urge my colleagues here this afternoon to vote for this cloture motion so we can limit the list of amendments to somewhat of a reasonable number, at least germane amendments, and begin to get some limit on the time so we can bring all these issues to a conclusion. That is all we are asking for. That is all we were seeking yesterday.

I think it would certainly serve us well if we would invoke cloture here and then go forward.

Failing that, let us see if we cannot enter into some time agreements, some understanding about the limit of amendments. There has been no reduction really in the number of amendments that are pending out there. So I will be glad to yield to the Senator from Massachusetts, if he would like for me to yield. We are going to have to vote here in a minute.

Does the Senator want me to yield? I yield to the Senator from Arkansas.

Mr. PRYOR. Does the Senator from Mississippi yield for a question?

Mr. LOTT. Sure.

Mr. PRYOR. I cannot figure out for the life of me who over here is slowing down the defense supplemental appropriations bill. Could you name anyone who is slowing down that particular bill over here?

Mr. LOTT. They are all related, if I might respond to the Senator.

Mr. PRYOR. We have been overly anxious to get that bill out and get it sent to the President. We are anxious to get this bill acted upon. All last week, we were involved basically with an amendment offered by a Republican Senator, our friend Senator D'AMATO, from New York, relative to Mexican aid. We have been trying our very best to start voting on some amendments offered on this side, and we have yet to have been afforded that opportunity.

Mr. LOTT. I will respond to the Senator, there has been an effort going on to try to work out a process where we could vote on the related amendments, a number of amendments, and bring it all to a conclusion. We have not had the Mexican amendment really before us for quite some time. That was set aside last week so we could move on to other issues. We are about 3 degrees down the line past that amendment.

But in an effort to move this legislation, I think an agreement had been worked out that would have dealt with that and a number of other issues so we could bring it all to a vote. But they are related. All of these are related. We have to decide what we are going to do with the Jordan aid, where is it going to go? Of course, it is on this bill but it is not on the DOD appropriations bill, as I understand it, right now. So we are trying to get all these to positions where we can complete all this legislation.

Several Senators addressed the Chair.

Mr. SANTORUM. Will the Senator yield? I just wanted to follow up on a comment you made, which is the——

Mr. FORD. May I say to the Senator that you go through the Chair.

Mr. SANTORUM. Mr. President, of the 72——

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

Mr. LOTT. Mr. President, I yield for a comment to the Senator from Pennsylvania; for a question to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, is it not true, I ask the Senator from Mississippi, that 41 of the 72 Democratic amendments would be germane after this cloture vote? So 41 of the amendments that have been filed—41 is hardly a paltry sum—would be germane after this cloture vote would have been acted upon?

Mr. LOTT. I might respond, Mr. President, that is my understanding. I think most all of the portions of the pending Daschle amendment, with maybe one exception, could be offered under this cloture vote.

Mr. SANTORUM. My second question would be, of the Daschle amendment add-backs that we have debated here for several days, is it not also the Senator's understanding that every single one of those add-backs would be eligible to be added back after cloture, with the exception of the Goals 2000 provision which is neither in the House nor the Senate bill?

Mr. LOTT. Mr. President, I might respond, I have not looked at every one of them on that list to make sure or find out if that would be true, but I understand there is—maybe the Goals 2000 would be the only one not open to be offered after the cloture vote.

Mr. SANTORUM. I thank the Senator for yielding.

Mr. LOTT. Mr. President, I yield the floor, in view of the time, for the cloture vote.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Kentucky.

Mr. FORD. Mr. President, I hear all this blame put on us. In the last 2 years, all the blame has been the other way. I wish some of the leadership on the other side would give me an hour so they could explain to me how they provided for gridlock in the last session so I would be better at gridlock this session.

You are now 6 days late on the budget. In the last 2 years, we have had the budget on time. It was due April 1. It is due out here, by both Houses, on April 15. We hear all this moaning and groaning and crocodile tears as it relates to we will not do that; we want to start saving; we want to start saving—but we have a budget that is due to put us on the track to 2002 and you are 5 days late, and we are not going to get it probably until May.

I say to my friend, let us get a budget out here. Let us really start doing things.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, if I could proceed for 1 moment—1 minute?

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

Mr. DOLE. Mr. President, I still hope we can work this out. We were about that close, or closer. The Democratic leader and the Republican leader worked throughout the day with other Senators on both sides. We thought we had an agreement.

We thought we had an agreement. I still hope it is possible to get the agreement. If that happens, we could finish our work very quickly today and there would be no votes tomorrow or Saturday. But if not, then I do not think we have any other choice other than to try to complete this bill tonight with or without cloture.

So I still think there is a genesis of an agreement here. I would say to the White House, I hope that you will help us reach an agreement, because, until there is an agreement, there will not be any defense supplemental taken up in this body.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXI of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Hatfield amendment No. 420, to H.R. 1158, the supplemental appropriations bill, signed by 17 Senators as follows:

Senators Mark, Hatfield, Pete Domenici, Rick Santorum, Larry Pressler, Mitch McConnell, Slade Gorton, Rod Grams, Ben Nighthorse Campbell, Conrad Burns, Mike DeWine, Nancy Kassebaum, Ted Stevens, Jesse Helms, Robert F. Bennett, Spencer Abraham, Dirk Kempthorne, and Fred Thompson.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the Hatfield amendment number 420 to H.R. 1158, the supplemental appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

Abraham	Gorton	Moynihan
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Packwood
Brown	Gregg	Pell
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Faircloth	McCain	Warner
Frist	McConnell	

NAYS—44

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Moseley-Braun
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Hatfield amendment No. 420 to H.R. 1158, the supplemental appropriations bill:

Bob Dole, Fred Thompson, Rick Santorum, Alfonse D'Amato, Chuck Grassley, Trent Lott, Larry Craig, Connie Mack, Craig Thomas, Jesse Helms, John H. Chafee, Thad Cochran, Mark Hatfield, Pete Domenici, Dan Coats, and Judd Gregg.

Mr. DOLE. Mr. President, let me indicate to the distinguished Democratic leader, who is on the floor, it is still my hope that we can reach some agreement. It seems to me we are not that far apart. We ought to be able to do it.

I am certainly prepared to sit down with the Democratic leader, or anyone else, if there is a problem. But, just in case we cannot work it out, then I have filed a cloture motion, because I do think it is important that we finish this bill so we can take up the defense supplemental bill and some other things after that.

But I am prepared and I think the Democratic leader is prepared and, hopefully, our colleagues are prepared. It seems to me we have one of two choices. Either we try to finish this tonight with no votes tomorrow, or we will be here tonight and tomorrow and maybe Saturday. But, that is up to our colleagues. I cannot believe any of these amendments are so critical they cannot wait until the next supplemental or until the appropriations bills start arriving.

I think there was a lot of give and take on each side in good faith. I thought we were almost there. But if we make an agreement and everybody says, "Well, I will make the agreement but I want to go back and offer an amendment to try to undo the agreement," then we do not have an agreement. Either we have an agreement or we do not have an agreement.

I can agree, if you let me have 25 chances to improve on what I have already agreed upon, but I do not think that is an agreement.

I hope that we can resolve everything so that, when it comes to the floor, I can persuade the Senator from New York to withdraw the amendment with reference to Mexico. He has not done that yet. We have the Jordan aid in this package that I know the administration is very concerned about.

So I hope there would be some way to bring it together in the next, say, 45 minutes to an hour.

I also remind my colleagues on this side of the aisle, there is a Republican conference in progress in S. 207 which will end, hopefully, at 3 o'clock.

I am happy to yield the floor or yield to my colleague from South Dakota.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, as I said before the vote, it was not our desire to hold up this bill. I will reiterate my sincere desire to work with the majority leader in finding an agreement.

What I hope we might be able to do, perhaps, is to maybe run two tracks, get some debate and offer some of these amendments. We could maybe work out some short time agreements and have a good debate, rather than just putting the Senate in a quorum call, and then work simultaneously to see if we might not be able to address some of these concerns.

I agree with the majority leader. We are close and perhaps we can find a way to accommodate many of the concerns raised on both sides of the aisle.

But perhaps at the same time we might be able to accommodate some Senators who have been waiting patiently to be able to offer amendments. If we could do that, perhaps that might even accelerate our progress.

I reiterate my sincere desire, and I think the desire on this side, to work in earnest and try to accommodate everyone and successfully complete this bill.

I yield the floor.

Mr. DOLE. Will the Senator yield? We are prepared to vote on the amendment of the Senator from Massachusetts. I do not think we need any additional debate on that. I am for it, not that it makes any difference.

Mr. KENNEDY. We are quite prepared to vote. I do not think we need additional time. We wanted to do that at the earliest possible convenience. We welcome the opportunity to have a rollcall vote.

Mr. DASCHLE. I think the distinguished Senator from New York will be interested in speaking to the amendment prior to the time we vote, but I am sure there could be some relatively brief time agreement that we could work out to accommodate him, and others, who may yet want to speak. But I do not think it will take that long. I suggest we do that.

Mr. DOLE. Why do we not agree to have the time between now and 3 o'clock equally divided and then vote at 3 o'clock? I think the Senator from West Virginia also wants to speak on some other issue.

Mr. BYRD. I can wait.

Mr. DOLE. Is that satisfactory?

Mr. DASCHLE. If the majority leader will let me consult with the distinguished Senator from New York, Senator MOYNIHAN, to see how much time

he may require, we can resolve this matter very soon.

Mr. DOLE. While the minority leader is checking, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FIRST 100 DAYS OF SO-CALLED REVOLUTION

Mr. BYRD. I thank the Chair.

Mr. President, tomorrow we will hear about the first 100 days of the so-called revolution, and about the success of the misnamed contract with America. I call the contract misnamed because so many Senators on both sides of the aisle claim never to have signed it, and many Americans have no idea what it is, much less any idea of its various provisions. The term "contract" is usually reserved for binding documents which two or more parties have agreed to and signed. But, not so with this so-called contract with America. It is simply the wish list of the extreme faction of one political party, packaged to sell better by giving it the legitimacy of the word "contract." It is clever, essentially meaningless ad-man lingo, probably conjured up by some pollster.

But, in any event, the Nation will, no doubt—at least part of the Nation—be glued to the TV sets on Friday evening to hear the 100-day report on the progress of the so-called contract, as promised. But everything about this made-for-TV drama will be somewhat of a fantasy.

First, as I have already indicated, the contract is merely a made-up device. Second, the so-called 100-day report is not occurring after 100 days. Friday, April 7, will only be the 94th day since the convening of the 104th Congress. The real 100th day will occur on Thursday, April 13th, smack in the first week of the April congressional recess. So we will be getting the report on the so-called contract, which is not really a contract, on the so-designated 100th day, which is really only day 94. But, then of what import are messy details when one is busy manufacturing nonnews while conducting a pseudo revolution?

We will undoubtedly hear of the wild success of the so-called contract when, in fact, only two of its provisions have been enacted into law, and these two were relatively noncontroversial. In reality, two of the contract's major tenets, the balanced budget amendment and the term limits proposals have gone down to defeat, while a third, a misnamed proposal being loosely called line-item veto which, by the way, may be found to be unconstitutional, may be stuck in a House/Senate conference for perhaps a long time. Only in Washington would this type of report card be touted as successful. Rather than a 100-day report on the progress of the contract, this coming performance might be better billed as a 94-day alibi for the failure of an extremist agenda.

The truth of the matter is that the so-called contract is pretty much of a flop. And just like a bad play in the theatre, a bomb is a bomb. You can punch up the dance numbers, spice up the dialog and gussy up the costumes a little bit, but in the end a flawed script will flop and nothing on God's green earth will save it.

Likewise, at the end of this particularly bad show this so-called contract will also be judged a flop and a failure. That will happen because the contract is a giant gimmick comprised of other lesser gimmicks, and it does not address real problems in our Nation. It merely packages several old canards which are holdovers from the last popular Republican administration and calls them reform. It reruns a lot of 1980's political bumper sticker slogans and calls them a program for change. The Revolution has come to Washington! Rejoice all mad-as-hell citizens! Well, if this is a revolution, it must certainly be called the retread revolution. Term limits, balanced budget amendment, line-item veto, enhanced rescission, separate enrollment, tax cuts—there is a tough one; there is a tough one—all of these old bald tires have been around for years.

And what about those tax cuts? Mr. President, earlier this year the House of Representatives passed the balanced budget constitutional amendment in just 2 days—2 days. A similar measure failed to pass the Senate by only two votes. During the debate on these proposals, Republicans nearly drowned the American people in a sea of rhetoric proclaiming the need for such an amendment.

Deficit reduction, it was claimed, was the most pressing issue facing Congress today. We heard a lot about our responsibility to future generations, about the need for fiscal discipline, and about the need to make tough choices. The American people were told that there would be shared sacrifice among all for the good of the Nation. Everyone was going to do his fair share to beat back the economic dragon of deficit spending.

For weeks we heard lofty speeches in this body over the need to reduce deficits. Now, for the House to come right along behind that debate and enact a huge tax cut financed by cuts in general spending makes a mockery of all the hot air we heard in this body about deficit reduction. To suggest squandering our budget savings on tax favors for the well to do and for big corporations is just plain crazy. For the House of Representatives to pass a tax cut giveaway which will cost the American people $189 billion over 5 years and approximately $700 billion over 10 years is clearly walking away from any serious attempt to reduce the deficit.

We will hear a lot of talk about the winners and the losers under the so-called contract in the coming days. But, in my view, there are no winners when what should be a serious attempt to address the Nation's problems is replaced with glitzy media shows, overblown rhetoric, one-line solutions, and junk legislation enacted in a rush to meet a phoney deadline, and huge tax cuts designed to benefit the well to do. We all lose. We all lose when that kind of superficial excuse for leadership is offered to the people as a substitute for the real thing.

The truth is that Barnum and Bailey's is not the only show in town this week. All of this touting of a revolution and praising of a nonexistent contract with America is nothing more than a less entertaining version of the same sort of circus.

This contract is a sham and it will ultimately be judged a failure because the American people will never choose the so-called contract over the Constitution, the Constitution of the United States of America. It will fail because it is mostly form devoid of substance. It will fail because it opts out of trying to find solutions to real problems, and instead tries to rig the game and rearrange our cherished checks and balances in order to further a misguided political agenda. And it will fail because it plays on people's fears and anger, instead of nourishing their hopes and their dreams.

It will also fail, I believe because of the genius of the Framers in their crafting of a U.S. Senate, designed to slow things down, educate the public and talk things through in extended debate.

For my part, I only wish that tomorrow night, instead of the touting of some made-up, fabricated so-called Contract With America in a partisan attempt to manufacture fervor for a political agenda, the American people will hear a detailed explanation of how the last 94 days have once again demonstrated the innate wisdom, power, and grandeur of the only contract ever agreed to by the people of America and sworn to by all of the Members of the Senate and the House. That contract is the Constitution of the United States of America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I have consulted with colleagues on this side and I think as a result of our discussions in recent minutes that we will be able to enter into a fairly short-time agreement on this particular amendment.

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Whatever length of time the distinguished Senator from Massachusetts would like to speak I think will be all the time required on this side. We would be prepared to vote.

Mr. KENNEDY. Mr. President, could we have 15 minutes, evenly divided? I will be glad, as I had previously indicated to the leadership, make a brief presentation. And I am glad to accommodate the timeframe. I could complete my statement in a shorter period, or take a few extra minutes.

I will be glad to begin, and when the leaders work out a time agreement, I will accommodate it.

Mr. DASCHLE. Mr. President, I suggest the Senator begin his remarks, and in the meantime we will try to work out an agreement.

AMENDMENT NO. 448 TO AMENDMENT NO. 420

(Purpose: To state the sense of the Senate regarding tax avoidance by certain former citizens of the United States)

Mr. KENNEDY. Mr. President, in a few moments, we will consider the amendment numbered 448. To again familiarize the Members of the Senate of its intent, I will read it. It is a brief amendment.

This amendment states that it is the sense of the Senate that Congress should act as quickly as possible to amend the Internal Revenue Code of 1986 to provide for taxation of accrued gains at the time that a person relinquishes U.S. citizenship; and it is the sense of the Senate that the amendment referred to should take effect as if enacted February 6, 1995.

This is defined as the billionaires' amendment.

Just to review the amendment very quickly, Mr. President, it was part of the small business health care deduction bill to permit the self-employed to deduct 25 percent of their premiums.

It had been included by the Finance Committee, and was a part of the legislation which we passed. This provision addressed a serious loophole in the Internal Revenue Code.

That loophole can be explained as follows: An individual can accumulate massive sources of wealth, owe their fair share of taxes to the Internal Revenue Code, renounce their American citizenship, become what I consider to be a Benedict Arnold, change their residency to another country, and effectively avoid and evade any responsibility to pay their fair share of taxes on all unrealized gains.

It has been estimated that the cost of this tax avoidance is $3.6 billion, including both American citizens and permanent resident aliens.

It is important to note that the measure reported out of the Finance Committee related only to American citizens. I am hopeful that the Finance Committee and the Ways and Means Committee, when they revisit this issue, will consider the administration's proposal, which would include both American citizens and permanent resident aliens.

This provision only affects about 25 Americans a year. But the cumulative loss to the Federal Treasury is $1.5 billion over a 5-year period and $3.6 billion over a 10-year period.

This matter is of major importance, Mr. President, because the Senate is now debating the rescissions legislation, rescissions meaning cuts in a number of different programs. These are programs that the Congress has authorized, and for which we have made appropriations. The President has signed these measures into law, and now Congress is revisiting these commitments and deciding how to cut the various programs.

The Daschle amendment that is before the Senate would restore funding for some of these programs: the voluntary community service program called AmeriCorps; the drug-free schools program, which assists parents, schoolteachers, and school boards with the problems of substance abuse and violence in the schools; the chapter 1 education program, which assists disadvantaged children; the Goals 2000 Program, which would provide sufficient funding for 1,300 school districts around the country for needed reforms and improvements in academic achievement; the well-known Head Start Program, that has been extended to 0- to 4-year-olds, so that intervention can take place to help children, particularly toddlers, as defined by the Carnegie Commission report; the Program for Women, Infants, and Children [WIC], which provides expectant mothers with high-quality nutrition; the School-To-Work Program, that is being reviewed now before our Human Resources Committee and will provide one-stop shopping for youth trainees; and the child care program, which is so essential for working families to ensure that their children are adequately cared for.

The amendment restores approximately $700 million in these programs. Other programs in the amendment for training and housing total $700 million. That requires a restoration of $1.4 billion, and we have spent days debating this amendment. By and large, most members of the Senate have voted in favor of these programs. A handful have not, but by and large it has been a bipartisan effort.

At the same time, we are not recovering the $1.4 billion from those Americans who are renouncing their citizenship and turning their backs on America. If they were not renouncing their citizenship, they would owe that money to the Federal Treasury. We have not recaptured that money. It was dropped in the conference committee on the small business legislation. The small business legislation with the appropriate language, which had been accepted in the Finance Committee, accepted on the floor of the Senate, and went to the conference, came back without the necessary language.

With this amendment, we are saying that the membership feels that this loophole must and should be closed, and will be closed at the first opportunity. And the date will be made retroactive to the date of original introduction by President Clinton, who has taken a personal interest in closing this loophole.

The majority leader has indicated that he will support it. The chairman of the Finance Committee has said that he will support it. The Senator from New York, Senator MOYNIHAN, as well as Senator BRADLEY and other members of the Finance Committee, have all expressed their support.

The vote is important because we want to make sure that the Senate's hand is strengthened when the measure goes to conference. Hopefully, this will be a unanimous vote, which will further strengthen the hand of the Senate. It will be a clear indication that the Senate of the United States wants this loophole closed, and that the renunciation of citizenship, after an individual has taken advantage of the American free enterprise system, and the avoidance of the responsibility to pay a fair share of taxes, is unacceptable.

An individual has every right to renounce his or her citizenship and leave America, and we have some 800 every year who do so. We are not saying that they cannot leave. We are saying that if they decide to leave, they should pay their taxes prior to their leaving.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield for a question?

Mr. KENNEDY. Yes. Let me finish with one thought.

This provision is not a new concept. The concept itself is already included in the Internal Revenue Code but is drafted such that it does not protect against this egregious loophole. This new provision will close the loophole.

I am glad to yield.

Mr. DORGAN. I appreciate the Senator yielding. I know he has been waiting for a week to offer this sense-of-the-Senate amendment. I know also this was dropped from a previous piece of legislation that has been through this Chamber and I cannot conceive of anyone in this Chamber who would vote against this proposition.

As I understand the current tax law—and I might ask the Senator to confirm this—that if you have accumulated substantial assets and wealth in this country and have substantial gains on those assets and then decide to renounce your citizenship and leave the country, we'll give you a special deal. You do not have to pay tax on the way out on your gains.

I am going to bring something to the floor later this session on another perverse tax incentive that says, "Close

your manufacturing plant in America and move it overseas and we will give you a tax break for that as well."

As I understand it, what the Senator is offering is a sense-of-the-Senate amendment saying let's close the loophole by which people can renounce their citizenship and leave this country with substantial amounts of accumulated gains in income and end up paying no taxes. Is that the current tax circumstance?

Mr. KENNEDY. The Senator has stated it accurately and correctly. It is a provision that is probably as inoffensive to all fair-minded Americans as any other before this body. As we debate our priorities on the floor, we have an opportunity to reduce the deficit or invest these resources in our children and our educational system.

We can give a clear, resounding message to our members of the Finance Committee so that this egregious loophole will be closed at the next possible opportunity.

Mr. DOLE. Is the Senator prepared to vote at, say 5 after 3?

Mr. KENNEDY. I will be glad to vote at 5 after 3.

Mr. DOLE. Up or down on the amendment?

Mr. KENNEDY. I appreciate that.

Mr. President, I call up amendment 448.

The PRESIDING OFFICER. Without objection the pending amendments will be set aside.

The clerk will report this amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment (No. 448) to amendment No. 420.

Mr. KENNEDY. 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 amendment, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX AVOIDANCE.

(A) IN GENERAL.—It is the sense of the Senate that Congress should act as quickly as possible to amend the Internal Revenue Code of 1986, to eliminate the ability of persons to avoid taxes by relinquishing their United States citizenship.

(b) EFFECTIVE DATE.—It is the sense of the Senate that the amendment referred to in subsection (a) should take effect as if enacted on February 6, 1995.

Mr. DOLE. Did we get the yeas and nays?

The PRESIDING OFFICER. We have not gotten the yeas and nays.

Mr. KENNEDY. 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.

The PRESIDING OFFICER. The yeas and nays are ordered, vote at 5 after 3.

Mr. KENNEDY. Mr. President, I will be glad to yield the floor if others want to address the issue. I will just take a few moments to mention one or two other facts.

The question was raised about this provision's constitutionality. I will place more complete statements in the RECORD, but I will now note the opinions of three very thoughtful international law experts. Prof. Andreas Lowenfeld of NYU said:

I am confident that neither adoption nor enforcement of the provision in question would violate any obligation of the United States or any applicable principles of international law.

Prof. Detlev Vagts of the Harvard Law School said:

The proposed tax does not amount to such a burden upon the right of repatriation as to constitute a violation of either international law or American constitutional law. It merely equalizes over the long run certain tax structures.

And Michael Matheson, a legal advisor at the State Department, said:

This provision does not conflict with international human rights laws concerning an individual's right to freely emigrate from his or her country of citizenship . . . . These are comparable taxes to those which U.S. citizens or permanent residents would have to pay were they in the United States at the time they disposed of the assets or at their death.

The overwhelming international law opinion on this measure is that it in no way restricts the constitutional right of exit or of renunciation of one's citizenship.

These international law experts understand this measure, and recognize that these individuals have accumulated this wealth through the American economic system, and have a responsibility to pay their fair share of taxes. As they understand it, the amendment would only recover what is owed to the Internal Revenue Service, which is part of one's responsibilities of citizenship.

Mr. President, we have appreciated the strong support that we have received on this measure.

This matter was brought to the attention of the President of the United States a number of months ago, and he personally pursued it with the appropriate committees and the Treasury Department. Through his individual oversight, the matter was spotted and will be corrected.

With the vote today, we are telling our good friends in the House of Representatives that we are serious about this measure, and that it is a significant issue of justice. The renunciation of one's citizenship is deplorable, but it is a right that we respect. But the renunciation of citizenship by individuals so that they do not have to pay their fair share of taxes is wholly unacceptable. It is sufficiently compelling to generate a resounding vote.

Mr. President, I would just take another moment of the Senate's time. We were questioned earlier about the revenue estimates. It is interesting that the figures of both the Senate Finance Committee and the administration are very similar. The administration's proposal estimated a cost of $1.5 billion, and the Finance Committee estimated a cost of $1.359 billion. Those figures are remarkably close. The Finance Committee's estimate was less than the President's figures because the Finance Committee estimated the cost for only American citizens, not permanent resident aliens. If we included permanent resident aliens, the committee estimate would perhaps exceed the President's estimate. Nonetheless, we have two solid estimates approaching $1.5 billion.

The President's proposal estimates a cost of $3.6 billion over a 10-year period. That is a very substantial amount, which, if not collected, will either add to the Federal deficit or deny us the opportunity to invest in our first order of priorities, our children and our education system, through the Head Start Program, the chapter 1 program, child care programs, job training programs, the student loan program, and our School-To-Work program. All of these programs reach out to the youngest of our citizens to make certain that they are going to get a healthy start, an even start, and a fair start in life, and be able to provide for themselves and for their own children in the future.

Mr. President, I ask unanimous consent that a November 21, 1994, article from Forbes magazine that explains this egregious tax loophole be printed in the RECORD.

I look forward to the vote itself.

I yield the floor.

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

[From, Forbes, Nov. 21, 1994]

THE NEW REFUGEES

(By Robert Lenzner and Philippe Mao)

"Over and over again courts have said that there is nothing sinister in so arranging one's affairs as to keep taxes as low as possible. Everybody does so, rich or poor, and all do right, for nobody owes any public duty to pay more than the law demands: taxes are enforced exactions, not voluntary contributions. To demand more in the name of morals as mere cant"—Judge Learned Hand.

"I talk to a new client interested in expatriating every week. Many people can't pay the federal tax rate and live in the style they want." So said Francis Mirabello, the head of the personal law department at the Philadelphia office of Morgan, Lewis & Bockius, speaking at a Bermuda conference on offshore money early this fall.

Expatriating? Give up U.S. citizenship? Who in his right mind would give up his U.S. citizenship? Lots of people. You could practically fill a Boeing 747 with well-heeled U.S. citizens who have taken of foreign citizenship rather than submit to what Learned Hand called "enforced exactions" at a level that amounts to virtual confiscation. The exodus may speed up under an Administration that campaigned for office on a tax-the-rich platform.

In 1981 Ronald Reagan lowered taxes. The following year not a single American gave up his citizenship. In 1993 the expatriate community grew by 306 names.

The expatriates of recent years have included:

Michael Dingman, chairman of Abex, and a Ford Motor director. Dingman is now a citizen of the Bahamas and lives there.

Billionaire John (Ippy) Dorrance III, an heir to the Campbell Soup fortune. Dorrance is now a citizen of Ireland and lives there as well as in the Bahamas and Devil's Tower, Wyo.

J. Mark Mobius, one of the most successful emerging market investment managers. Born a U.S. citizen, Mobius has the German citizenship of his ancestors and lives in Hong Kong and Singapore.

Kenneth Dart, an heir to Dart Container and his family's $1 billion fortune. He is a citizen of Belize and works in the Cayman Islands.

Ted Arison, founder of Carnival Cruise Lines. He kept Israeli citizenship and now lives there.

These newer emigrants join others of longer standing, including Robert Miller, the co-owner of Duty Free Shoppers International Ltd. Miller has a British passport obtained in Hong Kong, though he was raised in Quincy, Mass.

The U.S. is virtually the only country in the world that imposes significant income and death taxes on the worldwide income and assets of every citizen, even if the citizen is domiciled elsewhere. Even Canada, semisocialist, did away with estate taxes.

"Expatriation has been called the ultimate estate plan," says William Zabel, senior partner of Schulte Roth & Zabel, one of the nation's foremost authorities on trusts and estates, and author of the upcoming book The Rich Die Richer—And You Can Too.

The arithmetic is simple and brutal. A very rich Bahamian citizen pays zero estate tax; rich Americans—anyone with an estate worth $3 million or more—pay 55%. A fairly stiff 37% marginal rate kicks in for Americans leaving as little as $600,000 to their children. The marginal rate—what you pay on an additional dollar of assets—ranges upward from there to 60%. You get a credit for some or all of your state inheritance taxes, but your combined rate will still be in this range, or higher.

There are huge potential income tax savings, too, in giving up U.S. citizenship. St. Kitts-Nevis and the Cayman Islands, among others, levy no income taxes. Little wonder so many of the expatriate Americans have gone to the Caribbean for a year-round suntan.

Not that living in the Bahamas is any great sacrifice. Michael Dingman is building a 15,000-square-foot home at the exclusive Lyford Cay club in Nassau that will include a dock for his personal yacht. Cost: more than $10 million, but—who knows?—he might save more than that much in taxes.

The heirs of John (Ippy) Dorrance III, the Campbell Soup heir, won't have to pay Uncle Sam the maximum bite of 55% of the 26.7 million shares of Campbell Soup that make up most of his $1-billion-plus fortune. His new fatherland, Ireland, levies a 2% estate, or probate, tax. In any event, Dorrance doesn't escape the full federal income taxes. There's a U.S. withholding tax of 30% on the $30 million he gets in dividends every year from Campbell.

Many of these expatriates agonize over the decision, however. "I have serious reservations about expatriation for patriotic and practical reasons," says tax expert Zabel. "It is extraordinarily difficult for Americans to get back their citizenship once it is given up. To get it back you have to start like any other nonresident alien, with a green card, and go through the naturalization process.

"Before expatriating I make my clients consider all the limitations on loss of citizenship—like giving up the ability to travel to the U.S. more than 120 days a year."

But losing that American passport isn't as hazardous as it once was. Profligate government policies are steadily eroding the value of the U.S. dollar, making overseas investments increasingly preferable for the wealthy. Investments in emerging markets look increasingly attractive. The end of the cold war means wealthy Americans can live in many developing nations safely. Global communication and jet travel facilitate an offshore lifestyle. What with computers and cable TV, you can be as well informed, and as quickly, living in Antigua as in New York City.

It certainly seems that way to Frederick Krieble, a director and former treasurer of Loctite Corp., the Rocky Hill, Conn. manufacturer of sealants and adhesives. Krieble, whose father, Robert, was formerly Loctite chairman, moved to Turks and Caicos Islands, where he runs an investment company. Krieble owns almost 1 million shares of Loctite, worth over $43 million.

"It's 85 degrees, but the market's down 35 points," Krieble told Forbes recently. When he heard we wanted to discuss the subject of expatriation, Krieble clammed up. "I don't wish to discuss that. Have to run now."

Yes, it's a bit embarrassing, but consider the consequences: decimation of your estate and huge reductions in your aftertax income.

Thus many money managers, senior executives and self-made entrepreneurs are on the phone quizzing their lawyers and accountants about how to leave the high-tax U.S.

Jane Siebels-Kilnes, a vice-president of Templeton, Galbraith & Hansberger, in Nassau, told Forbes she was "following in the footsteps of Sir John Templeton," who gave up his U.S. citizenship in 1962 and moved to Nassau. Thus when Templeton sold his mutual fund management company in October 1992, he may have saved more than $100 million in capital gains taxes. Templeton, an extremely generous and public-spirited man, gives most of his money away. Apparently he wants to decide who gets the benefits rather than letting Donna Shalala or Mario Cuomo decide.

Siebels-Kilnes became a Norwegian citizen this year and moved her residence from Fort Lauderdale, Fla. to Nassau. "I've spoken to a number of hedge fund managers who are thinking of giving up their citizenship. It may be better to be offshore running offshore money before American authorities clamp down on the advantages," says Siebels-Kilnes.

A hot spot: St. Kitts-Nevis. All it requires is owning $150,000 worth of local real estate and paying $50,000 in fees, and presto. St. Kitts-Nevis levies neither a personal income tax nor an estate tax.

Top executives of midwestern industrial companies nearing retirement are considering expatriation as a way to ensure a high standard of living in a comfortable environment.

Is it greed alone that impels these citizenship changes? Not necessarily.

"These people love to challenge all the rules, even recognizing they may isolate themselves," says Carol Caruthers, a partner of Price Waterhouse in St. Louis. "We are doing preliminary planning for a few of them."

Expatriation is a fairly easy choice for many wealthy Americans who hold dual citizenship—as Mobius already did—and whose wealth is heavily concentrated abroad anyhow.

"Since they may inherit these assets, a planning opportunity might be to give up U.S. citizenship in order to avoid taxation on assets and income that have no connection to the U.S.," says Robert C. Lawrence III, a Cadwalader Wickersham & Taft partner in New York who is advising on several such expatriations.

You'll need an ace attorney. If the Internal Revenue Service suspects you are renouncing your citizenship to avoid taxes, it will try to tax your holdings for another ten years, no matter where you live. All the IRS need establish is that it is reasonable to believe you gave up citizenship to avoid taxes. Then, the burden of proving the move was not for tax reasons falls on the former citizen.

But whatever the drawbacks, many nations put out the welcome mat for tax-averse Americans.

Lawyer Mirabello, who is working on six expatriations, is changing citizenship for a superwealthy Chinese-American whose headquarters is in Hong Kong. He has never set foot in the U.S. and wants to avoid estate taxes when he passes the empire to his children.

Some of Mirabello's clients are considering becoming Irish citizens. What does that require? Certainly no hardship, given what a pleasant place Ireland is for those with money. They need only buy a home there and reside there at least part of the year.

Why Ireland? An Irish passport lets its holder travel hassle-free in any member of the European Union. It also has more panache than a passport from Belize or St. Kitts, two small tropical outposts. And, Dublin is being developed as a global money center with tax advantages for individual and corporate investors.

How do you get an Irish passport? It should be fairly easy for the rich. New regulations will probably require a $1.6 million investment in a job-producing operation like the reforestation of an area or modernization of a shipbuilding concern. This is the so-called business migration scheme, administered in Dublin by the Department of Justice. Its guidelines are currently being reexamined for political reasons.

Another attractive destination is Switzerland. "You can pretty well negotiate your own private agreement with a Swiss canton about your annual income taxes," asserts Lawrence.

Can an affluent American keep the politicians at bay without sacrificing citizenship? It's not easy. Wealthy people hold over $2 trillion in offshore accounts from Zurich to the Cayman Islands. No doubt some of these accounts are held by Americans who—illegally—omit mention of them on their tax returns.

Merrill Lynch, like all major investment firms, has a piece of this business. Merrill will not accept offshore accounts from U.S. citizens, but it is eager to service foreigners.

"Offshore money is growing faster than any other part of the financial services industry. It's multiplying at a double-digit rate of growth," says Nassos Michas, head of Merrill Lynch's private banking division. Merrill's trust bank in the Caymans, with assets growing at over $100 million a month, has almost $5 billion of wealthy individuals' holdings.

Actually, the Caymans trust is just a file for legal purposes. Merrill's banks in Geneva, New York and London hold the securities. The accounting is done in Singapore, the administration is done on the Isle of Man, famed for its trust business.

Wealthy Europeans, Latin Americans, Asians and Middle Easterners are Merrill's principal clients here. They want to buffer their fortunes against expropriation, political unrest, economic instability, angry first wives, kidnapping, family members, creditors and potential litigants.

Wealthy Europeans have expatriated their money to safety ever since the French Revolution, when they began hiding it in Switzerland.

When the Germans occupied the Netherlands in 1940, this activated a trust instrument transferring ownership from the homeland to a trust at a U.S. bank. In Europe, where the pounding of marching feet and air raid warnings are of recent memory, use of such trusts was common, at least up until the collapse of the Soviet Union.

Today many wealthy Kuwaitis have trusts offshore to protect their fortunes from Saddam Hussein. The rich in Latin America, Southeast Asia and the Middle East remember that it was only yesterday that their countries were ruled by thieving populists or arbitrary soldiers.

What is new is that Americans are beginning to feel the same sort of residual uncertainty about their posessions. They see courts eroding property rights. They read about bureaucrats who talk about "tax expenditures" when referring to that part of your earnings that they permit you to keep. They are subjected to retroactive taxation under the Clinton "deficit reduction bill." They live in a society that changes the tax rules so frequently that long-term planning is almost impossible.

So they consult legal experts like Cadwalader's Lawrence, who is an authority on generational and international planning, including the use of trusts, and taxation. "They want to sequester, organize and protect the privacy and maintenance of their wealth, plus the freedom to transfer it as they wish," says Lawrence.

But how, short of leaving for some sand dune in the Caribbean?

There are several clever strategies you can use to minimize the future tax bite on your estate, but the fact is that Congress has done a very thorough job of plugging chinks in the tax code. Parking assets abroad or setting up holding companies will not get you out of the U.S., steep income and estate tax rates. You really have to give up citizenship to get a big tax savings.

It's easier for foreigners who have property in the U.S. to avoid the worst of American taxation, but even for them there are pitfalls. They must pay U.S. estate taxes on assets held in the U.S. unless they safeguard them by means of an offshore legal structure. Only certain fixed-income investments are immune from the IRS.

A foreigner can shelter his U.S. assets in the following way: Set up a trust outside the U.S. in some tax-advantaged locale, such as Bermuda, the Cayman Islands or the British Virgin Islands. "The foreign trust must own an underlying holding company, called a private investment company (pic)," Lawrence says.

"The pic opens an investment account in the U.S. Otherwise, a foreign individual who has a stocks-and-bonds portfolio of U.S. companies would be subject to U.S. estate tax. If the securities are owned by a true foreign corporation, the individual is not subject to the estate tax. The foreign corporation acts like a shield to the estate tax."

The IRS can't be happy about these paper shuffling arrangements. Indeed, Lawrence is afraid it may crack down on them. But before you cheer at the prospect of making them furriners pay up, remember this: The U.S. needs foreign capital because we don't save enough. We must compete for that capital with lots of other places. Treat the capital shabbily and it can go elsewhere.

"I'm afraid that foreign capital may be scared away from the U.S. because of taxes and the complexity of our regulation," Lawrence warns.

It could happen, Lawrence insists. He points to the Foreign Investment in Real Property Tax Act, passed in 1980, which forces foreigners to pay a capital gains tax when they sell real estate in the U.S. We shudder to think what would happen to the U.S. stock and bond markets if foreign paper holdings were similarly taxed.

It will come as a shock to many people to learn about the growing band of expatriates. But it is not unpatriotic to remind Americans that ours is no longer the only show in town as a place to invest. At a time when we urge developing countries to cut taxes and make capital more secure, a lot is happening to make it less secure and more heavily taxed at home. Those who give up their citizenship to escape Clintonomics and wealth redistribution are only the extreme part of a worrisome trend.

AVOIDING CONFISCATION

Short of renouncing citizenship, how do you protect the family fortune from confiscation by the tax code writers in Congress and in the U.S. Treasury?

The first, and easiest, tax-saving maneuver is to give money away while alive. If the heirs are young or irresponsible, you can put the gift in a trust and get the same tax advantages.

There are two advantages to gifts over bequests. One is that the first $10,000—per year, per recipient, per donor—is free from gift tax. If both you and your spouse give for a long time and you have many heirs, that exclusion can make a serious dent in your estate. With five heirs, two donors and 20 years to make the transfers, you can get $2 million out of your estate scot-free.

The other advantage is that the gift tax is somewhat lower than the estate tax. The two taxes use the same rate schedule, but the gift tax is calculated in a way more favorable to the tax-payer. Say you give $1 million to a grandchild when you are in the 60% bracket for federal gift tax. (That rate applies when your cumulative gifts, after the exclusion, are between $10 million and $21 million.)

The total cost of the gift will be $1.6 million—$1 million to the grandchild, $600,000 to the IRS. But at your death, that $1.6 million would be divided $960,000 (60% of $1.6 million) to the IRS, only $640,000 to the grandchild.

Caution. If you die within three years of making a gift, your taxes will be recalculated to negate the advantage of giving over bequeathing.

Another defensive maneuver is the grantor retained annuity trust (Forbes, Jan. 31). You transfer your business to a trust whose beneficiaries are your heirs. Out of the trust you carve yourself an annuity. The trust pays your annuity out of business earnings.

You figure the discounted present value of the annuity you retained, and subtract this amount from the value of the business in order to arrive at the value of the gift. The annuity gives you income while keeping your taxable gift to a minimum.

Business owners are also availing themselves of the "minority discount" rule (Forbes, Mar. 1, 1993) For example, your software firm is worth $10 million. Carve it up into ten shares and give one share each to ten heirs. Each share may be worth only $700,000 on a gift tax return, because no outside investor would want to be a minority owner in a family business.

If the family heirloom is a house, a variation on the GRAT may work well. You give your residence to your heirs, retaining the right to live in it for a specific period (Forbes, June 24, 1991). Again, the carve-out reduces the value of the gift.

Another innovation is the dynasty trust. Each grandparent puts $1 million worth of property in a trust in South Dakota for the benefit of grandchildren and great-grandchildren. Why South Dakota? Because it permits trusts to last in perpetuity; most states allow them to last no more than 21 years after the death of anyone now living. Why only $1 million? Because if you transfer more than that you will get hit with a punitive "generation skipping tax."

Note that a dynasty trust doesn't relieve you of the usual gift tax. It might, however, let you keep an asset in the family for a long, long time. The asset is hit with a transfer tax only once, when you set up the trust, rather than again and again as each generation passed on.

"There's no one device to solve all the problems. It's a combination of solutions," says Richard Covey, a partner at Carter, Ledyard & Milburn in New York. "I find most wealthy people outside of New York don't know about these tricks."

What about life insurance? The inside buildup of assets gets passed on to your heirs tax-free, but the premiums you pay must be reported as gifts. Life insurance is somewhat overtouted as an estate tool but it does have its advantages, especially if you die before your time.

You also can buy a tax-deferred annuity from a foreign life insurance company, typically German or Swiss. If the annuity is fixed rate and denominated in deutsche marks or Swiss francs, it may protect your nest egg from a deteriorating dollar (Forbes, June 20). You may also opt for a variable policy that is invested in stocks or mutual funds.

But you won't save taxes unless your estate administrator is willing to commit a felony by omitting it. So the main legal benefit of these overseas insurance policies appears to be that they may—repeat, may—be beyond the reach of creditors.

For a while the very wealthy were able to defer tax on portfolio profits by investing in overseas funds that had a majority of shares held by foreigners. But the 1986 tax put a stop to this game.

After the 1986 crackdown, the main thing that offshore funds can do for you is give your fund manager more flexibility in trading. Domestic funds must be diversified, must avoid getting too much of their profits from short term trading, and have limits on leverage. Foreign funds escape these rules, says Joel Adler, a partner in Sutherland, Asbill & Brennan in New York.

The bottom line is that there isn't much that wealthy Americans can do to protect their assets from a covetous state. Which explains, if it doesn't excuse, the drastic step taken by more and more people of giving up their U.S. citizenship. R.L. and P.M.

TAXATION OF EXPATRIATES

Mr. MOYNIHAN. Mr. President, I wish to speak to the matter raised by the distinguished Senator from Massachusetts. We should not countenance the evasion of taxes by those who renounce their citizenship. The Senate should act to address this problem expeditiously.

A genuine abuse exists. Although the current Tax Code contains provisions, dating back to 1966, designed to address tax-motivated relinquishment of citizenship, these provisions have proven difficult to enforce and are easily evaded. One international tax expert described avoiding them as "child's play." Individuals with substantial wealth can, by renouncing U.S. citizenship, avoid paying taxes on gains that accrued during the period that they acquired their wealth and were afforded the myriad advantages of U.S. citizenship. Moreover, even after renunciation, these individuals can maintain substantial connections with the United States, such as keeping a residence and residing in the United States for up to 120 days a year without incurring U.S. tax obligations. Indeed, reports indicate that certain wealthy individuals have renounced their U.S. citizenship and avoided their tax obligations while still maintaining their families and homes in the United States, being careful merely to avoid being present in this country for more than 120 days each year.

Meanwhile, the rest of Americans who remain citizens pay taxes on their gains when assets are sold or when an estate tax becomes due at death.

It was this Senator who made the first proposal in the Senate to deal with the expatriation tax abuse. On February 6, the President announced a proposal to address the problem in his fiscal year 1996 budget submission. Three weeks ago, on March 15, during Finance Committee consideration of the bill to restore the health insurance deduction for the self-employed, I offered a modified version of the administration's expatriation tax provision as an amendment to the bill. My amendment would have substituted the expatriation proposal for the repeal of minority broadcast tax preferences as a funding source for the bill. The amendment failed when every Republican member of the Committee voted against it. Subsequently, Senator BRADLEY offered the expatriation provision as a freestanding amendment, with the $3.6 billion in revenue that it raised to be dedicated to deficit reduction. Senator BRADLEY's amendment passed by voice vote. That is how the expatriation tax provision was added to the bill that came before the Senate.

After the Finance Committee reported the bill, but before full Senate action and conference with the House, the Finance Committee held a hearing to further review the issues raised by the expatriation provision. Tax legislation routinely gets polished in its technical aspects as it moves through floor action and conference. At the Finance hearing, we heard criticisms of some technical aspects in the operation of the provision, as well as testimony raising the issue of whether the provision comported with article 12 of the International Covenant on Civil and Political Rights, which the United States ratified in 1992. Section 2 of article 12 states: "Everyone shall be free to leave any country, including his own." Robert F. Turner, a professor of international law at the U.S. Naval War College, argued that the expatriation provision was problematic under the covenant. The State Department's legal experts disagreed, as did two other outside experts whose letters were before the committee. I refer to Prof. Paul B. Stephan III, a specialist in both international law and tax law at the University of Virginia School of Law; and Mr. Stephen E. Shay, who served as International Tax Counsel at Treasury under the Reagan administration.

Mr. President, I ask unanimous consent that the written testimony of Professor Turner, the written testimony of the Department of State, and the letters of Professor Stephan and Mr. Shay be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MOYNIHAN. Mr. President, although there was considerable support for the legality of the provision, I thought it best to proceed with caution in these circumstances. These are matters of human rights under international law, on which we have rightly lectured others, and involve our solemn obligations under treaties. I sought the views of other experts. Letters concluding that the expatriation provision did not raise any problems under international law were received from Prof. Detlev Vagts of Harvard Law School and Prof. Andreas F. Lowenfeld of New York University School of Law. The State Department issued a lengthier analysis upholding the legality of the provision, and the American Law Division of the Congressional Research Service reached a like conclusion. However, there were dissenting views, most notably Prof. Hurst Hannum of the Fletcher School of Law and Diplomacy at Tufts University, who first wrote to me on March 24.

Mr. President, I ask unanimous consent that the letters of Professors Vaghts, Lowenfeld, and Hannum, and the memoranda from the American Law Division of CRS and the Department of State, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MOYNIHAN. Mr. President, this is where things stood when the House-Senate conference met on March 28. The weight of authority appeared to be on the side of legality under international law, but there was some question, and the bill had to move at great speed. As my colleagues well know, the legislation restoring the self-employeds' health insurance deduction, for calendar year 1994, needed to be passed and signed into law well in advance of this year's April 17 tax filing deadline, so that the self-employed would have time to prepare and file their 1994 tax returns. The decision regarding the expatriation provision had to be made without further opportunity of deliberation. I opted not to risk making the wrong decision with respect to international law and human rights.

The decision to drop the expatriation tax provision from the final conference version of the bill has been the subject of much debate over the last week. I certainly don't presume to speak for the other conferees. But for myself I repeat as I have said on two occasions on this floor over the past week: We should proceed with care when we are dealing with human rights issues, particularly when the group involved is a despised group—that is, millionaires who renounce their citizenship for money.

As the Senator who first proposed the expatriation tax provision, I will see this matter through to a conclusion. We are getting more clarity on the human rights issue, and it appears that a consensus is developing to the effect that the provision does not conflict with our obligations under international law. In particular, it is worth noting that Professor Hannum, who first wrote me on March 24 expressing his concern that the expatriation provision was a problem under international law, has, after receiving additional and more specific information about the expatriation tax, now written a second letter of March 31 stating that he is "convinced that neither its intention nor its effect would violate present U.S. obligations under international law." This is the growing consensus, although it is not unanimous.

Mr. President, I would further ask unanimous consent that Professor Hannum's March 31 letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 3.)

Mr. MOYNIHAN. Mr. President, as for criticism of the technical difficulties of the original proposal, I believe they can be satisfied. Indeed, I would venture that if some of those criticizing the provision's technical aspects had put even half as much effort into devising solutions as in highlighting

shortcomings, we would already be much further along toward a satisfactory statute.

One final point, of utmost importance. As we take the time to write this law carefully, billionaires are not slipping through some loophole and escaping tax by renouncing their citizenship. The President announced the original proposal on February 6, and made it effective for taxpayers who initiate a renunciation of citizenship on or after that date. This was an entirely appropriate way to put an end to an abusive practice under current law. Both the proposal that I initiated, and the one that was ultimately adopted by the Finance Committee, also used February 6, 1995, as the effective date of the new provision preventing tax evasion through expatriation. The House conferees had proposed slipping the effective date to March 15, 1995—the date of Senate Finance Committee action on the provision. The two chairmen of the tax-writing committees ultimately—and wisely—resisted that overture, and have issued a joint statement giving notice that February 6 "may" be the effective date of any legislation affecting the tax treatment of those who relinquish citizenship. Given the potential for abuse under current law, I believe that February 6 must be the effective date for a new rule. In any event, given the President's announcement in the budget, the Finance Committee action, and the joint statement of the two chairman of the tax-writing committees, individuals who are contemplating renunciation of their U.S. citizenship are on fair notice of the February 6, 1995, effective date.

To repeat, as the Senator who first offered the proposal to end the expatriation tax abuse, I will do everything I can to see that this matter gets resolved. We will do it this session. Fundamental justice to all taxpaying Americans requires no less.

In an effort to advance that goal, I will shortly introduce legislation embodying a revised expatriation tax proposal. I do so in the interest of ensuring that the issues that have been raised are addressed satisfactorily, and in a timely manner. This revised proposal represents a serious effort to address the criticisms that have been raised, and I believe it will be a major step forward.

Mr. President, we will end this abuse, and promptly, but in a careful and orderly way, as we should do in matters of this importance.

EXHIBIT 1.—INTERNATIONAL LAW AND THE "EXIT TAX": DOES SECTION 203 OF THE TAX COMPLIANCE ACT OF 1995 VIOLATE THE "RIGHT TO EMIGRATE" RECOGNIZED IN THE U.N. COVENANT ON CIVIL AND POLITICAL RIGHTS AND OTHER U.S. AND INTERNATIONAL LEGAL INSTRUMENTS?

(By Robert F. Turner)

Mr. Chairman, it is an honor and a pleasure to appear before the subcommittee this morning to explore the human rights ramifications of the so-called "exit tax" contained in Title II of H.R. 981, the "Tax Compliance Act of 1995."[1]

Before turning to the merits of the issue, I would like to make three caveats in connection with my appearance here today.

First of all, I am testifying in my personal capacity as a scholar interested in the subject of International Law; and, although I currently occupy the Charles H. Stockton Chair of International Law at the Naval War College while on leave of absence from the University of Virginia's Center for National Security Law, my appearance is unconnected with either of those relationships. Any similarities between the views I express and those of the War College, the Navy, the University of Virginia, or any other institution or organization, is purely coincidental.

Secondly, I want to stress the start that I have absolutely no expertise on the substantive issue of tax law. I will therefore have to pass on any questions you might wish to raise predicated upon such a knowledge.

Finally, since my invitation to testify was not extended until late Friday afternoon (four days ago)—and because of prior commitments and travel requirements, I had less than one day to work seriously on my testimony—my prepared statement is not as detailed as I might otherwise have preferred. The basic human rights issue is, of course, not new to me—ironically, I believe I first looked at the "right of emigration" professionally more than two decades ago when the Jackson-Vanik Amendment came before the Senate while I was on the staff of Senator Robert P. Griffin of Michigan—and I don't believe the pressures of time have prevented me from accurately setting forth the basic legal rules by which this statutory provision should be judged. I have not had a great deal of time for serious analysis, however; and while I venture some very tentative conclusions, I suspect that each of you will be able to apply the legal rules to the proposed new statute at least as well as I have been able to do in the limited time available. Candidly, I have gone back and forth on the issue—I don't find it to be a clear cut case.

Thus, I do not appear before you this morning for the purpose of either supporting or opposing the so-called "exit tax" provision of the tax bill. I do believe that upholding the rule of law is important, and I do believe that this provision may raise a sufficiently serious question under International Law that it warrants additional consideration before making a final decision on Section 201. To that end, I commend you for scheduling this hearing.

Even if in the end you conclude that the provision does not, in reality, violate the Nation's solemn human rights treaty commitments, if there is even a colorable claim to the contrary that might be raised to undermine future US efforts to enforce human rights laws, it might be wise to avoid even the appearance of violating these laws. In the end it may come down to balancing the importance of the tax code provision against the potential harm that might result if we are perceived as having violated these important rules of international human rights law.

As an aside, I also have a professional interest in issues of US Constitutional Law—indeed, I have testified before at least half-a-dozen congressional committees on issues of Constitutional Law in the past few years—and I have the impression that this provision may also raise issues in that area.[2] However, considerations of time, and my understanding of the scope of my invitation this morning, led me to refrain from examining those issues in sufficient depth to make a meaningful contribution today on that issue.

THE GROWTH OF A LEGAL RIGHT TO EMIGRATE

Today the right of citizens to renounce their citizenship and leave their own country is almost universally recognized as a fundamental civil right, but its widespread recognition as creating international obligations is of relatively recent origin. The origin of the right can arguably be traced back nearly 2500 years, to the famous Dialogues of Plato, in which Socrates says to Crito: [H]aving brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good which we had to give, we further proclaim to any Athenian by the liberty which we allow him, that if he does not like us when he has become of age and has been the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him. None of . . . [our] laws will forbid him or interfere with him. Any one who does not like us and the city, and who wants to emigrate to a colony or to any other city, may go where he likes, retaining his property.[3]

The 42nd paragraph of the original 1215 version of the Magna Carta issued by King John at Runnymede guaranteed the right of "any one to go out from our kingdom, and to return, safely and securely, by land and by water, saving their fidelity to us"; but this "right to travel" was omitted from the forty-six subsequent versions—including the one issued by Henry III in 1225 usually associated with the term "Magna Carta"—on the grounds that such a right seemed "weighty and doubtful."[4] Nor, for that matter, is it clear that the right to "travel" included a right to emigrate—a right far more easily sustained now that people have changed from "subjects" of the King to "citizens" of the State.

In 1791, the French Declaration of the Rights of Man affirmed the right "to come and to go" from the State as a "natural" right.[5] By 1868 the U.S. Congress was on record by statute that: [T]he right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness. . . . Therefore, . . . any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of this government.[6]

More recently, Section 349(a) of the Immigration and Nationality Act recognizes a right of every citizen to relinquish US citizenship.[7] Just a decade ago, the US Court of Appeals for the Ninth Circuit observed that "expatriation has long been recognized as a right of United States citizens," and noted that "the Supreme Court [has] placed the right of voluntary expatriation solidly on a constitutional footing."[8]

The proposed "exit tax," of course, does not expressly challenge this well-established right to emigrate—it merely provides that a few very wealthy citizens will be forced to pay a 35% tax on appreciated assets should they wish to exercise this constitutional right. The issue you have invited me to address is whether such a tax would bring the United States into noncompliance with any binding rules of International Law. I am not sufficiently versed on issues of tax law to answer that question with any real confidence, but perhaps I can be of assistance by at least

[1] Footnotes at end of article.

summarizing the existing international law binding upon the United States concerning the human right to emigrate.

INTERNATIONAL LAW AND CONSTRAINTS ON THE RIGHT TO EMIGRATE

Mr. Chairman, perhaps it would be most helpful if I began by briefly setting forth the status of the right to emigrate under International Law. I will first consider the relevant conventional (treaty) law binding upon the United States, followed by a look at some "nonbinding" international documents which may shed light on these issues, and finally I will discuss the very important area of customary international law (which, under the Statute of the International Court of Justice, is considered as equal in authority to conventional law[9]).

CONVENTIONAL INTERNATIONAL LAW

The effort to codify international human rights law is of quite recent origin, essentially coming in the wake of World War II and the establishment of the United Nations. Article 55 of the UN Charter establishes as a goal the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." In Article 56, "All Members pledge[d] themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."

An important first step was the unanimous adoption (with eight abstentions, including the Soviet Union and several other Communist States) on 10 November 1948 of the "Universal Declaration of Human Rights" as a UN General Assembly Resolution. Such resolutions do not have legal effect,[10] and the Declaration was clearly viewed as aspirational at the time—indeed, the United States delegate expressly stated that the resolution "is not and does not purport to be a statement of law or of legal obligation."[11] However, there is a very strong consensus today that the Declaration is legally binding by virtue of reflecting customary international law. It will be discussed below under customary law.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

In an effort to follow up the Declaration with a series of binding treaties, in 1966 the United Nations General Assembly unanimously approved the International Covenant on Civil and Political Rights, which entered into force on 23 March 1976. The following year, it was signed by the Carter Administration and on 23 February 1978, it was submitted to the Senate for its advice and consent.

In 1991, President Bush asked the Senate to consider the treaty, and hearings were held late that year in the Foreign Relations Committee, which recommended approval of the treaty by a unanimous vote (19-0). On 2 April 1992, the Senate consented to the ratification of the treaty with a variety of proposed reservations, understandings, and declarations[12]; and the instrument of ratification was deposited with the United Nations on 8 June of that year with the recommended additions—none of which apply directly to the issue at hand.[13] The United States thus joined more than 100 other States in assuming a solemn international legal obligation to abide by the terms of the Covenant.

It is perhaps worth noting that the unanimous report of the Foreign Relations Committee on this treaty categorized the "rights enumerated in the Covenant" as being "the cornerstone of a democratic society."[14]

The Covenant was designed to be a legally-binding international treaty setting forth "inalienable rights" which were "derive[d] from the inherent dignity of the human person."[15] Article 12 of the Covenant provides:

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. *The above mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others,* and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country. [Italic emphasis added.][16]

The American Society of International Law commissioned an excellent study of The Movement of Persons Across Borders, edited by two of the nation's foremost scholars in this area (Professors Louis B. Sohn and Thomas Buergenthal), which provides important background on the interpretation of the Article 12 of the Covenant. Among other things, the authors note that one of the reasons Article 12 was written was that, "[n]otwithstanding Article 13(2) of the . . . [*Declaration*], some countries prevent their nationals from leaving, prescribe *unreasonable conditions such as exacting taxes or confiscating property* . . . [emphasis added]"[17]

While Article 12 embodies a "fundamental right," it is not an "absolute right" in the sense that a State may not legitimately place some reasonable restrictions by law on the right of emigration. In addition to preventing individuals accused of serious crimes from leaving,[18] for example, it is clear that a State may require a citizen to pay any normal tax obligations or other public debts.[19] However, people who wish to emigrate may not lawfully be required to surrender their "personal property," and "Property or the proceeds thereof which cannot be taken out of the country shall remain vested in the departing owner, who shall be free to dispose of such property or proceeds within the country."[20]

It seems to me that a key issue with respect to the proposed US "exit tax" is whether or not it represents a normal tax obligation applicable to all citizens irrespective of their wish to emigrate. To the extent that it constitutes a special requirement on individuals because of their desire to emigrate, then the Government would presumably have the burden under the Covenant of establishing that the law is "necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others. . . ."[21]

It may be relevant that efforts were made during the drafting of Article 12 to broaden this list of permissible exceptions to include such concepts as promoting a State's "general welfare" and "economic and social well-being," and these were rejected as being "too far-reaching."[22] Restrictions on freedom of movement were only to be permitted in "exceptional" circumstances.[23] Professor Louis Henkin, of Columbia Law School, has noted that: The Covenant . . . is not to be read like a technical commercial instrument, but "as an instrument of constitutional dimension which elevates the protection of the individual to a fundamental principle of international public policy." Rights are to be read broadly, and limitations on rights should be read narrowly, to accord with that design.[24]

This view is widely shared by other experts in the field.[25] Discussing Article 12 in a lengthy 1987 article in the *Hofsta Law Review*, a group of four attorneys from the New York firm of White & Case concluded: Although it is accepted that there may be restrictions imposed on the right to emigrate, these restrictions are of an exceptional character and must be strictly and narrowly construed. The right to emigrate is primary; the restrictions on that right are subordinate and may not be so construed as to destroy the right itself.[26]

For the record, the United States is now also to the *International Convention on the Elimination of All Forms of Racial Discrimination*, which prohibits barring freedom of movement (and many other enumerated rights) on the basis of "race, colour, or national or ethnic origin"[27]—however, this treaty does not appear to be relevant to the issue at hand. There are several other international conventions which guarantee the right to emigrate, including regional agreements underlying the European, African, and Inter-American human rights systems. However, the United States is not a Party to these, so in the interest of time I have not addressed their specifics. (While they do serve as evidence of customary legal obligations, in this area the statutory language of the Jackson-Vanik Amendment [discussed *infra*] assures that the United States is bound by customary law in this area.)

OTHER INTERNATIONAL INSTRUMENTS OF RELEVANCE

As already noted, the Universal Declaration of Human Rights was intended to be aspirational and not legally binding upon the 48 States that voted to approve it. Because it reflects customary law, it will be discussed under that heading—but it also stands as an important non-treaty human rights document.

Another very important international document clearly not intended to create binding legal rights was the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Accords), which expressly incorporated the *Declaration*.[28] Time has precluded me from addressing these types of instruments further, but they are probably not critical to a resolution of the issue.

CUSTOMARY INTERNATIONAL LAW

Perhaps the most important written source of customary international law[29] is the *Universal Declaration of Human Rights*, approved as a UN General Assembly Resolution on 10 November 1948 and already noted above. The *Declaration* provides:

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.[30]

During the debate on the Jackson-Vanik Amendment in 1974 (discussed infra), this document was occasionally portrayed as an international treaty designed to create legal rights.[31] In reality, its only "legal" value is as evidence of binding customary law. This may be important background for the discussion which follows, because the Soviet Union voted against Article 13 during the drafting process and did not vote in favor of the Declaration itself in the General Assembly. With a few exceptions, which are not relevant to the issue at hand,[32] rules of International

Law are established by the consent of States. This can be done explicitly by ratifying a treaty or other international agreement, or it may be done implicitly by taking part in the development of a consistent and general practice accepted as law. But—again, with some exceptions[33]—a State is not considered bound by customary legal rules against which it clearly protested during formation. Thus, it is at least arguable[34] that the Soviet Union was not bound by the Declaration as customary law in 1974.

THE 1974 JACKSON-VANIK AMENDMENT

Mr. Chairman, it may be worth noting this Committee, and the United States Congress, have played a prominent role in the affirmation of customary international law governing the right of citizens to emigrate without having to pay burdensome special taxes. I believe that Chairman Packwood, Majority Leader Dole, and Senator Roth are the only current members of the Finance Committee who served in the Senate during the Ninety-Third Congress, so it may be useful to review the history of the "Jackson-Vanik" Amendment—also known as the "Freedom of Emigration" Amendment[35]—briefly at this time. I remember it reasonably clearly, for, as I mentioned, I was serving at the time on the staff of Senator Bob Griffin and I followed the Amendment closely.

As reported out of this committee, Section 402 of the Trade Act of 1974 (H.R. 10710) included the House-passed "Vanik Amendment"[36] which prohibited the President from granting "nondiscriminatory tariff treatment" to any "non-market economy country" which "imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice."[37] In its accompanying report, this Committee referred to the "right to emigrate" as a "basic human right. . . ."[38]

When the trade bill reached the Senate floor in mid-December 1974, this provision was strengthened by the enactment of the famous "Jackson Amendment" (with the final language affirming the right of emigration thus widely referred to as the "Jackson-Vanik Amendment"). Although strongly opposed by the Ford Administration as an impediment to détente with the Soviet Union, and Jackson Amendment was introduced in the Senate with 78 co-sponsors.[39] Significantly, it received a unanimous vote after a lengthy (if entirely one-sided) floor debate.[40] The three current members of this Committee who served in the Senate at the time were co-sponsors of the Jackson Amendment[41] and voted for its passage.[42]

In testimony before this committee, the legendary Hans J. Morgenthau, at the time Leonard Davis Distinguished Professor of Political Science at the City University of New York, characterized the right of emigration as "one of the tests of civilized government."[43] Senator Dole termed it a "fundamental freedom," and described the Soviet requirement that citizens seeking to emigrate first pay a "diploma tax" to reimburse the State for its investment in their education as being in conflict with "America's traditional concern for the rights of individuals."[44] Addressing the Senate following passage of his amendment, Senator Jackson noted that the "fundamental human right to emigrate" was guaranteed "in the Universal Declaration of Human Rights which was adopted unanimously 26 years ago this week."[45] As enacted into law (19 U.S.C.A. §2432), the provision provides in part: §2432. Freedom of emigration in East-West trade. . . . (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after . . . January 3, 1995, products from any nonmarket economy country shall not be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly, or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

(1) denies its citizens the right or opportunity to emigrate;

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever, or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice,

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).[46]

Even if you conclude that the proposed exit tax is not in conflict with the terms of the Covenant on Civil and Political Rights, it strikes me that—given in particular this Committee's and the Senate's unanimous support for the Jackson-Vanik Amendment—careful consideration ought to be given to whether this proposal complies with that standard as well.

RECONCILING THE PROPOSED US "EXIT TAX" WITH JACKSON-VANIK

Subjectively, of course, all of us can presumably agree that there is a substantial difference in the motivation behind the proposed US "exit tax" and the impediments placed in the path of Soviet Jews (and others) in the early 1970s designed clearly to discourage emigration (especially by dissident Jews to Israel). The United States understandably does not wish to lose the substantial sums in tax revenues which the Treasury Department projects could be lost if especially wealthy US citizens elect to renounce their citizenship and emigrate to foreign points.

While one might normally view this as a "political" problem for Congress to factor in to the drafting of the tax laws—how to extract maximum tax revenues from the wealthy without exceeding the point that the "geese that lay the golden eggs" will fly off to find a more hospitable environment in which to do business[47]—there are obvious political attractions to the exit tax approach. Presumably few constituents will be directly affected by this legislation (and "soaking the rich" is not all that unpopular with many Americans of more ordinary means in these troubled times), and in order to be subject to the special "tax" an individual will have to renounce his or her American citizenship—in the process surrendering their right to vote in any case. One can see how this might have appeared to be a virtually cost-free (from a political standpoint) way to raise a couple of billion additional dollars over the next five or six years.[48]

From the standpoint of International Law, however, it may be more difficult to make the distinction between the old Soviet practice of charging a special "diploma tax" to compel citizens who wish to emigrate to compensate the State for its investment in their education, and the proposed US "exit tax" designed to compel citizens who wish to emigrate to compensate the State for income taxes they would likely eventually owe if they remained citizens. (It would not be illegal under these rules of International Law for the United States to tax unrealized capital gains annually, or for the Soviets to charge a fee for providing an education—the legal issue arises when people who seek to emigrate are treated less favorably than others because of their decision to exercise their legal right to emigrate.)

To be sure, we can probably agree that the old Soviet regime was made up of "bad guys," and our own government is much "nicer." Even as many of us search around for professional assistance in reducing our own tax liabilities, it is probably true that most Americans have a visceral antipathy for "tax dodgers." Nor do many of us identify very closely with individuals who would voluntarily renounce their American citizenship as a means of reducing tax liability. While it may be in part that our relatively more limited liability makes their decision difficult to comprehend, I like to think that most of us view our status as American citizens as among our most cherished rights. Many of us still recall Sir Walter Scott's moving words, as we read them in high school in Hale's "A Man Without a Country":

Breathes there the man, with soul so dead,
Who never to himself hath said,
This is my own, my native land!
Whose heart hath ne'er within him burn'd
As home his footsteps he hath turn'd
from wandering on a foreign strand!
If such there breathe, go, mark him well;
For him no Minstrel raptures swell;
High though his titles, proud his name,
Boundless his wealth as a wish can claim;
Despite those titles, power, and pelf,
the wretch, concentered all in self,
Living, shall forfeit fair renown,
And, doubly dying, shall go down
to the vile dust, from whence he sprung,
Unwept, unhonor'd, and unsung.[49]

I suspect that the outcry from your constituents over the proposed exit tax—even if it is perceived as nothing more than an effort to "stick it to rich expatriates"—is not likely to be very considerable.

CONGRESS MAY BY STATUTE VIOLATE INTERNATIONAL LAW

Perhaps I should make one additional point. The United States belongs to the dualist school and views municipal and international law as being separate, if often interrelated,[50] legal systems. United States courts will thus first attempt to reconcile the language of apparently inconsistent statutes and treaties, but if that proves unreasonable, they will apply the "later in time" doctrine (lex posterior derogat priori) and give legal effect to the instrument of most recent date.[51] The theory underlying this policy is that treaties and statutes have a co-equal standing as "supreme law of the land,"[52] and the lawmaking authority—be it the two chambers of the Legislative Branch acting with the approval (or over the veto) of the Executive,[53] or the Executive acting with the consent of two-thirds of those Senators present and voting[54]—is presumed to know the existing law when it acts and to intend the logical consequences of its actions. Thus, if the Congress enacts the provision in question and it is subsequently challenged as contrary to the nation's solemn treaty commitments, American courts will not strike down the statute because of the treaty. Similarly, while some scholars quarrel with

the rationale,[55] the oft-cited 1900 Supreme Court case of The Paquete Habana held that customary international law ("the customs and usages of civilized nations") is part of US law "where there is no treaty and no controlling executive or legislative act or judicial decision. . . ."[56] Furthermore, while the recently ratified Covenant clearly creates a solemn legal obligation upon the United States under International Law, it is not self-executing[57] and thus will not be implemented by US courts in the absence of independent legislative authority.[58]

However, this is not to say that Congress has the legal power to relieve the United States from its solemn treaty obligations under International Law. On the contrary, no such right exists (unless the relevant treaty provides for termination by act of a national legislature), and if the Congress elects to approve a statute that is contrary to the Covenant it will make the United States a lawbreaker.

To be sure, Congress in the past has on occasion enacted legislation which placed the Nation in such a status.[59] Such a decision has consequences, however. Not only might other treaty Parties have available meaningful remedies under International Law,[60] but violations of International Law by the United States contributes to a lack of respect for the rule of law in general and greatly undermines the ability of the United States to pressure other States to comply with such rules. Thus, in particular when the issue involves solemn undertakings in the area of international human rights, one would hope that legislators would be careful to avoid even the appearance of breaching provisions of a treaty.

CONCLUSION

Mr. Chairman, as I indicated when I began, I did not come here this morning with the intention of taking a definitive position on this legislation on the merit. Because the invitation to take part in the hearing came with such short notice, I have not been able to analyze the issue to the extent I might have wished. The comments which follow are offered with more than a little hesitation and uncertainty.

I have primarily tried to set forth the basic international legal rules in my testimony, and I suspect that honorable men and women might reach different conclusions when applying those rules to this bill. I came into the hearing with some reservations, but it may be that after I have heard other perspectives I will be less concerned about the compatibility of the "exit tax" with Article 12 of the Universal Covenant on Civil and Political Rights.

Even if that occurs, however, it still leaves us with the perhaps more difficult problem of reconciling this tax with the spirit and language of the 1974 Jackson-Vanik Amendment. I'm not going to pre-judge that issue for you, either, other than to say that I personally find it somewhat more troubling. If this were merely a statute providing that citizens must "pay their lawful taxes" before they may renounce their citizenship and move to a foreign State they find more attractive, I think it could pass legal muster with little difficult.[61] But I'm not sure that's the situation. You understand the tax system far better than I do, and I will defer to your expertise in the final analysis.

As I stressed at the beginning, I am not even arguably an authority on the tax code; but it is my initial impression that the proposed "exit tax" is designed to impose an immediate and substantial financial burden upon citizens—on the specific and expressed grounds that they have elected to renounce their citizenship and emigrate—and that this is a burden that would not be imposed upon otherwise identically situated citizens who elected to remain American citizens (and did not elect to sell or dispose of their property or take other action that would realize capital gains liability).

If that is true, in all candor, I think I would want my money "upon front" if I were asked to argue before an international tribunal that the proposed US exit tax complies with the spirit of the Jackson-Vanik Amendment—which no less an authority that the United States Congress argued reflected the minimal requirements of International Law two decades ago. (I think I would base my Jackson-Vanik case upon the technicality that the United States is not covered because it does not have a "non-market economy"—but the underlying rule of customary international law is not so qualified and could not be evaded by that consideration. Trying to argue that international human rights standards have declined since 1974 would clearly not pass the "straight face" test.)

I have not had time to research the issue, but my recollection is that in the recent past, Congress—or at least many members of Congress—have pressured the Executive to apply the Jackson-Vanik principle to trade with the People's Republic of China. Certainly many members continue to feel passionately about human rights issues, and to urge the President to identify and put pressure on other States who fail to comply with fundamental treaty norms in this important area. Unless someone can do a better job that I have in distinguishing an exit tax targeted at "rich Americans" from one aimed at "educated Jews," however, you may find as a practical matter that you will need to make a choice between enacting this provision and attempting in the years ahead to uphold the Jackson-Vanik Amendment and similar human rights norms. If this provision is enacted into law, I believe the odds are good that future US protests calling upon China, Iraq (which last month imposed an exit tax of its own to curtain the flow of capital), Iran, and other flagrant human rights violators to comply with the provisions of the Covenant on Civil and Political Rights will receive in reply a reference to American "violations" of Article 12.

Mr. Chairman, that concludes my prepared statement. I will be happy to attempt to answer any questions you or your colleagues might have.

FOOTNOTES

[1] Inter alia, this provision would amend the Internal Revenue Code by adding this language: If any United States citizen relinquishes his citizenship during a taxable year, all property held by such citizen at the time immediately before such relinquishment shall be treated as sold at such time for its fair market value and any gain or loss shall be taken into account for such taxable year.

That the "exit" is designed to affect a relatively small portion of the population is clear from the fact that the first $600,000 of gross income is excluded from this provision. According to the State Department 697 US citizens expatriated in 1993 and 858 the following year. "It is not yet known how many of these former citizens, if any, will be subjected to tax under section 877." Joint Committee on Taxation, Description of Revenue Provisions Contained in the President's Fiscal Year 1996 Budget Proposal 17 n.6 (Feb. 17, 1995). The fact that the Treasury Department anticipates more than $2 billion in additional revenues from this provision by FY 2000 suggests either that many expatriates will be covered or that the few covered will be hit with rather substantial additional tax bills under this provision. See infra, note 48.

[2] See, e.g., Eisner v. Macomber, 252 U.S. 189, 214–15 (1920).

[3] The Dialogues of Plato 217 (7 Britanica Great Books of the Western World, 1952). See also, Jeffrey Barist et al., Who May Leave, 15 Hofstral L. Rev. 381, 384 (1987).

[4] By coincidence, I discussed this issue in my prepared testimony before the Senate Judiciary Committee Subcommittee on the Constitution on 5 October 1994 (page 2–3 of original text), which has not yet, to my knowledge, been published.

[5] Id. at 4, and Barist et al., Who May Leave, 15 Hofstral L. Rev. at 384.

[6] Expatriation Act of 1868, 15 Stat. 223 (1868).

[7] 8 U.S.C. §1481, quoted in 87 Am. J. Int'l L. 601 (1993).

[8] Richards v. Secretary of State, 752 F.2d 1413 at 1422 (1985).

[9] Statute of the International Court of Justice, Art. 38. While customary law may over time replace a rule established by treaty, and the general goal is to ascertain the most recent expression of the consent of the parties (thus a more recent customary practice accepted as law (opinio juris) may prevail over a prior treaty), it is probably accurate to observe that, where a relevant treaty exists between the parties to a dispute, the terms of the treaty will provide at least the starting point for resolution of the dispute. However, the principle that "the specific prevails over the general" (lex specialis derogat generali) may well lead to a narrow customary practice prevailing over a more general treaty obligation.

[10] However, a UNGA resolution expressing legal principles approved by an overwhelming vote of Member States may serve as powerful evidence of the existence of a legally-binding international custom.

[11] 19 Dep't State Bull. 751 (1948).

[12] Report of the Senate Committee on Foreign Relations on the International Covenant on Civil and Political Rights, reprinted in 31 Int'l Leg. Mats. 645 (1992).

[13] A possible exception is the first Declaration specifying that the Covenant is Non-Self-Executing. Id. at 651.

[14] Report of the Senate Committee on Foreign Relations on the International Covenant on Civil and Political Rights, supra at 649 (p. 3 of OT).

[15] Preamble, 6 Int'l Leg. Mats. 368 (1967).

[16] Art. 12, id. at 372.

[17] The Movement of Persons Across Borders 76 (Louis B. Sohn & Thomas Buergenthal, eds.

[18] *Id.* at 79.

[19] *Id.* at 82.

[20] *Id.* at 81, quoting Article 6 of the 1989 Strasbourg Declaration on the Right to Leave and Return (prepared by a group of international experts under the auspices of the International Institute of Human Rights).

[21] International Covenant on Civil and Political Rights, Art. 12.

[22] Barist *et al.*, *Who May Leave*, 15 Hofstra L. Rev. at 389.

[23] *Id.* at 389, 394.

[24] The International Bill of Rights: The Covenant on Civil and Political Rights 24 (Louis Henkin, ed. 1981), *quoted in* Barist *et al.*, *Who May Leave*, 15 Hofstra L. Rev. at 395.

[25] Barist *et al.*, *Who May Leave*, 15 Hofstra L. Rev. at 396.

[26] *Id.* at 406.

[27] 660 U.N.T. S. 194.

[28] 14 Intl'L Leg. Mats. 1292 (1975).

[29] To constitute binding international customary law, a rule must reflect "a general practice" that has been "accepted as law" (*opinio juris*). *See* Statute of the International Court of Justice, Art. 38 (1)(b).

[30] UNGA Res. 217 A (III), 3 UNGAOR 71, UN Doc. A/810 (10 Nov. 1948).

[31] Note to follow.

[32] Some rules of International Law are of such fundamental importance that they are considered "peremptory norms" *(jus cogens)* and bind all States irrespective of consent. A thorough discussion of this issue is precluded by the short time available to prepare this testimony. Some human rights principles have this status—it is doubtful that this is one of them. The issue is of only academic interest given the strong statement of the right to emigrate as constituting binding International Law contained in the Jackson-Vanik Amendment to the 1974 Trade Act (discussed below). Thus, the United States could hardly protest that it is not bound by this rule and claim to have protested against its creation.

[33] *Jus congens* rules (discussed *supra*) bind all States, and newly-formed States are bound by all rules of customary law in existence when they are created.

[34] In reality, a strong case can be made that the Soviet Union was bound by this provision of the *Declaration* in 1974. Among other things, abstention in the General Assembly does not constitute an adequate "protest" to protect against being bound (although it does not constitute "consent" either). The following year the issue was arguably resolved when Moscow signed the Helsinki Accords (which, as discussed *supra*, incorporated the text of the *Declaration.)* While the Helsinki Accords were not designed to be legally binding in themselves, Moscow's acceptance of the principles of the *Declaration* would undercut any Soviet claim that it objected to these principles as *customary* law.

[35] *See, e.g.*, Senate Report No. 93-1298 (Committee on Finance), *reprinted in* 4 U.S. Code Congressional & Admin. News 7338 (93d Cong., 2d Sess., 1974) (hereinafter cited as Finance Committee Report).

[36] This amendment, introduced by Representative Charles Vanik, was approved on the House floor on 11 December 1974 by a vote of 319-80. *See* 120 Cong. Rec. 39782 (1974).

[37] Finance Committee Report at 7213.

[38] *Id.* at 7338.

[39] 120 Cong. Rec. 39782 (1974).

[40] *Id.* 39806. The final vote was 88-0, with 12 Senators absent. All but two or three of the absent Senators were co-sponsors of the amendment.

[41] *Id.* at 39782.

[42] *Id.* at 39806

[43] 120 Cong. Rec. 39787.

[44] *Id.* at 39802.

[45] *Id.* at 39806.

[46] Trade Act of 1974, 19 U.S.C.A. §2432 (emphasis added).

[47] While I claim no special expertise on matters of finance or tax policy, I was impressed with Forbes magazine editor James W. Michaels' observation that "It's not that legislators sympathize with rich tax dodgers. It's that they realize it's time to worry less about soaking the rich and more about changing the tax code to make the country more hospitable to the capital that produces jobs and economic growth." James W. Michaels, "You can't take it (all) with you," Forbes, 13 March 1995, p. 10.

[48] The Treasury Department estimates that this provision will produce $2.2 billion in additional tax revenues between FY 1995 and FY 2000. Department of the Treasury, General Explanations of the Administration's Revenue Proposals 17 (Feb. 1995).

[49] Sir Walter Scott, The Lay of the Last Minstrel, canto VI, st. 1.

[50] As will be discussed, treaties are a part of the "supreme law of the land" and customary international law "is part of our law" too. The monist school views international law to be superior to municipal law in a single legal system.

[51] See, e.g., Whitney v. Robertson, 124 U.S. 190 (1888).

[52] US Const. Art. VII

[53] Id. Art. I, Sec. 7.

[54] Id. Art. II, Sec. 2.

[55] See, e.g., Louis Henkin, The Constitution and United States Sovereignty, 100 HARV. L. REV. 853 (1987).

[56] Note to follow.

[57] For a discussion by Chief Justice Marshall of the distinction between self-executing and non-self-executing treaties, see Foster and Elam v. Neilson, 27 U.S. (2 Pet.) 253 (1829).

[58] Note to follow.

[59] This sometimes occurs inadvertently when legislation is considered by members who are simply unaware of a conflicting treaty provision (as may be the case in this Committee's approval of the statute being considered in this hearing), but it also occurs occasionally even after the conflict with a treaty has been identified. An example of this that comes readily to mind was S-961, the "Magnuson Fisheries and Conservation Act," passed around 1976. See the minority views of my former employer, Senator Robert P. Griffin, included in the Foreign Relations Committee's report on this bill for a discussion of this problem.

[60] These may range from judicial settlement to reciprocal breach or simply the "horizontal enforcement" of retorsionary behavior to pressure our Country to observe its solemn international legal obligations (pacta sunt servanda).

[61] The Department of State, for example, has warned that "Persons considering renunciation [of US citizenship] should also be aware that the fact that they have renounced U.S. nationality may have no effect whatsoever on their U.S. tax or military service obligations." 87 AM. J. INT'L L. 602 (1993).

PREPARED STATEMENT OF JAMISON S. BOREK

Thank you Mr. Chairman and Members of the Committee. I am here today to address the question whether section 5 of H.R. 831 as reported by the Senate Committee on Finance raises legal questions concerning international human rights.

The proposal in section 5 would effectively require payment of taxes by U.S. citizens on gains, if they have such gains, if they elect to renounce U.S. citizenship, by treating this as equivalent to a realization of gains (or losses) by sale. The proposal would only apply to gains in excess of $600,000; it would not apply to U.S. real property owned directly, nor to certain pension plans.

It has been suggested by some that this proposal would violate the right to leave the territory of a state (including one's country of nationality) or the right to change one's citizenship as recognized in international human rights law. In our view, however, this tax proposal does not conflict with these or any other international human rights.

Section 5 is not an "exit tax". It does not apply to the act of emigration and is wholly unrelated to travel. Rather, it applies at the time an individual renounces U.S. citizenship. Based on past experience, the proposal is most likely to affect U.S. citizens who have already departed from the United States. It is well established, nonetheless, that a state could impose economic controls in connection with departure as long as such controls do not result in a *de facto* denial of an individual's right to emigrate.

Similarly, a claim of violation of the right to renounce citizenship could only be made where that right is effectively denied. There is no international law right to avoid taxes by changing citizenship. Section 5 would impose taxes comparable to those which U.S. citizens would have to pay were they in the United States. It is a bona fide means of collecting taxes on gains which have already accrued. It is not a pretext to keep people from leaving, and it is not so burdensome as effectively to preclude change of nationality or emigration. It applies only to gains, and only when these gains are in excess of $600,000.

In short, it is the view of the Department of State that this proposal does not raise any significant question of interference with international human rights.

I hope that this information is helpful to the Committee.

UNIVERSITY OF VIRGINIA,
Charlottesville, VA; March 20, 1995.

LESLIE B. SAMUELS,
Assistant Secretary of the Treasury for Tax Policy, U.S. Department of the Treasury.

DEAR MR. SAMUELS: I have been asked to offer an opinion as to whether the Administration's proposal to treat the renunciation of U.S. citizenship as a realization event with respect to wealthy taxpayers presents any problems under international law, particularly in light of the position the United States has taken in the past with respect to the freedom to emigrate. As I find myself in the unusual position of being a specialist in international law, U.S.-Soviet relations, and federal taxation, I am happy to do so.

The Jackson-Vanik Amendment to the Trade Act of 1974 and the 1975 Helsinki Accords both express a strong U.S. stand in favor of the freedom of people of emigrate free of more than "a nominal tax," 19 U.S.C. §2432(a)(2), and there is substantial authority for the proposition that the international law of human rights incorporates the obligation to refrain from erecting such impediments to emigration. But it is critical to recognize the distinction between the right to travel, on the one hand, and the right to change one's citizenship status, on the other. Emigration necessarily involves the former, but not necessarily the latter. The human rights concerns that dominated our encounters with the Soviet Union and other totalitarian regimes during the 1970s and 1980s were based on violations of the right to travel. Those governments treated their borders as the perimeter of a prison and their citizens as prisoners. The so-called education tax that the Soviet Union threatened to impose on emigrants, which inspired the above cited language in the Jackson-Vanik Amendment, was triggered by a request to travel abroad, not by an attempt to renounce Soviet citizenship. Whether the communist regimes also made it difficult to surrender citizenship was a matter of indifference to us. Indeed, many authorities believed that the Soviet Union and other governments violated international law by making it too easy to lose one's citizenship, as they did when they imposed involuntary loss of citizenship as a form of punishment for political dissent (*e.g.*, the case of Aleksandr Solzhenitsyn).

The Administration's proposal, as I understand it, has absolutely no effect on the right of a citizen to travel abroad. It is triggered only by a change of citizenship status, not by the crossing of the country's borders. The reason for this distinction is clear when one considers how U.S. tax rules operate. Whether a citizen resides within or without the United States, the obligation to pay tax on appreciation of assets remains the same. Any gain realized and recognized during life will result in an income tax. Any unrealized appreciation that remains at death will not be subject to an income tax, but instead will subject the decedent to the estate tax. To be sure, the federal estate tax is not an exact substitute for an income tax at death on unrealized appreciation, both because only wealthy persons (those with assets in excess of $600,000, assuming no taxable gifts during life) are subject to the estate tax, and because the taxable estate includes both realized and unrealized appreciation. But I am not alone in having pointed out that the estate and gift tax, in practice, serve as a reasonable approximation for the income tax that could be levied on unrealized appreciation at death.

All of the above turns on citizenship, not on residence. A U.S. citizen who resides abroad will have to include in his tax base any gain realized from the disposition of an asset, see Cook v. Tait, 265 U.S. 47 (1924), will pay a federal gift tax on any taxable gift during his life, no matter where the asset is located, and will include all of his worldwide assets in his taxable estate at death. By contrast, a citizen who severs the bond of citizenship and does not continue to reside in the United States will pay neither income, gift, nor estate tax (except as U.S.-sourced income and, for the estate and gift tax, transfers of certain property sourced to the United States). The change of citizenship status, not of residence, is what matters for U.S. tax law. Current law recognizes the significance of changes in citizenship by subjecting nonresident aliens who lose U.S. citizenship for tax avoidance reasons to a special alternative income tax, see Internal Revenue Code Section 877. Section 2107 imposes a similar result with respect to the estate tax, and 2501(a)(3) with respect to the gift tax. What the Administration proposal would do, as I understand it, is replace the unworkable tax avoidance standard of Sections 877, 2107 and 2501(a)(3) with a per se rule

that applies to any person with sufficient assets to make future estate taxation a probability. An analogous provision is Section 367 of the Code, which denies nonrecognition treatment in certain corporate reorganizations if the recipient of appreciated property is a foreign corporation. I never have heard the argument that the latter provision imposes an impermissible burden on the right of a domestic corporation to export its capital.

In summary, the international law of human rights is concerned with restrictions on the right to leave one's country, not those on the right to renounce one's citizenship. To the extent human rights law deals with citizenship status, it addresses involuntary denials of citizenship, not burdens triggered by the renunciation of citizenship. Furthermore, the proposed measure is not a tax on the export of capital as such, but rather a logical part of a comprehensive scheme to ensure that all appreciation of capital owned by a U.S. citizen eventually will be subject to a U.S. tax, whether income, gift, or estate. For these reasons, it is inconceivable to me that the Administration's proposal could be seen as violating international human rights law.

To be sure, there are few positions with respect to customary international law that cannot obtain the support of at least some jurists. Last Saturday, while passing through Pittsburgh's airport, I ran into my former student, Bob Turner, who informed me of his intention to testify before the Senate Finance Committee to the effect that the proposal did raise problems under international law. As I told him at the time, I found his arguments unconvincing. However, I am responsible only for Bob's education in Soviet law, not in international or tax law.

I hope this letter is useful. Please feel free to make whatever use of it you wish.

Sincerely,

PAUL B. STEPHAN III.

ONE INTERNATIONAL PLACE,
BOSTON, MA, *March 20, 1995.*

Hon. BOB PACKWOOD,
Chairman, Committee on Finance,
U.S. Senate,
Washington, DC.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN PACKWOOD AND SENATOR MOYNIHAN: I would like to comment on the provisions of Section 5 of H.R. 831 as reported by the Committee on Finance (the "Committee Bill").

I am a partner in the law firm Ropes & Gray in Boston, where I practice international tax law on behalf of U.S. and non-U.S. corporate and individual clients. Prior to joining Ropes & Gray, I served as International Tax Counsel to the U.S. Treasury Department. Altogether, I served in the Treasury Department for five years during the Reagan Administration.

Although I am Vice Chairman of the American Bar Association Section of Taxation's Committee on Foreign Activities of U.S. Taxpayers and an active member of several other bar and professional associations, my comments are not made as a representative of Ropes & Gray or any of its clients, the American Bar Association Tax Section or any of the other bar or professional associations of which I am a member. My comments are directed exclusively to tax policy aspects of the proposal in the Committee Bill to amend the Internal Revenue Code of 1986, as amended, by adding proposed Section 877A.[1] Subject to certain technical comments referred to below, I strongly support enactment of proposed Section 877A.

DESCRIPTION OF CURRENT LAW

The United States exercises personal jurisdiction to tax individuals by taxing the worldwide income of U.S. citizens (whether or not resident or domiciled in the United States) and residents.[2] A U.S. taxpayer may elect to credit foreign income taxes against his U.S. tax, subject to a limitation that applies with respect to categories of foreign source income to restrict the credit to the amount of U.S. tax paid with respect to income in that category.

The United States asserts a source-based tax on nonresident aliens.[3] Nonresident aliens are taxed on the gross amount of U.S.-source interest, dividends, rents, and other fixed or determinable income at a flat rate of 30 percent (or a lower treaty rate). This tax generally is collected by withholding. A nonresident alien is taxed at regular graduated rates on income that is effectively connected with a U.S. trade or business, less deductions that are properly allocable to the effectively connected income. A nonresident alien individual is allowed a foreign tax credit under Section 906 only for foreign taxes paid with respect to income effectively connected with a U.S. trade or business.

Under current law, the only income tax provision governing a change from citizenship to non-citizenship status is Section 877, first enacted in 1966. Under Section 877, a U.S. citizen who relinquishes his U.S. citizenship with a principal purpose to avoid Federal income tax is taxed either as a nonresident alien or under an alternative taxing method, whichever yields the greater tax, for 10 years after expatriation. For purposes of determining the tax under the alternative method, gains on the sale of property located in the United States and stocks and securities issued by U.S. persons are treated as U.S.-source income, taxable at rates applicable to U.S. citizens.[4]

Whether tax avoidance is a principal purpose for the expatriation is determined by all of the relevant facts and circumstances. If the I.R.S. establishes that it is reasonable to believe that the loss of U.S. citizenship would result in a substantial reduction in the taxpayer's income taxes for the year (taking account of U.S. and foreign taxes), the burden of proving that the loss of citizenship did not have tax avoidance as one of its principal purposes is on the taxpayer. This presumption is rebuttable.[5]

A foreign tax credit is not allowed for foreign taxes on income that is deemed to be U.S.-source income under the alternative method. The effect of the source rules generally is to transform foreign income that would not be effectively connected income into U.S. gross income. Because Section 877(c) does not cause the income to be effectively connected income, the Section 906 foreign tax credit will not apply. Any foreign taxes imposed on the income re-sourced under Section 877(c) therefore would give rise to double taxation.

The so-called savings clause found in most modern income tax treaties generally provides that the United States may tax its citizens and residents as though the treaty had not come into effect.[6] Although the I.R.S. has published a revenue ruling taking the position that the savings clause preserved U.S. taxation of former citizens taxable under Section 877,[7] the Tax Court held in *Crow* v. *Commissioner*, 85 T.C. 376 (1985), that the savings clause of the 1942 United States-Canada Income Tax Convention did not apply to a former citizen who, it was assumed for purposes of deciding petitioner's motion for summary judgment, expatriated to Canada for a principal purpose of avoiding United States tax. The Court found that, properly interpreted, the Convention prohibited the United States from taxing the taxpayer's capital gain from the sale of stock under Section 877. Based on the *Crow* decision, it is doubtful whether the United States may tax a treaty resident under Section 877 on income that a treaty reserves for taxation by the country of residence unless the treaty specifically preserves the U.S. right to tax a Section 877 expatriate.

Current U.S. treaty policy is to cover Section 877 expatriates under the savings clause to permit the United States to tax income or gains of a Section 877 expatriate who is resident in the treaty partner country notwithstanding other articles of the treaty.[8] Even where the savings clause covers taxation of an expatriate under Section 877, the coverage may be less than complete.[9]

It does not appear that treaties remedy the failure of the domestic law foreign tax credit mechanism to avoid double taxation under Section 877. For example, the 1980 Convention between the United States and Canada allows the United States to impose tax on gains from the sale of stock in a U.S. company realized by a Section 877 expatriate who is resident in Canada.[10] Canada also would be allowed to tax the gains.[11] For purposes of applying the foreign tax credit provisions of the Convention, the gains from the sale of stock would be treated as Canadian-source income,[12] however, the United States does not commit to allow a credit for the Canadian tax.[13]

DEFICIENCIES OF CURRENT LAW

The reason for enactment of Section 877 in 1966 was that the elimination of graduated rates with respect to non-effectively connected income of a nonresident alien could encourage some individuals to surrender their U.S. citizenship and move abroad. The 89th Congress did not have any experience as to whether the other changes in taxation of nonresident aliens made by the Foreign Investors Tax Act of 1966 would induce expatriations and chose to employ a tax avoidance purpose condition to the application of Section 877.

The facts of the Furstenberg case, in which the Tax Court found that the taxpayer's expatriation did not have tax avoidance as a principal purpose, illustrate why a tax avoidance purpose standard is ill-advised. To satisfy a commitment made before her marriage to her new husband, Mrs. Furstenberg renounced her U.S. citizenship immediately after her honeymoon on December 23, 1975. As a result of the Tax Court's decision that Section 877 did not apply, it appears that Mrs. Furstenberg paid no U.S. tax on as much as $9.8 million of capital gains from selling securities owned at the time of her expatriation in the two years following her expatriation.

There is ample precedent for a U.S. claim to tax appreciated assets at a time when the asset will no longer be subject to U.S. personal taxing jurisdiction. Under sections 367 and 1491, the United States overrides otherwise applicable nonrecognition rules in order to tax transfers of appreciated assets to foreign entities. It is accepted that this principle should apply in circumstances where there is no actual transfer of an asset, for example, upon the termination of an election by a foreign corporation to be treated as a domestic corporation under section 1504(d) or when a foreign trust ceases to be a grantor

[1] Footnotes at end of letter.

trust with a U.S. grantor. Amendments in 1984 to sections 367 and 1492 deleted exceptions to taxation of such outbound transfers where the taxpayer could establish that the transfer did not have as one of its principal purposes the avoidance of Federal income taxes. The principal purpose test similarly should be deleted from Section 877.[14]

A second difficulty with current Section 877 relates to the assertion of U.S. taxing jurisdiction after the taxpayer has renounced U.S. citizenship. At that point, the taxpayer may be resident in another taxing jurisdiction that may rightfully feel that it has the primary right to tax gains of a resident from the sale of tangible property (other than real estate in another country) and intangible property. It is not surprising that there may be disagreement as to which country should be considered to have the primary right to tax. A tax imposed at the time of expatriation, however, would accurately delineate gains properly subject to U.S. taxing jurisdiction. This would improve the position of the United States if it asks treaty partners to increase a taxpayer's basis in property taxed by the United States on expatriation for purposes of taxation by the treaty partner. If taxation at the time of expatiation is adopted, I would urge the Treasury to take such a position in treaty negotiations.

A third problem with current Section 877 is that it is easily avoided. I quote from a 1993 article published in Tax Notes International:

"Even for those nonresident former U.S. citizens with substantial U.S. assets and income, there are techniques that can greatly reduce the impact of the anti-abuse rules by converting U.S. income and assets into foreign income and assets or by deferring income and taxable transfers until after the 10-year period under the anti-abuse rules has expired.

For example, consider the plight of a tax-motivated former U.S. citizen living abroad and owning a portfolio of U.S. stocks and bonds. Without taking any measures, such a person would be subject to U.S. income tax on interest, dividends and capital gain from the portfolio and would be subject to a U.S. estate and gift tax on taxable transfer of assets in the portfolio. Such an individual could, however, transfer the portfolio to a foreign corporation that is not engaged in a U.S. trade or business with drastically more favorable results.

For income tax purposes, the foreign corporation would itself be taxed in the same manner as an NRA who had never been a U.S. citizen (i.e., gross U.S.-source dividends would be subject to a flat 30-percent-or-lower withholding tax, certain types of U.S.-source interest would be subject to a similar flat withholding tax while other types of U.S.-source interest would be exempt under the portfolio interest or other exemptions and capital gains would be exempt from tax unless real estate related).

While a sale of stock in the foreign corporation by the former U.S. citizen would be treated as taxable U.S.-source income under the anti-abuse rule, as sale of the U.S. stocks and securities in the portfolio by the foreign corporation would not. Moreover, dividends by the foreign corporation to its shareholders would be foreign-source, and therefore free from U.S. tax, even if the foreign corporation's earnings out of which it pays the dividends are U.S.-source interest, dividends, and capital gains." (Footnotes omitted.)[15]

In light of the increasing sophistication of taxpayers, it is not surprising that the easy pickings of tax-motivated expatriation are too tempting for some to resist. Based on informal discussions with the State Department, and Staff of the Joint Committee on Taxation has reported that 697 citizens expatriated in 1993 and 858 in 1994.[16] There is evidence that some of these expatriations will result in substantial revenue loss as a result of the infirmities of current Section 877. It is time to amend the law to address current realities.

DESCRIPTION OF PROPOSED SECTION 877A

Under the Committee Bill, a U.S. citizen who relinquishes U.S. citizenship generally would be treated as having sold all of his or her property at fair market value immediately prior to relinquishing citizenship and gain or loss from the deemed sale would be subject to U.S. income tax. In addition, the deferral of tax or income recognition (e.g., due to the installment method) would terminate on the date of the deemed sale and the deferred tax would be due and payable on that date.

Generally property interests that would be included in the individual's gross estate under the Federal estate tax if such individual were to die on the day of the deemed sale, plus certain trust interests that are not otherwise included in the gross estate, would be taxed on the expatriation date. The first $600,000 of net gain recognized on the deemed sale would be exempt from tax. If a taxpayer were determined to hold an interest in a trust for purposes of Section 877A, the trust would be treated as though it sold the taxpayer's share of assets of the trust and the proceeds were distributed to the taxpayer and recontributed to the trust.

U.S. real property interests, which remain subject to U.S. taxing jurisdiction in the hands of nonresident aliens, generally would be excepted from the proposal.[17] Certain interests in qualified retirement plans and, subject to a limit of $500,000, interests in foreign pension plans (as provided in regulations) also would be excepted from the deemed sale rule.

A U.S. citizen would be treated as having relinquished his citizenship on the earlier of (i) the date he renounces citizenship before a diplomatic or consular officer, (ii) the date he provides to the State department a signed statement of voluntary relinquishment of citizenship confirming an act of expatriation under the Immigration and Nationality Act, (iii) the date that the U.S. Department of State issues a certificate of loss of nationality, or (iv) the date a court cancels a naturalized citizen's certificate of naturalization. The tax would be due on the 90th day after the expatriation date. The Internal Revenue Service would be authorized to allow a taxpayer to defer payment of the tax for up to 10 years under section 6161 as through the tax were an estate tax imposed by chapter 11.

The Committee Bill's Section 877A would be effective for U.S. citizens who relinquish their U.S. citizenship on or after February 6, 1995. No tax would be due before 90 days after enactment.

ANALYSIS OF PROPOSED SECTION 877A

The Committee Bill meets the three objections to current law Section 877 described above. It deletes the tax avoidance purpose test. It imposes tax on gain determined as of the date a taxpayer relinquishes citizenship and thereby properly measures the gain subject to U.S. personal taxing jurisdiction. As a consequence of these changes it will be more administrable and not subject to easy avoidance.

The Committee Bill also reflects several significant improvements over the text released in the original version of H.R. 981. The definition of when a taxpayer relinquishes citizenship has been modified to relate to the earliest of several substantive acts that manifest an intent to voluntarily relinquish citizenship. This should adequately protect taxpayers who have relied on current law. The I.R.S. authority to extend the time to make payment of the tax is expanded to permit deferral of up to 10 years under rules that are commonly used in the estate tax context. These changes are welcome.

I suggest another modification to the Committee Bill. I recommend that an alien that becomes a naturalized citizen take a "fresh start" fair market basis in his or her assets for purposes of Section 877A. The measuring date for this purpose should be the earliest of (i) the date the alien becomes a naturalized citizen, (ii) the date the alien becomes a resident alien, and (iii) the date the asset is "effectively connected" with a U.S. trade or business of the alien. This measure is important to support the position that the U.S. claim to tax is truly related to its personal or source taxing jurisdiction.

I reserve comment on certain technical aspects of the proposal and would be pleased to work with the Committee staff on the details of final legislation. In particular, I do not comment, without further study, on the approach taken by the Committee Bill to interests in trusts or to the interaction of Section 877A with estate and gift tax rules.

Finally, I respectfully disagree with certain initial criticisms of H.R. 981 in comments prepared by other individual members of the American Bar Association.

The weight of scholarship rejects the view that realization is or should be constitutionally required to tax gains. Since, in my experience, Congress, and this Committee, exercises an appropriate skepticism regarding professorial musings, perhaps the more relevant precedent is that Congress has enacted at least two provisions that tax gains before they are realized. Section 1256 was added to the Code in 1981 and provides that certain regulated futures and foreign currency contracts are marked-to-market on the last day of a taxpayer's taxable year and gain or loss recognized.[18] Section 475, enacted in 1993, requires securities dealers to mark-to-market securities held in inventory on the last day of the taxable year and recognize gain or loss. Moreover, fairness to taxpayers as well as the Government's revenue interests may require that such mark-to-market treatment be expanded to a broader range of circumstances. It would be extremely unwise for this Committee to adopt the holding of Eisner v. Macomber[19] in a way that could be viewed as imposing a constitutionally-based realization requirement.

I also would not in any way equate the imposition by the United States, in 1995, of a tax on its fair share of the appreciation in assets owned by U.S. persons during their period of U.S. citizenship to an exit tax imposed on Jewish and politically motivated emigrants from the Union of Soviet Socialist Republics during the State-sponsored repression of the Brezhnev era. A tax that excludes the first $600,000 of gain can hardly be viewed as a barrier to emigration.

CONCLUSION

The Committee's proposed Section 877A is an improvement over current law, is sound international tax policy and deserves the strong support of your Committee.

Please do not hesitate to contact me if I may be of assistance to the Committee.

Sincerely,

STEPHEN E. SHAY.

FOOTNOTES

[1] Unless otherwise indicated, all section references are to the Internal Revenue Code of 1986, as amended and as proposed to be amended by the Committee Bill.

[2] Taxation on the basis of citizenship is different from the practice of most countries, which is to tax individuals on the basis of residence. The Supreme Court, however, has upheld the constitutionality of taxing a nonresident citizen. Cook v. Tait, 265 U.S. 47 (1924).

[3] A nonresident alien individual is an individual who is neither a U.S. citizen nor a resident alien. Generally, an alien individual is a resident alien for U.S. tax purposes under Section 7701(b) if he or she (1) is a lawful permanent resident of the United States (i.e. holds a green card), or (2) satisfies the "substantial presence" test as a result of being physically present in the United States for a prescribed amount of time.

[4] These same taxing rules also are applied under Section 7701(b)(10) in the case of a resident alien individual who is resident in the United States for three consecutive years, then ceases to be a resident, and subsequently becomes a resident within three years after the close of the initial residency period. This anti-abuse rule protects the U.S. tax base from erosion by a resident alien who transfer residence from the United States for a limited period of time in order to sell a highly appreciated asset and then resumes his or her U.S. residence.

[5] See, e.g., Furstenbert v. Commissioner, 83 T.C. 755 (1985).

[6] See U.S. Department of the Treasury, Proposed Model Convention Between the United States and _____ for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion, Art. 1(3) (1981), reprinted in 1 Tax Treaties (CCH) ¶208 (1994) (hereinafter "U.S. Model Treaty"). An important exception to the saving clause is the obligation of a contracting state to give double tax relief for taxes imposed by the source country.

The savings clause implements the U.S. policy that tax treaties generally are not intended to affect U.S. taxation of U.S. citizens or residents. American Law Institute, Federal Income Tax Project: International Aspects of United States Income Taxation (Proposals of the American Law Institute on United States Income Tax Treaties); 229, N. 606 (1992).

[7] Rev. Rul. 79-152, 1979-1 C.B. 237 (holding that a liquidating distribution would be taxable to a Section 877 expatriate that acquired residence in a treaty country even though the treaty did not preserve U.S. right to tax under Section 877).

[8] See U.S. Department of the Treasury, Proposed Model Convention Between the United States and _____ for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion, Art. 1(3) (1981), reprinted in 1 Tax Treaties (CCH) ¶208 (1994).

[9] The 1993 U.S. treaty with the Netherlands, for example, does not cover Section 877 expatriates who are Dutch nationals. Convention Between the United States of America and The Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, Art. 24(1).

[10] Convention Between the United States of America and Canada With Respect to Taxes on Income and on Capital ("U.S.-Canada Treaty"), Art XXIX(2).

[11] U.S. Canada Treaty, Art. XIII(4).

[12] U.S.-Canada Treaty, Art. XXIV(3)(b).

[13] See U.S.-Canada Treaty, Art. XXIV(1).

[14] There are a series of exceptions to taxation at the time of transfer under sections 367 and 1491 that are based in substantial part on the fact that the transferring shareholder remains subject to residence-based taxation on property that receives a carryover basis in the exchange for the transferred property. That circumstance is not present in the context of Section 877.

[15] Zimble, "Expatriate Games: The U.S. Taxation of Former Citizens," Tax Notes Int'l (Nov. 2, 1993), LEXIS 93 TNI 211-15.

[16] Staff of the Joint Committee on Taxation, "Description of Revenue Provisions Contained in the President's Fiscal Year 1996 Budget Proposal," Footnote 6 (JCS-5-95, Feb. 15, 1995).

[17] The exception would apply to all U.S. real property interests, as defined in section 897(c)(1), except stock of a U.S. real property holding corporation that does not satisfy the requirements of section 897(c)(2) on the date of the deemed sale.

[18] The Ninth Circuit has passed favorably on the constitutionality of Section 1256, *Murphy* v. *United States*, 992 F. 2d 929 (9th Cir. 1993).

[19] 252 U.S. 189 (1920).

EXHIBIT 2

HARVARD LAW SCHOOL,
Cambridge, MA, March 24, 1995.

Hon. LESLIE B. SAMUELS,
Assistant Secretary (Tax Policy), Department of the Treasury, Washington, DC.

DEAR SECRETARY SAMUELS: Your office has requested my views as to international law implications of the proposed tax on expatriates that would be imposed by section 5 of H.R. 831. You will understand that this is my personal opinion and in no way purports to represent the views of the institution to which I belong. It is also compact in form due to the constraints of time imposed by your legislative schedule and my own impending travel.

The right of expatriation has always been highly valued by the United States, which has defended it against the claims of other nations that refused to let their citizens go. The right to make this choice is the counterpart of the right not to lose one's citizenship except by one's own voluntary choice, a right underlined by opinions of the Supreme Court. However, in my view, the proposed tax does not amount to such a burden upon the right of expatriation as to constitute a violation of either international law or American constitutional law. It merely equalizes over the long run certain tax burdens as between those who remain subject to U.S. tax when they realize upon certain gains and those who abandon their citizen while the property remains unsold.

Furthermore, the proposed tax does not except, in the most indirect way, burden the right to emigrate. It is the right to emigrate rather than the right to expatriate oneself which is the subject of various conventions and of customary international law. As stated in the preceding paragraph, it basically equalizes certain tax burdens. It is not comparable to the measures imposed by such countries as the former Soviet Union and German Democratic Republic which were obviously and intentionally burdens on the right to emigrate.

In arriving at these conclusions I have reviewed various materials such as your statement before the Subcommittee on Taxation and Internal Revenue Oversight, two opinions of the Office of the Legal Adviser, U.S. State Department, the views of Professors Paul Stephan III and Robert Turner and others.

Very truly yours,

DETLEV F. VAGTS,
Bemis Professor of Law.

NEW YORK UNIVERSITY,
SCHOOL OF LAW,
New York, NY, March 27, 1995.

Hon. LESLIE B. SAMUELS,
Assistant Secretary (Tax Policy), Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: You have asked for my views on section 5 of H.R. 831 presently pending before the U.S. Senate, which as I understand it would impose a capital gains tax on United States citizens who renounce their U.S. citizenship, based on a hypothetical sale of all their property (subject to a deduction) immediately prior to renunciation. In particular, you have asked my view on whether such a tax would be inconsistent with applicable treaties or principles of international law.

STATEMENT OF QUALIFICATIONS

I have been a professor of law at New York University since 1967, specializing in international law and international economic transactions. Prior to joining the faculty of New York University, I served for more than five years in the United States Department of State, as Special Assistant to the Legal Adviser for Economic Affairs, and Deputy Legal Adviser (1961-66). I was an Associate Reporter for the American Law Institute's Restatement (Third) of the Foreign Relations Law of the United States (1979-87), and I served as consultant to the ALI Project on Income Tax Treaties (1988-92).

CONCLUSION

Without taking any position on the desirability of the proposed legislation, I am confident that neither adoption nor enforcement of the provision in question would violate any obligation of the United States or any applicable principles or international law.

ANALYSIS

There is no doubt that international law today recognizes the right to emigrate, and the right to change one's nationality. Article 13(2) of the universal Declaration of Human Rights (1948) states.

Everyone has the right to leave any country, including his own. . .

Article 15(2) states: No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Without here debating the binding character of the Universal Declaration (see "Restatement (Third) of Foreign Relations Law," introduction to Part VII, §701, and notes thereto), it is clear to me that the Congress should not be asked to adopt legislation that runs contrary to principles to which the United States has given and continues to give its support. I do not believe, however, that H.R. 831 is contrary either to the right to emigrate (i.e., change of one's residence) or to expatriate (i.e., change of one's nationality). No prohibition against performing either or both of these acts is contained in the proposed legislation, nor is the tax so burdensome as to be fairly regarded as penal or confiscatory.

Persons who wished to abandon their American Citizenship for reasons of political or religious belief would not be prevented from doing so by H.R. 831. Persons who were considering renunciation of their U.S. citizenship for purposes of reducing their tax liability—whether on income or upon succession at death—might be dissuaded by H.R. 831 from doing so, but I do not believe the effect of the proposed tax could be classified as an arbitrary denial of the right to change one's nationality within the meaning of the Universal Declaration.

I understand that the question has been raised whether H.R. 831 is inconsistent with §402 of the Trade Act of 1974, the so-called Jackson-Vanik Amendment. I am very familiar with the amendment, having written about it in my book "Trade Controls for Political Ends" at pp. 166-190 (2d.ed 1983). I am clear that the amendment was addressed to a quite different purpose, i.e., inducement to Soviet authorities to abandon their restrictions on Jews and some other groups who desired to leave the Soviet Union to escape discrimination and persecution. It is true that one of the restrictions against which the Jackson-Vanik Amendment was directed was taxation; however (i) the Soviet tax was a relatively high tax based not on wealth or income but on the level of education; and (ii) the tax was imposed on emigration, not on change of citizenship or nationality. I have read the prepared statement of Professor Robert F. Turner of March 21, 1995; I find his suggestion that H.R. 831 is somehow inconsistent with the ideals expressed in the Jackson-Vanik Amendment quite unpersuasive, as a matter of history, of purpose, and of law.

On sum, imposition of unreasonable conditions on emigration or change of nationality could be contrary to international law. H.R. 831 imposes no restrictions on emigration; it does impose some conditions on renunciation of United States citizenship, but these conditions are not unreasonable, and therefore not unlawful.

Respectfully submitted,

ANDREAS F. LOWENFELD,
Herbert and Rose Rubin Professor of International Law.

TUFTS UNIVERSITY
THE FLETCHER SCHOOL OF LAW AND DIPLOMACY,
Medford, MA, March 24, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

Re: Tax Compliance Act of 1995, H.R. 981

DEAR SENATOR MOYNIHAN: I am writing to express my serious concern over the proposed "exit tax" included in Sec. 201 of H.R. 981. This concern is based not on an evaluation of its tax consequences, an area in which I am not an expert, but rather on the possible inconsistency of the tax with fundamental international human rights norms and U.S. international legal obligations.

As you know, the U.S. is now a party to the Covenant on Civil and Political Rights, article 12 of which guarantees the right of everyone "to leave any country, including his own." By coincidence, the United States will present its first report on compliance with the Covenant to the Human Rights Committee in New York next week.

Although I understand that the "exit tax" is based on renunciation of citizenship rather than on leaving the country, it is difficult to see how one can "punish" the former without seriously compromising the latter. Indeed, the imposition of confiscatory taxes has been a policy pursued by many countries to discourage emigration, whether on purported national security grounds, specious economic arguments, or to prevent "brain drain;" I address these and other issues in my 1987 book, "The Right to Leave and Return in International Law and Practice" (Martinus Nijhoff).

In 1986, a meeting of eminent American and European legal experts adopted the "Strasbourg Declaration on the Right to Leave and Return," a copy of which I attach for your information. I would particularly draw your attention to article 5, which states, inter alia, that "[a]ny person leaving a country shall be entitled to take out of that country . . . his or her personal property . . . [and] all other property or the proceeds thereof, subject only to the satisfaction of legal monetary obligations, such as maintenance obligations to family members, and to general controls imposed by law to safeguard the national economy, provided that such controls do not have the effect of denying the exercise of the right." The tax in question would not appear to meet these standards.

Without having examined the provisions of Sec. 201 in greater detail, I cannot state definitively that it would violate international law. However, the human rights implications of such a provision appear to be extremely serious, and adoption of the law would seem, at best, to be hypocritical, given the legitimate and consistent U.S. insistence on free emigration from other countries over the years.

I hope that the Senate will examine these issues with great deliberation before it decides to balance the budget on the back of individual rights.

Yours sincerely,

HURST HANNUM,
Associate Professor of International Law.

APPENDIX F

STRASBOURG DECLARATION ON THE RIGHT TO LEAVE AND RETURN

Adopted on 26 November 1986

PREAMBLE

The Meeting of Experts on the Right to Leave and Return,

Recognising that respect for human rights and fundamental freedoms is essential for peace, justice and well-being and is necessary to ensure the development of friendly relations and co-operation among all states;

Recalling that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as regional conventions, recognize the fundamental principle, based on general international law, that everyone has the right to leave any country, including one's own, and to return to one's own country;

Emphasizing that the right of everyone to leave any country and to enter one's own country is indispensable for the full enjoyment of all civil, political, economic, social and cultural rights;

Concerned that the denial of this right is the cause of widespread human suffering, a source of international tensions, and an object of international concern;

Adopts the following Declaration:

Article 1

Everyone has the right to leave any country, including one's own, temporarily or permanently, and to enter one's own country, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, marriage, age (except for unemancipated minors independently of their parents), or other status.

Article 2

Every state shall adopt such legislative or other measures as may be necessary to ensure the full and effective enjoyment of the rights set forth in this Declaration.

All laws, administrative regulations or other provisions affecting the enjoyment of these rights shall be published and made easily accessible.

THE RIGHT TO LEAVE

Article 3

(a) No person shall be subjected to any sanction, penalty, reprisal or harassment for seeking to exercise or for exercising the right to leave a country, such as acts which adversely affect, inter alia, employment, housing, residence status or social, economic or educational benefits.

(b) No person shall be required to renounce his or her nationality in order to leave a country, nor shall a person be deprived of nationality for seeking to exercise or for exercising the right to leave a country.

(c) No person shall be denied the right to leave a country on the grounds that that person wishes to renounce or has renounced his or her nationality.

Article 4

(a) No restriction may be imposed on the right to leave except those which are

(1) provided by law;

(2) necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others; and

(3) consistent with internationally recognized human rights and other international legal obligations.

Any such restriction shall be narrowly construed.

(b) Any restriction on the right to leave shall be clear, specific and not subject to arbitrary application.

(c) A restriction shall be considered "necessary" only if it responds to a pressing public and social need, pursues a legitimate aim and is proportionate to that aim.

(d) A restriction based on "national security" may be invoked only in situations where the exercise of the right poses a clear, imminent and serious danger to the State. When this restriction is invoked on the ground that an individual acquired military secrets, the restriction shall be applicable only for a limited time, appropriate to the specific circumstances, which should not be more than five years after the individual acquired such secrets.

(e) A restriction based on "public order (ordre public)" shall be directly related to the specific interest which is sought to be protected. "Public order (ordre public)" means the universally accepted fundamental principles, consistent with respect for human rights, on which a democratic society is based.

(f) A restriction based on "the rights and freedoms of others" shall not imply that relatives (except for parents with respect to unemancipated minors), employers or other persons may prevent, by withholding their consent, the departure of any person seeking to leave a country.

(g) No fees, taxes or other exactions shall be imposed for seeking to exercise or exercising the right to leave a country, with the exception of nominal fees related to travel documents.

(h) Permissibility of restrictions on the right to leave is subject to international scrutiny. The burden of justifying any such restriction lies with the state.

Article 5

(a) Any person leaving a country shall be entitled to take out of that country

(1) his or her personal property, including household effects and property connected with the exercise of that person's profession or skill;

(2) all other property or the proceeds thereof, subject only to the satisfaction of legal monetary obligations, such as maintenance obligations to family members, and the general controls imposed by law to safeguard the national economy, provided that such controls do not have the effect of denying the exercise of the right.

(b) Property or the proceeds thereof which cannot be taken out of the country shall remain vested in the departing owner, who shall be free to dispose of such property or proceeds within the country.

RIGHT TO ENTER OR RETURN

Article 6

(a) No one shall be deprived of the right to enter his or her own country.

(b) No person shall be deprived of nationality or citizenship in order to exile or to prevent that person from exercising the right to enter his or her country.

(c) No entry visa may be required to enter one's own country.

Article 7

Permanent legal residents who temporarily leave their country of residence shall not be arbitrarily denied the right to return to that country.

Article 8

On humanitarian grounds, a state should give sympathetic consideration to permitting the return of a former resident, in particular a stateless person, who has maintained strong *bona fide* links with that state.

PROCEDURAL SAFEGUARDS

Article 9

Everyone has the right to obtain such travel or other documents as may be necessary to leave any country or to enter one's own country. Such documents shall be issued free of charge or subject only to nominal fees.

Article 10

(a) Any national procedures or requirements affecting the exercise of the rights set forth in this Declaration shall be established by law or administrative regulations adopted pursuant to law.

(b) Everyone shall have the right to communicate as necessary with any person, including foreign consular or diplomatic officials, for the realization of the rights set forth in this Declaration.

(c) No state shall refuse to issue the documents referred to in Article 9 or shall otherwise impede the exercise of the right to leave, on the ground of the applicant's inability to present authorization to enter another country.

(d) Procedures for the issuance of the documents referred to in Article 9 shall be expeditious and shall not be unreasonably lengthy or burdensome.

(e) Everyone filing an application for any document referred to in Article 9 shall be entitled to obtain promptly a duly certified receipt for the application filed. Decisions regarding issuance of such documents shall be taken within a reasonable period of time specified by law. The applicant shall be promptly informed in writing of any decision denying, withdrawing, cancelling or postponing issuance of any such document; the specific reasons therefor; the facts upon which the decision is based; and the administrative or other remedies available to appeal the decision.

(f) The right to appeal to a higher administrative or judicial authority shall be provided in all instances in which the right to leave or enter is denied. The appellant shall have a full opportunity to present the grounds for the appeal, to be represented by counsel of his or her choice, and to challenge the validity of any fact upon which a denial or restriction has been founded. The results of any appeal, specifying the reasons for the decision, shall be communicated promptly in writing to the appellant.

FINAL CLAUSES

Article 11

Any person claiming a violation of his or her rights set forth in this Declaration shall have effective recourse to a judicial or other independent tribunal to seek enforcement of those rights.

Article 12

No state may impede communication by any person with an international organization or other bodies or persons outside the state with regard to the rights set forth in this Declaration, and no sanction, penalty, reprisal or harrassment may be imposed on anyone exercising this right of communication.

Article 13

The enjoyment of the rights set forth in this Declaration shall not be limited because of activities protected under internationally recognized human rights or other international legal obligations.

Article 14

Nothing in this Declaration shall be interpreted as implying from any state, group or person any right to engage in any activity or perform any act aimed at destroying any of the rights set forth herein or at limiting them to a greater extent than is provided for in this Declaration.

Article 15

The present Declaration shall not be interpreted to limit the enjoyment of any human right protected by international law.

EXHIBIT 3

CONGRESSIONAL RESEARCH SERVICE
THE LIBRARY OF CONGRESS
Washington, DC, March 23, 1995.

American Law Division, Memorandum
Subject: Whether Legislation That Would Tax Property Upon Expatriation Constitutes a Violation of International Law
Author: Jeanne J. Grimmet and Larry M. Eig, Legislative Attorneys

This memorandum addresses whether legislation that would tax the property of American citizens who renounce their citizenship at the time of renunciation violates an international obligation of the United States under a treaty or other international agreement or customary international law. Because of the brevity of our deadline, this memorandum does not provide a detailed analysis of this question, but rather briefly examines some of the more salient international legal issues that might be implicated by such legislation.

Based on this preliminary analysis, there does not appear to be a clear international legal impediment to the enactment of the proposed legislation. First, the legislation applies upon the act of renunciation of citizenship and would thus only indirectly affect emigration. While a right to emigrate is recognized in national legal systems and in both binding and non-binding international legal instruments, there does not appear to be an obvious consensus on the content of this right and, moreover, international legal instruments recognize the right of emigration may be restricted for certain purposes. Additionally, the proposed tax would not appear to violate a norm of customary international law. It would seem to be relatively common in international practice for an individual to incur tax consequences as a result of his or her emigration or expatriation.

Proposed legislation. Section 5 of H.R. 831, 104th Cong., 1st Sess. (1995), as reported by the Senate Finance Committee, would amend federal income tax law to require that property held by a United States citizen who relinquishes his or her citizenship be treated as sold for its fair market value at the time of relinquishment and any gain or loss be taken into account for the taxable year (new 26 U.S.C. §877A). Certain exceptions and conditions would apply to the general rule. Items currently excluded from gross income under 26 U.S.C. §§102 et seq. would continue to be excluded, as would real property and interests in retirement plans. The amount of realized gain would be reduced (but not below zero) by $600,000.

A tentative tax would be due 90 days after the taxpayer relinquishes citizenship, but for good cause payment of tax may be extended by the Secretary of the Treasury for up to 10 years. An individual will be deemed to have relinquished his or her citizenship (1) on the date the individual renounces his or her United States nationality before a diplomatic or consular officer, furnishes the State Department a signed statement of voluntary relinquishment, or is issued a certificate of loss of nationality by the State Department or (2) for naturalized citizens, on the date a court cancels the citizen's certificate of naturalization.

Currently, nonresident aliens are subject to income tax on certain property for ten years after losing United States citizenship, unless the loss of citizenship did not have as one of its purposes the avoidance of federal or income or estate and gift taxes (26 U.S.C. §877). This law would cease to apply to any individual who relinquishes his or her citizenship on and after February 6, 1995 (new 26 U.S.C. §877(f)).

International agreements. With respect to the right of emigration, we can identify only one clearly binding international agreement to which the United States is a party that addresses the right to emigrate as possibly implicated here—namely, the International Covenant on Civil and Political Rights.

Article 12 of the Covenant, which entered into force for the United States on September 8, 1992, provides, in pertinent part, as follows:

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ("order public"), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

In submitting the Covenant to the Senate, the Executive Branch specifically stated that Article 12 "guarantees . . . the right of emigration to all those lawfully within the territory of a State party."[1]

The Convention does not make the right to emigrate an absolute one. The right may be restricted for, among other things, reasons of "public order," a phrase roughly analogous to the concept of public policy and likely including such notions as "economic order."[2] Some commentary apparently indicates that States may certainly require that citizens pay normal tax obligations and public debts upon emigration,[3] but suggests that economic controls should not result in a de facto denial of the right to leave.[4]

The proposed legislation does not directly restrict the right of an individual to leave the United States and indeed covers individuals who may have already chosen to reside elsewhere. The tax would not be triggered by the mere act of leaving or residing abroad. It would be based on activities that occurred while the taxpayer was a citizen and appears to generally reflect amounts that for the most part would otherwise be payable upon death. The proposed tax obligation contains elements found in existing tax laws—for example, exclusions for items currently excludable from income tax under 26 U.S.C. §§101 et seq. (certain interest on state and local bonds, gifts and inheritances, etc.) and an exclusion of the first $600,000 of gain. Currently 26 U.S.C. §6018 requires an executor to file an estate tax return in all cases where the gross estate at the death of a citizen or resident exceeds $600,000. While current deferrals would apparently be eliminated, the possibility of deferred payment is not entirely foreclosed. Further, the tax burden would seem to be immediately lessened by the fact that certain real property and pension plans would be excluded.

Though curbs on expatriation may indirectly affect one's ability to emigrate, one may question, however, whether a restriction on expatriation would in fact restrict

Footnotes at end of article.

this right. The proposed tax does not, for example, amend current constitutional and statutory protection of a U.S. citizen's right to leave the country whether or not the tax is paid; in other words, the act of emigration would not appear to be conditioned on such payment. Moreover, it seems difficult to argue that a condition on U.S. expatriation would so affect foreign countries' willingness to accept U.S. citizens as residents that the right to leave the U.S. would be substantially impaired. More likely, there may be a number of foreign laws and regulations that could burden an individual who seeks to live elsewhere—e.g., restrictions on immigration, acquiring citizenship, eligibility for benefits.

Customary international law. Customary international law is defined as resulting "from a general and consistant practice of states followed by them from a sense of legal obligation.[5] Further, a principle of customary international law would not bind a State that dissents from the norm while it is being developed nor if and when the practice evolves into a rule.[6] As stated in the Foreign Relations Restatement, whether a principle has achieved the status of an international legal norm would generally be determined by "evidence appropriate to the particular source from which that rule is alleged to derive,"[7] and thus the most reliable evidence for customary law would be "proof of state practice, ordinarily by reference to official documents and other indications of governmental action" and similar proof regarding a nation's dissent from the principle.[8]

The Universal Declaration of Human Rights (a United Nations General Assembly Resolution) and the Final Act of the Conference of Security and Cooperation in Europe (Helsinki Final Act) state or incorporate the notion of freedom of emigration[9] and to this extent they may be said to articulate a generally recognized international human right. It appears to remain uncertain, however, whether the Universal Declaration is binding.[10] Further, the Helsinki Final Act is not intended to legally bind parties. Even assuming that the right to emigrate may be considered to be a norm of customary international law, it is unclear whether the proposed tax would violate that right, given the apparent lack of international consensus on the issue of taxes keyed to expatriation and state practice to the contrary.

As for the right of expatriation in general, the Universal Declaration of Human Rights provides that "no one shall be denied the right to change his nationality" (Art. 15(2)). Nevertheless, while the United States over 10 years ago recognized a right of expatriation in statute,[11] other countries appear to have expressed different views on the matter.[12]

More specifically, identifying customary international law that may restrict a State's ability to limit emigration and expatriation necessarily requires examination of State taxation practices that affect those acts. A recent Joint Committee on Taxation staff document indicates that policies that attach tax consequences to emigration are common.[13] Many countries, including the United States, continue to impose income and capital gains tax liability on former residents (including citizens) after they emigrate. Commonly, this income and gains are also fully taxable in the new country of residence, and a recent emigre may face significantly higher taxation than would have been incurred had he or she not emigrated. Additionally Australia and Canada already tax an emigre's property upon emigration. Denmark and Germany also deem some types of property to have been sold upon emigration for tax purposes. In addition, United States bilateral income tax treaties generally contain a provision reserving a right on the part of the United States to tax for a period of ten years the property of a former citizen who is resident in the territory of the treaty partner.[14] Entry into the treaty obligation would appear to indicate at least some foreign acquiescence in this practice. In sum, the "expatriation tax" under consideration would not appear to inhibit international movement in ways that current international tax practice already does not.

Jackson-Vanik Amendment. The Jackson-Vanik Amendment, which makes nonmarket economy (NME) countries that do not meet statutory freedom-of-emigration standards ineligible for United States trade and financial benefits,[15] would not appear to provide sufficient evidence of the kind of state practice that is needed to create a customary rule of international law regarding the type of tax that is being proposed here. Three types of conduct are addressed by the Amendment: (1) denying citizens the right or opportunity to emigrate; (2) imposing more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; and (3) imposing more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.[16] While the statute specifically incorporates language regarding the right to emigrate and defines unacceptable restrictions on that right, placing Jackson-Vanik-type requirements on trading partners would appear to be unique to the United States. Further, the targeted taxes are specifically related to emigration, rather than to expatriation and, moreover, clearly apply in an overly restrictive manner. They include fees for passport applications and exit visas that are ordinarily prohibitive when measured against average income.[17] These are far removed from the kind of tax proposed in H.R. 831, which, among other things, applies to individuals who have incurred a tax burden because of actions that would generally implicate tax laws absent renunciation of citizenship, affects taxpayers with untaxed capital gains in excess of $600,000, and, if the Internal Revenue Service agrees, might be payable on a deferred basis.

FOOTNOTES

[1] Senate Exec. E, 95th Cong., 2d Sess. xii (1977).

[2] See Kiss, "Permissible Limitations on Rights," in L. Henkin, ed., The International Bill of Rights 290, 299–302 (1981); M. Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary 212–214 (1993)[hereinafter cited as Nowak].

[3] The Movement of Persons Across Borders 82 (Sohn & Buergenthal eds. 1992), as cited in Prepared Statement of Robert F. Turner Before the Subcommittee on Taxation and IRS Oversight, Senate Comm. on Finance, March 21, 1995, at 8. We have been unable to consult this treatise directly.

[4] See, e.g., H. Hannum, "The Right to Leave and Return in International Law and Practice 39–40 (1987); cf. Nowak, supra note 2, at 213–14.

[5] American Law Institute, Restatement (Third) of the Foreign Relations Law of the United States § 102(2) (1987)[hereinafter cited as Foreign Relations Restatement]; see also Statute of the International Court of Justice, Art. 33(1).

[6] Id. at Comments b and d.

[7] Id. § 103(1).

[8] Id. at Comment a.

[9] The International Declaration of Human Rights provides at Article 13(2) that "everyone has the right to leave any country, including his own." The Final Act of the Conference on Security and Co-operation in Europe, August 1, 1975 (Helsinki Final Act), provides that "the participating States will act in conformity with the purposes of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreement in this field, including inter alia, the International Covenants on Human Rights, by which they may be bound." Helsinki Final Act, Declaration on Principles Guiding Relations Between States, ¶ VII.

[10] Foreign Relations Restatement, supra note 5, at § 701, Reporters' Note 6.

[11] Expatriation Act of July 27, 1868, 15 Stat. 223, 8 U.S.C. § 1481 note.

[12] W. Bishop, International Law 526 (3d ed. 1971); Foreign Relations Restatement, supra note 5, at § 211, Reporters' Note 4.

[13] Joint Committee on Taxation Staff Document (JCX-14-95) on Background and Issues Relating to Taxation of U.S. Citizens Who Relinquish Citizenship, Prepared for Senate Finance Committee Hearing March 21, 1995, at 8–11 [hereinafter cited as Joint Committee Document], as reprinted in Daily Tax Reporter, No. 55, L–11, L–15—L–16 (March 22, 1995).

[14] Joint Committee Document, supra note 13, at 16, as reprinted in Daily Tax Reporter, March 22, 1995, at L–18.

[15] 19 U.S.C. § 2432.

[16] 19 U.S.C. § 2432(a).

[17] Joint Committee Document, supra note 13, at 18, as reprinted in Daily Tax Reporter, March 22, 1995, at L–19.

SECTION 201 OF TAX COMPLIANCE ACT OF 1995: CONSISTENCY WITH INTERNATIONAL HUMAN RIGHTS LAW

The Department of State believes that Section 201 of the proposed Tax Compliance Act of 1995 is consistent with international human rights law. As described below, closing a loophole that allows extremely wealthy people to evade U.S. taxes through renunciation of their American citizenship does not violate any internationally recognized right to leave one's country. It is inaccurate on legal and policy grounds to suggest that the Administration's proposal is analogous to efforts by totalitarian regimes to erect financial and other barriers to prevent their citizens from leaving. The former Soviet Union, for example, sought to impose such barriers only on people who wanted to leave, and not on those who stayed. In contrast. Section 201 seeks to equalize the tax burden born by all U.S. citizens by ensuring that all pay taxes on gains above $600,000 that accrue during the period of their citizenship. Unlike the Soviet effort to discriminate against people who sought to leave, the purpose of Section 201 is to treat those who renounce their U.S. citizenship on the same basis as those who remain U.S. citizens.

Section 201 would require payments of taxes by U.S. citizens and long-term residents on gains above $600,000 that accrue immediately prior to renunciation of their U.S. citizenship or long-term residency status. These tax requirements are similar to those that they would face if they remained U.S. citizens or long-term residents at the time they realized their gains or at death. While U.S. tax policy generally allows taxpayers to defer gains until they are realized or included in an estate, we understand from the Department of the Treasury that Section 201 treats renunciation as a taxable event because such act effectively removes the underlying assets from U.S. taxing jurisdiction.

International law recognizes the right of all persons to leave any country, including their own, subject to certain limited restrictions. Article 12(2) of the International Covenant on Civil and Political Rights provides that: "Everyone shall be free to leave any country, including his own." Article 12(3) states that the right "shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

Section 201 does not affect a person's right to leave the United States. Any tax obligations incurred under Section 201 would be triggered by the act of renunciation of U.S. citizenship, and not by the act of leaving the United States. In addition, since during peacetime U.S. citizens must be outside the United States to renounce their citizenship (see 8 U.S.C. Secs. 1481(a)(5), 1483(a)) the persons affected by Section 201 would have already left the United States. Renunciation does not preclude them from returning to the United States as aliens and subsequently leaving U.S. territory. Accordingly, Section 201 does not affect a person's right or ability to leave the United States.

Inherent in the right to leave a country is the ability to leave permanently, i.e., to emigrate to another country willing to accept the person. The proposed tax is as unconnected to emigration as it is to the right to leave the United States on a temporary basis. It is not the act of emigration that triggers tax liability under Section 201, but the act of renunciation of citizenship. These two acts are not synonymous and should not be confused with one another. Because the United States allows its citizens to maintain dual nationality, U.S. citizens may emigrate to another country and retain their U.S. citizenship. Hence, the act of emigration itself does not generate tax liability under Section 201. Indeed, we understand from the Department of the Treasury that some of the people potentially affected by Section 201 already maintain several residences abroad and hold foreign citizenship. Moreover, in stark contrast to most emigrants, particularly those fleeing totaliatarian regimes, some continue to spend up to 120 days each year in the United States after they have renounced their U.S. citizenship.

While emigration from the United States should not be confused with renunciation of U.S. citizenship, it should nonetheless be noted that it is well established that a State can impose economic controls in connection with departure so long as such controls do not result in a de facto denial of emigration. As Professor Hurst Hannum notes in commenting on the restrictions on the right to leave set forth in Article 12 of the Covenant:

"Economic controls (currency restrictions, taxes, and deposits to guarantee repatriation) should not result in the de facto denial of an individual's right to leave . . . If such taxes are to be permissible, they must be applied in a non-discriminatory manner and must not serve merely as a pretext for denying the right to leave to all or a segment of the population (for example, by requiring that a very high 'education tax' be paid in hard currency in a country in which possession of hard currency is illegal)."[1]

A wealthy individual who is free to travel and live anywhere in the world, irrespective of nationality, is in no way comparable to that of a persecuted individual seeking freedom who is not even allowed to leave his or her country for a day. In U.S. law, the Jackson-Vanik amendment to the Trade Act of 1974 (19 U.S.C. Sec. 2432) is aimed at this latter case and applies to physical departure, not change of nationality. Examples of States' practices that have been considered to interfere with the ability of communist country citizens to emigrate include imposing prohibitively high taxes specifically applied to the act of emigration with no relation to an individual's ability to pay, or disguised as "education taxes" to recoup the State's expenses in educating those seeking to depart permanently. Such practices also include punitive actions, intimidation or reprisals against those seeking to emigrate (e.g., firing the person from his or her job merely for applying for an exit visa). It is these offensive practices that the Jackson-Vanick amendment is designed to eliminate and thereby ensure that the citizens of all countries can exercise their right to leave. (See Tab A for further analysis of the Jackson-Vanik amendment.)

The only international human rights issue that is relevant to analysis of Section 201 is whether an internationally recognized right to change citizenship exists and, if so, whether Section 201 is consistent with it. The Universal Declaration of Human Rights, which is in many respects considered reflective of customary international law, provides in Article 15(2) that: "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality" (emphasis added).[2] Although many provisions of the Universal Declaration have been incorporated into international law, for example in the International Covenant on Civil and Political Rights, Article 15(2) is not. Accordingly, the question arises whether this provision could be considered to be customary international law.

States' views on this question and practices do vary. Many countries have laws governing the renunciation of citizenship, but renunciation is not guaranteed because they have also established preconditions and restrictions, or otherwise subject the request to scrutiny.[3] Professor Ian Brownlie has commented on Article 15(2) in the context of expatriation that: "In the light of existing practice, however, the individual does not have this right, although the provision in the Universal Declaration may influence the interpretation of internal laws and treaty rules."[4] Others agree with this position. (See Restatement of the Foreign Relations Law of the United States, Sec. 211, Reporters' Note 4). Nonetheless, the United States believes that individuals do have a right to change their nationality. The U.S. Congress took the view in 1868 that the "right of expatriation is a natural and inherent right of all people" in order to rebut claims from European powers that "such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof. . . ." (Rev. Stat. Sec. 1999).

It is evident, however, that States do not recognize an unqualified right to change nationality. It is generally accepted, for example, that a State can require that a person seeking to change nationality fulfill obligations owed to the State, such as pay taxes due or perform required military service.[5] This is especially true where—as here—the requirement is by its nature proportional to the means to pay, and thus does not present a financial barrier.

The consistency between Section 201 and international human rights law is further demonstrated by the practice of countries that are strong supporters of international human rights and that have adopted similar tax policies. According to the Report prepared by the Staff of the Joint Committee on Taxation, Germany imposes an "extended tax liability" on German citizens who emigrate to a tax-haven country or do not assume residence in any country and who maintain substantial economic ties to Germany. Australia imposes a tax when an Australian resident leaves the country; such person is treated as having sold all of his or her non-Australian assets at fair market value at the time of departure. To provide another example, Canada considers a taxpayer to have disposed of all capital gain property at its fair market value upon the occurrence of certain events, including relinquishment of residency.

Accordingly, Section 201 would not raise concerns with respect to change of citizenship for two reasons. First, U.S. citizens would remain free to choose to change their citizenship. This proposal does not in any way preclude such choice, even indirectly. Any tax owed, by its nature, applies only to gains and thus should not exceed an individual's ability to pay. Second, international law would not proscribe reasonable consequences of relinquishment, such as liability for U.S. taxes that accrue during the period of citizenship. We understand from the Department of the Treasury that the imposition of taxes under Section 201 would be equitable, reasonable and consistent with overall U.S. tax policy. We are aware of no evidence that would suggest otherwise. The tax, as we understand it, applies only to gains that accrued during the period of citizenship in excess of $600,000; the tax rate is consistent with other tax rates; and affected persons have the financial means to pay the tax. Indeed, were these persons to choose to retain their U.S. citizenship, they would have to pay similar taxes upon realization of their gains or upon death. Obviously, there is no international right to avoid paying taxes by changing one's citizenship.

In conclusion, it is the view of the Department of State that Section 201 does not violate international human rights law. Accordingly, the debate on the merits of Section 201 should focus solely on domestic tax policies and priorities.

FOOTNOTES

[1] H. Hannum, "The Right to Leave and Return in International Law and Practice" 39–40 (1987).

[2] Article XIX of the American Declaration on the Rights and Duties of Man provides that: "Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him." The Declaration is not a treaty and has not itself acquired legally binding force.

[3] See Coumas v. Superior Court in and for San Joaquin County (People, Intervenor), 192 P. 2d 449, 451 (Sup. Ct. Calif. 1948). When confronted with Greek refusal to consent to an expatriation, the Supreme Court of California stated: ". . . The so-called American doctrine of 'voluntary expatriation' as a matter of absolute right cannot postulate loss of original nationality on naturalization in this country as a principle of international law, for that would be tantamount to interference with the exclusive jurisdiction of a nation within its own domain."

[4] I. Brownlie, "Principles of International Law" (4th ed.) 557 (1990). Professor Lillich comments that "the right protected in [Article 15] has received very little subsequent support from states and thus can be regarded as one of the weaker rights . . . " "Civil Rights," in T. Meron, "Human Rights in International Law" at 153–154 (1988).

[5] A State should not, for example, withhold discharge from nationality if, inter alia, acquisition of the new nationality has been sought by the person concerned in good faith and the discharge would not result in failure to perform specific obligations owed to the State. P. Weis, "Nationality and Statelessness in International Law" (2nd ed.) 133 (1979). In Coumas, supra note 3, the Supreme Court of California observed that Greece qualified the right of expatriation on fulfillment of military duties and procurement of consent of the Government.

TAB A

Section 201 of the proposed Tax Compliance Act of 1995 does not conflict with the Jackson-Vanik amendment to the Trade Act of 1974 (19 U.S.C. §2432). That amendment restricts granting most-favored-nation treatment and certain trade related credits and guarantees to a limited number of nonmarket economies that unduly restrict the emigration of their nationals. Specifically, it applies to any nonmarket economy which:

"(1) Denies its citizens the right or opportunity to emigrate;

"(2) Imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purposes or cause whatsoever; or

"(3) Imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice * * *."

This provision, according to the Senate Finance Committee, was "intended to encourage free emigration of all peoples from all communist countries (and not be restricted to any particular ethnic, racial, or religious group from any one country). (1974 U.S.C.C.A.N. 7338.) These countries were expected to "provide reasonable assurances that freedom of emigration will be a realizable goal" if they were to enter into bilateral trade agreements with the United States. (Id.)

The amendment does not apply to emigration from the United States or to the renunciation of U.S. citizenship. It has been suggested, however, that Section 201 would somehow conflict with the "spirit" or the "principles" of the Jackson-Vanik amendment. The Department of State does not agree with such proposition.

Generally, in implementing this statute, the President makes determinations concerning a nonmarket economy's compliance with freedom of emigration principles contained in the amendment. Such determinations take into account the country's statutes and regulations, and how they are implemented day to day, as well as their net effect on the ability of that country's citizens to emigrate freely. The President may, by Executive Order, waive the prohibitions of the Jackson-Vanik amendment if he reports to Congress that a waiver will "substantially promote" the amendment's freedom of emigration objectives, and that he has received assurances from the country concerned that its emigration practices "will henceforth lead substantively to the achievement" of those objectives. (19 U.S.C. sec. 2431(c).)

Several types of State practices have been considered by the United States to interfere with the ability of communist country citizens to emigrate, such as:

Prohibitively high taxes specifically applied to the act of emigration with no relation on an individual's ability to pay or disguised as "education taxes" seeking to recoup the state's expenses in educating those who are seeking to permanently depart;

Punitive actions, intimidation or reprisals by the State against those seeking to emigrate (e.g., firing a person from his or her job merely for applying for an exit visa);

Unreasonable impediments, such as requiring adult applicants for emigration visas to obtain permission from their parents or adult relatives;

Unreasonable prohibitions of emigration based on claims that the individual possesses knowledge about state secrets or national security; and

Unreasonable delays in processing applications for emigration permits or visas, interference with travel or communications necessary to complete applications, withholding of necessary documentation, or processing applications in a discriminatory manner such as to target identifiable individuals or groups for persecution (e.g., political dissidents, members of religious or racial groups, etc.).

Examples of these practices in the context of the former Soviet Union are described in an exchange of letters between Secretary of State Kissinger and Senator Jackson of October 18, 1974, discussing freedom of emigration from the Soviet Union and Senator Jackson's proposed amendment to the Trade Act, now known as the Jackson-Vanik amendment. (Reprinted in 1974 U.S.C.C.A.N. 7335–38.)

As explained in the accompanying memorandum, Section 201 does not deny anyone the right or ability to emigrate, and does not impose a tax on any decision to emigrate. Neither does the proposed tax raise questions of disparate standards applicable to the United States as against the nonmarket economies subject to Jackson-Vanik restrictions.

The emigration practices of those countries which have been the target of Jackson-Vanik restrictions have typically involved individuals or groups that have been persecuted by the State (e.g., dissidents), precluded family reunification, applied across the board to all citizens by a totalitarian State in order to preclude massive exodus, or have otherwise been so restrictive as to effectively prevent the exercise of the international right to leave any country including one's own (as recognized in Article 12(2) of the International Covenant on Civil and Political Rights and further described in the accompanying memorandum). Furthermore, the primary objectives of those seeking to emigrate from those countries have been to avoid further persecution or to be reunified with their relatives, and to leave permanently. It was the act of leaving for any period of time that the State sought to block. None of these conditions are comparable to the exercise of taxing authority by the United States under Section 201 or to the status of individuals who would be subject to that tax.

As stated in the accompanying memorandum, Section 201 would not interfere with the right of an individual to physically depart from the United States, whether temporarily or permanently.

TUFTS UNIVERSITY, THE FLETCHER SCHOOL OF LAW AND DIPLOMACY,
March 31, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.
Attention: Patricia McClanahan,
Re Tax Compliance Act of 1995, H.R. 981.

DEAR SENATOR MOYNIHAN: I wrote you on 24 March expressing my concern over the possible human rights implications of the so-called "exit tax" called for in the above-referenced bill. As I noted then, what appeared to be the imposition of a tax solely on the ground that a person was renouncing his or her citizenship could interfere with the right of every person "to leave any country, including his own," which is guaranteed under article 12 of the Covenant on Civil and Political Rights.

I am gratified that the human rights issues related to this bill have become a subject of serious debate, and I appreciate your contribution to that debate. Having now received additional and more specific information about the tax, however, I have become convinced that neither its intention nor its effect would violate present U.S. obligations under international law.

Although imposition of a special tax on those who wished to renounce U.S. citizenship might be questionable, it is my understanding that the tax in question is based on accrued income and, in effect, treats renunciation of citizenship as the financial equivalent of death for the purpose of attaching tax liability. There are undoubtedly negative consequences to the individual concerned in having to pay taxes on gains while he or she is alive rather than after death, but there is no internationally protected right to escape taxation by changing citizenship. However, in order to clarify that the purpose and effect of the proposed tax are non-discriminatory, the language might be rewritten to offer the individual the option of complying with the new tax or electing to have realized gains taxed only as part of the individual's estate—subject to an appropriate escrow account being established for money which would be otherwise be expected to be beyond U.S. jurisdiction at the time of death.

In sum, imposition of a non-discriminatory tax on accrued income at the time citizenship is renounced, in a manner consistent with the way in which that same income would be treated at the time of death, does not appear to me to violate either the internationally protected right to emigrate or the (somewhat less well protected) right to a nationality.

Thank you for the opportunity to clarify my views on this important matter.

Yours sincerely,

HURST HANNUM,
Associate Professor of International Law.

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

The bill clerk called the roll.

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

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—96

Abraham	Feingold	Lugar
Akaka	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Breaux	Harkin	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hollings	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Daschle	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NAYS—4

Craig	Kyl
Gramm	Mack

So, the amendment (No. 448) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Madam 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. WELLSTONE. 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. 567 TO AMENDMENT NO. 420

(Purpose: To make $10,000,000 of nutrition services and administration funds for WIC to promote immunizations)

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 567 to amendment No 420.

Mr. BUMPERS. Madam 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:

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following:

: *Provided further*, That notwithstanding any other provision of law, up to $10,000,000 of nutrition services and administration funds may be available for grants to WIC State agencies for promoting immunization through such efforts as immunization screening and voucher incentive programs.

Mr. BUMPERS. Madam President, this is an amendment that was part of the law last year and should be part of the bill this year. It allows up to $10 million in WIC administrative expenses to be used for incentives for immunizing children prior to the age of 2 years.

This has been cleared by Senator COCHRAN, who is chairman of the Appropriations Committee on Agriculture where this resides, and with the distinguished chairman of the full Appropriations Committee.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, the Senator is correct. The matter has been cleared by our side of the aisle, by the subcommittee chair, and the Senator from Arkansas is the ranking member of that subcommittee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 567) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I be able to speak for 10 minutes as in morning business.

Mr. LOTT. Madam President, the Senator is not offering an amendment, he is just going to speak in morning business?

Mr. WELLSTONE. Madam President, the Senator from Mississippi is correct.

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

VIOLENCE IN AMERICA

Mr. WELLSTONE. I thank the Chair.

Madam President, I come before the Senate today to underscore the commitment that we must make to end domestic violence in America.

Beginning today, every time a person in my State of Minnesota dies at the hands of an abuser, I will make sure that their story becomes part of the CONGRESSIONAL RECORD. I do this so that we all remember how deeply this violence scars our society and, most importantly, as a reaffirmation of our commitment to ending domestic violence.

Indeed, if we are ever going to stop the violence in our communities and in our workplaces and on the street, we must begin in the home.

I am here today with evidence that the brutal violence continues, and while it continues to be the single most important or the single most significant cause of injury to women, this violence knows no boundaries of age or gender or race or geography or income or education. The violence goes on year after year, generation after generation.

In Minnesota in 1994, at least 19 women and 7 children were killed brutally by a spouse or former partner. With pain, but also with great determination, I ask that we honor the memory of the following individuals, and from my heart, I ask that we work to end the kind of violence that has cost these individuals, their families and their communities so much:

Pamela Bennett, 34 years of age, January 5, Bemidji, MN. Pamela and her boyfriend of Bemidji were traveling together in Oregon when they stopped at a rest stop. Hoagland reported to authorities that a hit-and-run driver struck Pamela at the rest stop as she exited the restroom. She was dead upon arrival at the hospital. When police found no evidence of an accident, Hoagland told authorities that he had lied about the accident and that she fell beneath their travel trailer as he pulled away from the rest stop without her. Hoagland was charged with filing a false police report, assault and harassment. In late March, Hoagland pleaded guilty to misdemeanor charges in her death. He was sentenced to 5 months in jail.

Pamela Kay Currie, 45, January 14, St. Francis, MN. Pamela was found stabbed to death in her home by police who were called by her husband, Gary Currie. He reported awaking in the morning and finding his wife dead on the bed and a knife sticking out of his own chest. He told authorities he remained in bed for almost a whole day before calling 911 because he hoped he would die. Curry was charged with second-degree murder.

Mary Sue Oberender, 46, February 16, Watertown, MN. Mary Sue was found shot to death in her home by her husband, Lawrence. Authorities discovered the car in Minneapolis and, within a half an hour, arrested two youths. The youths, Mary Sue's teenage son, Christian, 14, and a friend, also 14, were arrested. They indicated the shooting stemmed from a minor difference one of them had had with the mother. Police said the shooting appeared somewhat planned, as if by ambush. There were no signs of struggle. Mary Sue was a volunteer for Scouts at a local elementary school. Her husband is a Watertown-Mayer school board member.

Gertrude Bestor, 86, February 19, Granger, MN.

And finally, some murders of children:

Lydia Healy, 4 years of age. Police officers found Lydia lying on her living room floor after her mother, Judey Healy, reported to police that Lydia wasn't breathing. Lydia was hospitalized for 8 days before she died. Her injuries included massive swelling of the brain caused by shaking or hitting; large black-and-blue marks on the tops of her feet; marks on her legs; bruises on her stomach and chest; a burned hand; bruises on her face; two large welts above an eye and on her cheek; and a burn or cut on her chin. Lydia's 11-year-old brother told police that his mother beat Lydia with a spatula and was left sitting in a bathtub of cold water. The next morning, neither he nor his mother were able to wake Lydia. Judey Healy was charged with second-degree murder.

Geneva Broaden, 15, March 10, 1995, St. Paul. Alfred Robinson, 51, the live-in companion of Geneva's mother, summoned authorities to their home and reportedly confessed to beating Geneva. Robinson told police he punched Geneva and kicked and stomped on her after she fell down because of a dispute over use of the telephone. When found, Geneva was not breathing and was transported to a medical center where she was pronounced dead. Police described the assault as "a very vicious attack."

Adriana Whiteside, age 4, March 11, 1995, St. Paul. Adriana was found

stabbed inside her father's apartment. She was stabbed near her heart with a pocketknife and was rushed to the hospital where she died a short time later. A 14-year-old boy, Randy Burgess, who was babysitting Adriana and her infant stepsister, was seen by neighbors running through the building, carrying Adriana screaming, "Call 911. I stabbed a baby." He was arrested at the scene. He allegedly told police he was planning to kill someone when he found himself alone with Adriana. Randy Burgess was charged with intentional second-degree murder.

And finally, Jessica Turner, age 8, March 31, 1995, St. Paul. Jessica died after being stabbed in the chest and tumbling down a flight of stairs in her parent's apartment. Her stepfather, who had been released from a chemical dependency center on March 24, was drinking when he allegedly stabbed Jessica and her mother. He was found 5 hours after the stabbings, arrested and was charged with second-degree murder and attempted second-degree murder.

Madam President, as I went over the names of these Minnesotans who died at the hands of an abuser—and as I say, I want their story to become a part of the CONGRESSIONAL RECORD because I want us to honor them, I want us to make a commitment to stopping this violence—I realize that I did not read the circumstances of Gertrude Bestor, 86.

Gertrude's daughter went to her mother's house after a signal had been sounded by Gertrude's medical alert alarm. As she approached the house, she saw a pickup truck speeding away and found Gertrude lying on her bedroom floor beaten to death.

The daughter recognized the truck as belonging to Gertrude's step-great-grandson. He was arrested about an hour later after police stopped him in his pickup truck and noticed bloodstains on his clothes and hands. He was charged with two counts of second-degree murder and a count of first-degree murder.

Madam President, I would like to end this presentation with a quote from my wife, Sheila:

> We will not tolerate the violence, we will not ignore the violence, we will no longer say it is someone else's responsibility.

I urge all of my colleagues, and I have two great colleagues out here on the floor with me right now, the Senator from Oregon and the Chair, the Senator from Kansas, to work with the survivors, the advocates, the medical professionals, the justice system in our own States, and to support full community involvement in ending the violence.

I urge my colleagues, Democrats and Republicans alike, to work with passion and conviction to make this a priority for our work of the Senate. We must do everything we can to make homes the safest places that they can be. I yield the floor.

Mr. HATFIELD. 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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded and I be allowed to proceed in morning business for 8 minutes.

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

LOBBYING AND GIFT REFORM

Mr. LEVIN. Madam President, there has been a lot of talk on the House side this week about the bills they have passed as a part of their so-called Contract With America. I have my own views about many of those bills.

But today, I would like to talk about what was not included in the so-called contract. The contract does not include campaign finance reform legislation, it does not include lobbying disclosure legislation, and it does not include gift reform legislation. So, on the three biggest political reform issues facing the Congress today, the Contract With America is silent. The House of Representatives has been silent. We in the Senate have also been silent. We have done nothing to address these fundamental problems with the way business is done in Washington today.

We tried to bring these issues up in January, but we were told that the new Republican leadership wanted some time, wanted a chance to govern. Action would come in a few months, we were told.

Well, we have waited more than 3 months, and there is no sign of any serious effort to enact lobbying and gift reform. No hearings have been scheduled, there have been no mark-ups, and no effort has been made to bring a bill to the Senate floor.

If anything, it appears that we have been moving in the wrong direction on political reform. Special interest seems to be more influential than ever. Every week, we read new stories about how special interest lobbyists have written bills, and have been invited into committee rooms to brief congressional staff about what those bills would do.

Reform of the Federal lobbying laws and of the congressional gift rules is too important to wait any longer. This should not be hard. My lobbying reform and gift reform bills each received 95 votes in the Senate in the last Congress.

It was only when the conference report got caught up in a last-minute filibuster that we were unable to finally pass lobbying registration reform and gift reform.

Our existing lobbying registration laws have been characterized by the Department of Justice as ineffective, inadequate, and unenforceable; they breed disrespect for the law because they are so widely ignored; they have been a sham and a shambles since they were first enacted almost 50 years ago. At a time when the American public is increasingly skeptical that their government really belongs to them, our lobbying registration laws have become a joke, leaving more professional lobbyists unregistered than registered.

My lobbying reform bill would ensure that we finally know who is paying how much to whom, to lobby what Federal agencies and congressional committees on what issues. This bill would close the loopholes in existing lobbying registration laws. It would cover all professional lobbyists, whether they are lawyers or non-lawyers, in-house or independent, whether they lobby Congress or the executive branch, and whether their clients are for-profit or non-profit. It would streamline reporting requirements and eliminate unnecessary paperwork. And it would provide, for the first time, effective administration and enforcement of disclosure requirements by an independent office.

The congressional gift rules are also fundamentally flawed. These rules currently permit Members and staff to accept unlimited meals from lobbyists or anybody else. They permit the acceptance of football tickets, baseball tickets, opera tickets, and theater tickets. They permit Members and staff to travel to predominantly recreational events, such as charitable golf and tennis tournaments, which are paid for by special interest groups. To the public, these rules reinforce an image of a Congress more closely tied to the special interests than to the public interest. That is not good for the Congress and it is not good for the country.

Our bill would address this problem as well. Under our bill, lobbyists would be prohibited from providing meals, entertainment, travel, or virtually anything else of value to Members of Congress and congressional staff. Acceptance of gifts from others would also be restricted significantly. To give just one example, my bill would prohibit private interests from paying for recreational expenses, such as greens fees, for Members of Congress, whether in Washington or in the course of travel outside Washington. In fact, private interests would be prohibited from paying for congressional travel to any event, the activities of which are substantially recreational in nature. If my bill passes, recreational activities paid for by interest groups will be a thing of the past.

The enactment of our bill would fundamentally change the way business is conducted on Capitol Hill. It would get rid of the gifts, and it would bring lobbying out in the open. If we are serious about changing the way government works, we will enact this legislation, and do it soon.

I thank the Chair and yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 569 TO AMENDMENT NO. 420

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 569 to amendment No. 420.

Mr. GORTON. 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 17 of amendment 420, strike lines 14 through 17.

Mr. GORTON. Mr. President, this is the first of a series of five minor amendments to the Interior section of this rescission bill which had been worked out in each case with all of the affected parties, including the chairman and ranking minority members of authorizing committees where they include authorizing language.

Their first amendment deletes a proposed $3 million rescission of funds available to the Fish and Wildlife Service in the Endangered Species Act, and it is placed at this point because such a rescission and certain set of restrictions proposed on the Defense supplemental by the distinguished junior Senator from Texas has now been accepted as a part of that conference committee.

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

The amendment (No. 569) was agreed to.

AMENDMENT NO. 570 TO AMENDMENT NO. 420

(Purpose: To allow grazing permits, that expired in 1994 and in 1995 before the date of enactment and were not replaced due to NEPA requirements, to be reinstated or extended)

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

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 570 to amendment No. 420.

Mr. GORTON. 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 26, after line 2, insert the following: "This section shall only apply to permits that were not extended or replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed and also shall include permits that expired in 1994 and in 1995 before the date of enactment of this Act."

Mr. GORTON. Mr. President, this amendment makes a correction in an amendment earlier adopted by the body on the part of the distinguished Senator from South Dakota [Mr. PRESSLER]. A confusion between himself and myself left out a couple of very important words. This makes that correction.

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

The amendment (No. 570) was agreed to.

AMENDMENT NO. 571 TO AMENDMENT NO. 420

(Purpose: A technical correction to clarify that funds proposed for rescission are from multiple prior year unobligated balances)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 571 to amendment No. 420.

Mr. GORTON. 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 23, strike lines 17–18 and insert in lieu thereof the following: "Of the available balances under this heading, $3,000,000 are rescinded."

Mr. GORTON. Mr. President, this is a technical correction to a rescission with respect to the Kennedy Center here in Washington, DC. It does not affect the rescission. But it makes its meaning clear.

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

The amendment (No. 571) was agreed to.

AMENDMENT NO. 572 TO AMENDMENT NO. 420

(Purpose: To rescind $150,000 of the appropriation for the Office of Aircraft Service of the Department of the Interior)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. MURKOWSKI, proposes an amendment numbered 572 to amendment No. 420.

Mr. GORTON. 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 20, between lines 13 and 14, insert the following:

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332 for the Office of Aircraft Services, $150,000 of the amount available for administrative costs are rescinded, and in expending other amounts made available, the Director of the Office of Aircraft Services shall, to the extent practicable, provide aircraft services through contracting.

Mr. GORTON. Mr. President, this amendment is offered on behalf of the junior Senator from Alaska, [Mr. MURKOWSKI]. It rescinds $150,000 in administrative funds for the Office of Aircraft Services, and is at the request of the Senator from Alaska. It is a rescission in Alaska.

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

The amendment (No. 572) was agreed to.

AMENDMENT NO. 573 TO AMENDMENT NO. 420

(Purpose: To amend the Supplemental Appropriations and Rescissions Bill for the fiscal year ending September 1995)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. STEVENS, proposes an amendment numbered 573 to amendment No. 420.

Mr. GORTON. 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 81, after Line 18, add a new section as follows:

SEC. . (a) As provided in subsection (b), and Environmental Impact Statement prepared pursuant to the National Environmental Policy Act or a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer. (b.) The provision of this section shall apply to the timber specified in the Final Supplement to 1981-86 and 1986-90 Operating Period EIS ("1989 SEIS"), November, 1989; in the North and East Kuiu Final Environmental Impact Statement, January 1993; in the Southeast Chicagof Project Area Final Environmental Impact Statement, September 1992; and in the Kelp Bay Environmental Impact Statement, February 1992, and supplemental evaluations related thereto.

Mr. GORTON. Mr. President, this is an amendment in behalf of the senior Senator from Alaska, [Mr. STEVENS], and it has to do with legislative language relating to environmental impact statements. It is one that has been OK'd by both sides on the Energy Committee, as it does include authorizing legislation.

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

The amendment (No. 573) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I thank you. I thank the Senator from New York.

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

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

VISIT TO THE SENATE BY THE PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN, BENAZIR BHUTTO

Mr. HELMS. Mr. President, the Senate Foreign Relations Committee has the honor of welcoming the distinguished Prime Minister of the Islamic Republic of Pakistan, and I wish to bring her to the Senate floor.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for the Senate to have 5 minutes in recess to greet and welcome this distinguished lady.

There being no objection, the Senate, at 4:08 p.m., recessed until 4:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. 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. HELMS. 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. HELMS. Mr. President, I would ask the distinguished Presiding Officer if my understanding is correct that we are in a period when amendments can be offered, although several amendments—I do not know how many—have been set aside for this purpose; is that correct?

The PRESIDING OFFICER. That is correct. Although it does take unanimous consent to set aside the pending amendments before additional business can be ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that all the amendments necessary be set aside.

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

Mr. HELMS. Mr. President, I have a bit of a dilemma. I have been in Foreign Relations Committee meetings and other things most of the day. I am not aware of precisely what has happened on one issue which is of great interest to me and which I consider to be an outrageous invasion of the taxpayers money. It involves the 1995 appropriations bill containing $30 million that would be spent to build housing for Russian military officers.

My understanding is that there may have been some action to delete part of that $30 million. I will speak my opinion about this and then I will consult with the chairman of the Appropriations Committee, who is now on the floor, about whether my understanding is correct.

This program was begun, as I recall, in 1993 by President Clinton. In my judgment, it is a perfect example of how the United States conceives a bad foreign aid giveaway program, shrouds it in doubletalk to protect it, and then scrambles to spend the money when elected officials in Congress raise questions about it.

In April 1993, President Clinton met at a summit with Russian President Boris Yeltsin in Vancouver. At that time, Mr. Clinton proposed that the United States would pay—meaning the taxpayers of the United States would pay—to construct housing in Russia so that Russian troops occupying the Baltic States could be withdrawn to Russia.

Now, let me drag that by one more time—going to spend American taxpayers' money to build housing for Russian soldiers so Russian soldiers can go home.

The Clinton administration suggested this, as I understand it, on the grounds that no housing existed in Russia for these soldiers.

There is at least one problem with that logic. Instead of building housing in Russia, the United States is now giving Russian soldiers $25,000 apiece to go out and purchase an existing unoccupied house. Now I am in favor of home ownership and I wish the Clinton administration would support more home ownership right here in America. But this program, Mr. President, is absolutely outrageous.

In fact, what the administration is saying is that it is not a housing shortage that the Russian military has; it is a cash shortage. I think that question is going to be of great interest to a lot of America's taxpayers.

Well, the U.S. Government, as a matter of fact, come to think of it, has a cash shortage. The Federal debt, as of yesterday afternoon closing time, was over 4.8 trillion bucks. Everybody knows about the budget deficit. We have talked and talked and talked about it for years. Finally, when something is being done about it, you hear all the weeping and wailing and gnashing of teeth—"But you can't do that to this one or you are doing this to that one," and so forth.

So I want to see these political figures go home and try to explain their votes against cutting the Federal deficit.

The administration itself is struggling to fund a request for 77,000 new and improved housing units for American soldiers and their families. They do not have the money for it, but they are struggling to find it. But they have already found it for the Russian soldiers. The conditions in which many of the men and women who serve in the U.S. services—the Army, Navy, Marines, and all the rest—are required to live are circumstances that are an embarrassment. And yet we have money for $25,000 apiece for Russian soldiers for housing.

Finally, the question absolutely must be asked: why does the Russian military have a shortage of money? The answer is no further away than the evening news in various places where the Russians are still participating in mayhem.

This program to build housing for Russian soldiers is not essential and it did not get the Russian military out of the Baltic States. This program is nothing but a golden parachute for the Russian military—not the United States military.

Mr. President, while the United States plays real estate agent to the Russian military, they have time and resources to fight in other places they ought not to be fighting.

Let me ask the distinguished chairman of the Appropriations Committee if any action on this outrageous allocation of money has been taken since I last heard.

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.

The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I would like to respond to the Senator from North Carolina in terms of the "provision in this bill," the conference report on H.R. 889, that is, the bill on military defense appropriations that we conferenced yesterday, and we are now about to face that conference report, it having passed the House.

A number of years ago when, I believe, President Bush was still President and made a trip to the Baltics, he found that even though the Soviet Union had ceased to exist in reality, that the Baltic Governments that had emerged out of that former Iron Curtain power base of the Soviet Union, that those occupation troops, particularly the officers within the occupation of the Baltics, were not going back to Russia, were not returning home. They were remaining in the Baltics. They were wearing their uniforms, and that gave the new Baltic Governments great concern as to the intentions, and what have you.

Upon a careful analysis, they found that the Russians were not returning home because they had no housing to return to. The housing market had just been totally demolished over the years, and they found better housing in the Baltics.

So in the first initial step, we had what was called a demonstration project, I suppose, a figure of about $6 million—I am recalling now, not precisely—but a single-digit figure was appropriated as a demonstration project to help the Russians produce housing, not just for those officers still in the Baltics but also to start a housing industry in that country that had had no housing policy to speak of.

Then following that, there was a commitment made, and that now carries over into the Clinton administration, within the Baltic reaches that after there is that skill that comes out of that demonstration project we had to find an incentive to get these Russian officers out.

So a voucher system was provided, $25,000 voucher value for housing in Russia. That has then proceeded to, as we know now, there being no officers left in uniform. Some have decided to make the Baltics their home, have taken off the uniform and are rooting in as citizens, not as officers.

There were a lot of questions raised about this whole policy to begin with but, nevertheless, it was felt to be a sound policy to pursue to assist our new government friends in the Baltics.

We had, in effect, a drawdown from a $100 million appropriation to what we thought was about $75 million unobligated funds in the pipeline. These figures are difficult, and we are not certain of these figures. We cannot precisely identify the total number, but we think it is around $75 million.

The House had rescinded all $75 million in their bill. We, on the Senate side, rescinded none. We kept whatever that figure—75—in the bill.

Mr. HELMS. That is what got my attention.

Mr. HATFIELD. Yes. Now when we went to conference, we engaged in a lot of discussion, a lot of debate, and then the questions were raised as to what is the precise figure in that budget. We have the State Department, we have other sources, that have yet to give what we consider satisfactory figures so that we can say exactly how much.

So the House made a proposal to the Senate that we reallocate $15 million out of the $75 million; leave, in a sense, a total of $60 million to be revisited at a time when we can get that exact figure, which would probably be in the 1996 cycle, assuming this report passes now as a rescission package. Other discussions might be engendered out of the Foreign Relations Committee. We are not wedded on the basis of that program to say that is in place to last into the indefinite future.

Mr. HELMS. I hope it has no future.

Mr. HATFIELD. Because of the question of not only appropriations under the circumstance of today, but the policy issue itself.

All I can say, as the chairman of the Appropriations Committee, we are doing the minimal of what we can legitimately do and maintain commitments that are in process or already made, until we can get a more exact total figure of unobligated funds.

Mr. HELMS. But the Senator will not presume to permit any further commitments. Is that correct?

Mr. HATFIELD. We have no basis upon which at this time to make a statement to the future of this program, because every program today is under such careful review and scrutiny in terms of our budget deficit, in terms of our priorities. Obviously, these rescissions are only to reflect upon the current fiscal year anyway.

Mr. HELMS. I am not being critical of the Senator. I would hate to have his job as chairman of the Appropriations Committee.

It seems to me we have $60 million somewhere in limbo—it might be in the pipeline, it may have been committed without our knowing. There are so many ambiguities about it. How can we tie it up so there will be no commitment beyond what has already been made?

Mr. HATFIELD. Well, I think that the situation is such that when the House rescinded the total figure of unobligated funds, it sent a very, very strong message to the agencies themselves. I suppose it should send a message to the authorizing committee as well, which the Senator from North Carolina chairs.

We have a whole foreign aid bill under constant review. Nothing is a commitment very far down the road.

We are dealing with the problem right now in this appropriation bill report that is pending as to how to delineate between the Department of Defense pursuing and executing a humanitarian program as a police action program and as it relates to the defense of this Nation. In other words, there are those who say we should not be charging, in offsets, any of these incursions into Haiti, et cetera, et cetera, back to the DOD appropriations budget.

So we are engaged in a lot of issues here that are pretty cloudy at this moment. I do not think any part of this can be a statement of future commitment at all.

Mr. HELMS. Let me ask, if I may, will we have somebody on the Appropriations Committee staff try to explain to me specifically where the $60 million is, because I do not want to leave this unvisited before we pass this bill. Can somebody answer that?

Mr. HATFIELD. We can certainly do that. We have very excellent staff that can be supportive of your questions and responsive to your questions.

Let me just say in summary, we have no precise figures at this moment. We are dependent upon a couple of agencies from the executive branch of government to provide such figures. We do not keep the books in that sense. We are now at a level of commitment in this report that we feel will be sufficient to cover any current commitments, obligations, or pipeline. Until we can get that precise figure we cannot answer that part of your question.

I can answer your question in the sense, does this have any kind of a base of commitment for 1996, or 1997, and I could say on that, "No, it makes no basic commitment for 1996." We will review 1996 in a totally different context.

Mr. HELMS. So, the Foreign Relations Committee, I assure the Senate——

Mr. HATFIELD. I want to make sure, as the chairman of the Appropriations Committee, that the Senator understands we are not trying to make policy in our committee when the policy committee that he chairs is in that position.

Mr. HELMS. The strongest policy part of any legislation are the dollars. That is what really counts.

I am not saying anything that the Senator does not know or believe himself.

I thank the Chair.

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. 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 for the regular order.

The PRESIDING OFFICER. The regular order is the Murkowski-D'Amato amendment to the D'Amato amendment No. 427.

Mr. HATFIELD. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can send an amendment to the desk.

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

AMENDMENT NO. 574 TO AMENDMENT NO. 420

Mr. HOLLINGS. 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 South Carolina [Mr. HOLLINGS], for himself, Mr. THURMOND, Mr. BINGAMAN, Mr. BREAUX, Mr. GLENN, Mr. GRAHAM, Mr. LEAHY, Mr. LEVIN, Mr. KOHL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, and Mr. SARBANES, proposes an amendment numbered 574 to amendment No. 420.

Mr. HOLLINGS. 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 of the substitute amendment, strike line 1 through line 23 and insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $3,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,5000,000 are rescinded.

Mr. HOLLINGS. Mr. President, this goes to the heart of our work in the Appropriations Subcommittee of State, Justice, and Commerce whereby we want to support the overall amount of the rescission but to redirect it to less important financial requirements at this particular time. In other words, my amendment would restore current programs that have been found very effective for the NOAA coastal oceans program, $7 million to the NOAA climate and global change research, $1.5 million to the Under Secretary for Technology, and $24 million to the NIST manufacturing extension program for a total of $37.5 million in total restoration.

Those restorations are offset by $30 million from the unobligated balances in the NIST construction, $5 million in the unobligated balances in the NOAA construction, and $2.5 million in the unobligated balances of the NOAA contingency fund.

All of those construction funds and everything else are to be set aside not to be expended this year. Of course, the distinguished Senator from Texas, chairman of our subcommittee, and I are just now completing our series of hearings for next year's appropriations. So we are not turning away in any context our dedication to the various requested construction commitments. But, in a word, what we are saying is let us not go for office buildings but rather for building jobs.

Let me go right to the heart of the connection between this amendment and the so-called Contract With America, which I welcome because this is a good tonic to come to town and stir everybody up and get us moving. Many elements of the contract are things that I have worked upon—the unfunded mandates, the balanced budget amendment to the Constitution, which I voted for already three times. I did not vote for it this time because I did not want to repeal my own law that puts Social Security off budget.

On that matter, I do not believe that we should just move deficits. Rather, let us eliminate deficits. I did not want to move the Government's deficit from the general Government over to Social Security. So when we were debating the balanced budget amendment, all they had to do is exempt the Social Security funds instead of repealing my section 13301 which says "Thou shall not use Social Security funds" in the estimates of the deficit and the debt. That was put in by Senator Heinz and myself back in 1990 and signed into law by President Bush.

With respect to the other parts of the contract, the line-item veto, is actually my bill, which was a compromise between the two rescissions initiatives by Senator MCCAIN and Senator DOMENICI.

So there is much with which we can agree. But I thought in coming to town here at this particular session in January that our purpose was to pay the bill, and create jobs—not to adopt a contract which does not in itself create a single job or pay a single bill. It has more to do with symbols than substance, more with procedures than actual production. Now we have an amendment before the body which actually produces jobs.

I am convinced, after the hearing we had this morning, that we will get a most sympathetic hearing from our distinguished chairman of the subcommittee, Senator GRAMM of Texas, because the two big elements of misgiving that I have heard expressed about the NIST programs of the Advanced Technology Program and the Manufacturing Centers is on the one hand, that this was industrial policy, Government picking winners and losers, and on the other hand, that this was pork, political pork. Let me address the first particular problem.

Of course, we make all kinds of industrial policies. This morning, with respect to product liability, we told industry just exactly what it can expect—less care in the manufacturing. Currently, we have the highest degree of care in the United States of America in its manufacturing. But what we did was put in all kinds of gimmicks and hurdles that hamstring the individuals right to a trial by jury and thereby significantly affects industry. But we will not go any further into that.

But we get industrial policy when we recommend a minimum wage, when we come forward and say we are going to have parental leave, when we say we are going to have to have plant closing notice, safe machinery, safer working place, Social Security, unemployment compensation, Medicare, Medicaid. You can go right on down the list. When we in a bipartisan fashion, which is the record, adopt those measures, we get into industrial policy. There has been a fetish around town amongst the pollsters putting out their pap about industrial policy, saying "let the market choose the winners and losers rather than the bureaucrats and politicians in Washington." I agree with that.

But, while we make industrial policy all the time, my amendment supports an industrial policy chosen by industry. We ensure sound industrial choice by requiring the industry to come with 50 percent of the money at least in their pocket and also to go through a peer review system of the National Academy of Engineering and the overall Government peer review choice. That was brought out in specific by

Mary Lou Good, Dr. Good, the undersecretary in charge of technology, a real expert; had been in charge of their research and development over the years and just had a perfect speaking knowledge about the various things to guard against and make sure it was the industry and not the politician choosing the winner and loser, so to speak.

And otherwise, we carefully designed the peer review to make sure that the Senator could not call and get a manufacturing center, the Secretary of Commerce could not call and get one, nor could the President, nor the White House minions call over and say, "We want it." In fact, our absolute track record with this program under every administration has been one of just exactly that, of unbiased peer review.

I can tell you categorically we did have a little hesitation in the markup of our bill over the past few years because the distinguished chairman on the House side wanted one of these but we never would write it in. We said we are not breaking ranks and starting with these markups on bills and inserting anything like Lawrence Welk's home as one of these manufacturing centers.

Otherwise, consider the matter of pork. I must refer to the distinguished former Senator from Wyoming, Senator Wallop. He pointed out in reading an article year before last, or April 2 years ago, how the chairman of the Democratic Party had gone to the West Coast under the Clinton administration. He said, "Look here." I read the article. The chairman of the party is saying categorically the end all and be all of Presidential—and I know the Senator from Mississippi is interested in Presidential elections. The end all and be all of Presidential elections is California. And, according to this article, this administration was going to send out Ron Brown, the Secretary of Commerce, and he was going to pour the projects to the State of California and we were really going to get on the move over here for our party.

Well, that there just tackled me from behind because it was not true at all. The Secretary of Commerce could not do it. But it was a tremendous misgiving on the part of Senator Wallop and others on the other side of the aisle, even though 14 Republican Senators and a task force for reconversion had gone on and endorsed this particular program. It took us several days, what we had previously passed almost by unanimous consent took us several days to pass, and then with an overwhelming majority we passed the authorization.

So I had to answer up to that matter of pork and make sure that everyone knew that this was as well administered a governmental program on the basis of merit that we have ever had.

Another question arose then. The Senator from Texas says, now, "what is the cutoff date?" Well, that is a good question because you would think in the global competition, the answer could be given "when is the cutoff date for Germany, for Japan, for Taiwan?" And all our competition that has been investing way more than this. They just pour in the research and development, and we are trying to catch up, since we do not have long-term investments here in the United States—it is everything short term with the Wall Street market. It is tough, tough to get these little, small, fledgling industries going because they go to the market seeking credit, but if it takes more than two-, three-, four-quarters, over a year to get a good return, they can put the money elsewhere. This is a quick turnaround society in which we live. And the others go for the long range and can lose some in the short term. Specifically, the Japanese this past year, 1994, took over an additional 1.2 percent of the automobile market, losing, if you please, losing $2.5 billion. Of course, they made it back in the Tokyo market selling cars in Japan.

We do not have that kind of policy, and we do not want that kind of policy. And we are not going to have that kind of approach to our problems here. But to try to stay alive in the competition, we very wisely, with the support of the competitiveness council, and President Bush in his address to the joint session of the Congress, agreed to come forward and resolve the National Institute of Standards into the National Institute of Standards and Technology, and on a peer review merit basis to start meeting this kind of competition.

We had a very, very thorough hearing about it this morning, and these offsets are not really going to hurt anybody and certainly they will not diminish further our effort with respect to jobs.

In the other rescission bill, we have already knocked $90 million off the advanced technology program. We cannot afford, on these research centers, manufacturing centers, to knock another $24 million off of this.

Specifically, in agriculture, when the question was asked, when is the cutoff date? Well, Roosevelt started it in 1933 with price supports and protective quotas, and we still have it. In fact, we have embellished it with advertising and export promotion. They got over $1 billion selling California raisins and almonds and California wines and all these other agricultural products. Here, for the poor fellow, working in industry, trying to hold his job, nothing but this babble of free-trade nonsense, whereby we are blaming America's labor for a flawed trade policy.

There is no question in my mind; we have the most competitive industry worker, the most productive industrial worker in the entire world, but we have a silly, really nonpolicy of running around and acting like we are still on foreign policy and we have to sacrifice on the kind of relation in the Pacific rim, we have to defend them and we have to continue to give them all our jobs.

I can talk at length, but I see others waiting. I do not want to go too long, but I wish my colleagues to understand its fullest importance. That is why I did not want to agree to a time limit right here at the initial part of this particular amendment. If we had, Senator, the same number of manufacturing jobs as we had 25 years ago, we would add 10 million manufacturing jobs.

What am I saying? I am saying that in 1970, 25 years ago, 10 percent of the consumption of manufactured products in the United States of America was represented in imports. Now, over 50 percent of the consumption of manufactured products is represented in imports. If we had gone back to the 90 percent that we had of U.S. manufacture of this country's consumption of manufactured products, we would immediately add 10 million jobs.

What does that mean? Some of my friends here have talked today about foreign policy. I would like to get to foreign policy. What does it mean? It means that if you cannot have a strong manufacturing sector, said Mr. Morita—former chairman of Sony—in a particular seminar we attended in Chicago years back, if you cannot have a strong manufacturing sector, you cannot be a nation state. And the country that loses its manufacturing power ceases to be a world power.

What we are learning already in the WTO, I say to the Senator from Mississippi. We thought we had a consensus on who would be the president of the WTO—like Mickey Kantor would come in and say we are going to have a consensus. Oh, we are in charge. Consensus. Consensus. We got together on a consensus with the Italian as the choice. In fact, the poor fellow now—I happen to like him. They say he is a protectionist. OK, that is common sense to me. We have a high standard of living. We have to protect it. But the gentleman from Italy they said was totally unacceptable. We could not have him. We tried to get the man, Salinas, down in Mexico, and he bombed out. And then we ended up with the Italian, who is now going to be the president of the WTO. The second choice was Korea, and we are sitting around with our so-called consensus.

On our most important choice to be made we have already been rolled with WTO. When you lose your economic power, you lose your influence in foreign policy. The foreign policy, Mr. President, of this land is like a three-legged stool. You have as one leg the values of the country; your second leg of military power; and your third leg of economic power.

That one leg of values as a nation is strong. We sacrifice to feed the hungry

in Somalia and bring democracy to Haiti. No one questions it or our military power, the military leg. We are the superpower. But when it comes around to the economic leg, Mr. President, I can tell you, here and now, that leg over the last 40 years, 45 years, has been fractured due to the special relationship that we had to give. We had to rebuild the capitalist economy the world around in order to contain communism. And bless it, the Marshall plan has worked. We have no misgivings about it. But now, with the fall of the wall, we have an opportunity here to repair that economic leg for America.

And this one little initiative here out of all the other initiatives has been the bipartisan move toward production and manufacture and strengthening that economic leg. That is what this particular amendment does. It could not be considered, incidentally, in the subcommittee. We tried, but we could not get a hearing, as the ranking member. Our subcommittee report was read out without a single one Senator on this side of the aisle ever having heard of it.

I wanted to have a chance to repair that and say, "Look, set aside construction funds, money just hanging around not to be used in this fiscal year. Why rescind ongoing programs that we have in the several States on a merit basis that is one of the finest that we have ever got to try to help?"

I will speak a little bit further. I see other Senators wanting to be recognized.

I have the list of the industries here with respect to what we call the Advanced Technology Coalition, representing 5 million U.S. workers, 3,500 electronic firms, 329,000 engineers, and 13,500 companies in the manufacturing sector. They have endorsed this particular program.

And it is really down to the minimal basis, not near what we give to NASA and all its research in space, not near what we have in agriculture, not near what we have in alternative energy and in nuclear endeavors. Here is a fledgling little $300 million program that we are trying to keep alive, and some, I think, unknowingly, have cut it, because over on the other side there is a gentleman—incidentally, from Pennsylvania—who says we ought to not only get rid of this but get rid of the entire Department of Commerce.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I have sought recognition to comment briefly on the pending legislation. There appears to be some reason for optimism that we are in the final stages and will be completing action on this bill yet this evening.

As chairman of the Subcommittee on Labor, Health, Human Services, and Education, our subcommittee faced a very major rescission package, as sent over by the House of Representatives, amounting to some $5.9 billion. While the full appropriations package addressed the rescissions of the House—with somewhat different calculations because FEMA, the Federal Emergency Management Agency, was deferred. The committee was able to shift priorities, so that the rescissions in our Subcommittee on Labor, Health and Human Services, and Education was reduced to $3.05 billion.

We restored some $1 billion in cuts on education because it was our sense that the education funding should remain at as high a level as possible.

It is my own view, Mr. President, that education, as a national priority, is second to none. I come by that view from the experience with my own parents, both of whom were immigrants, who had very little education and therefore valued it very highly in our household. My father, Harry Specter, had no formal education. My mother, Lillie Specter, went only to the eighth grade when she quit school to help support her family on the tragic death of her father from a heart attack in his mid to late forties. But my brother, my two sisters and I have been the beneficiaries of the opportunity to share in the American dream with good educations. And that has been a point for which I have always worked hard to try to maintain the funding, supported by Senator HARKIN, the ranking member of the subcommittee.

Senator HARKIN agreed with restoring these funds to education, and included in that was the restoration of funding of $371 million for drug-free schools. Mr. President, the drug problem in the school system is the intersection of education and violence. Funding for the program is supported by our subcommittee, supported by the full committee and supported, it appears, by the Senate. Perhaps even more money will be added back on drug-free schools which is a very, very high priority.

We also restored some $13 million for worker safety, for OSHA, where the funds had been cut. It is very, very important to have safety on the job.

Another key item was low-income home energy assistance for the elderly and poor. Principally, this vital program provides assistance for many Americans who earned less than $8,000 a year. For these low income or elderly without this important program it comes down to a choice, as the expression goes, between heating or eating.

The program also is very, very important, as a matter of safety. In a 3-month period in the city of Philadelphia, 11 people were killed, many of them children, in families which were using kerosene heaters because they did not have enough money for the regular fuel allotment. The committee has reinstated the program from the House cuts.

I think it is very important, Mr. President, to meet the target of balancing the budget by the year 2002, but I think it has to be done with a scalpel and not a meat ax. Traditionally, as the Founding Fathers articulated, the Senate is the saucer that cools the tea from the House of Representatives. The strength in our system is a bicameral legislature—that is a House of Representatives and a Senate—the models of most of the States in the United States, and it takes both of the Houses to work it out.

So I think we will come up in the Senate with a very sound bill. There have been negotiations, as has been announced on the floor, and it appears at this point that there will be add-backs on a number of the programs, which could, apparently, lead to less of a cut from the $3.05 billion.

But it appears that we will have had an appropriate allocation of resources and assessment of priorities and that we will take a good bill into conference. Hopefully, we can eliminate unnecessary expenses but, at the same time, retain the programs which are very important for America's safety net.

I thank the Chair and I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of our leader, I would like to see if we could not get a time agreement now on the Hollings amendment. I understand Senator HOLLINGS has already had some time to speak and has indicated a willingness to enter into this agreement.

I ask unanimous consent that the time on the pending Hollings amendment be limited to the following: 20 minutes under the control of Senator HOLLINGS, 10 minutes under the control of Senator HATFIELD; I further ask that, following the conclusion or yielding back of the time, Senator DOLE or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. With no amendments to our amendment?

Mr. LOTT. That is fine. No amendment is mentioned here.

Mr. HOLLINGS. I thank the Senator.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. If it is in order, I would like to propose an amendment, Mr. President.

The PRESIDING OFFICER. Will the Senator suspend?

The Senate has just entered into a time agreement on the Hollings amendment.

Who yields time?

Mr. HOLLINGS. Can we temporarily set this aside so the Senator from Hawaii and the Senator from Pennsylvania could be recognized?

Mr. LOTT. Mr. President, the Senator from Hawaii has an amendment he would like to offer. Could I inquire of the Senator from Hawaii, is this an amendment that has been worked out?

Mr. AKAKA. It is an a amendment that has been agreed to on both sides. I have spoken with Chairman SPECTER and he agrees with this amendment.

By unanimous consent, I wanted to offer the amendment.

Mr. LOTT. How much time does the Senator expect to take?

Mr. AKAKA. I will take 2 minutes.

Mr. SPECTER. Mr. President, if my distinguished colleague from Hawaii would yield, I believe we will work that amendment through in the final package, so it would not be in order to offer it at this time.

But I understand the distinguished Senator from Hawaii would like to speak about it, which I think would be entirely appropriate to outline what we will accomplish. But structurally and procedurally, we will include that in the final managers' amendment, which will accommodate what the Senator from Hawaii wants to achieve.

Mr. President, while I have the floor, I had asked the distinguished assistant leader if Senator SANTORUM and I—and I cleared this with the Senator from South Carolina—might have 10 minutes for a brief presentation on a memorial to Jimmy Stewart in Indiana, PA, which will be coming up after the Senator from Hawaii finishes his remarks.

Mr. HOLLINGS. And without the time being allocated on our particular unanimous consent agreement.

Mr. LOTT. I am sure that would be fine. But after that, I know the leader would like for us to really begin to finish the debate on this amendment and other amendments that have been agreed to so we can begin to bring this to a conclusion.

But I believe we are going to have a couple minutes now for the Senator from Hawaii and then 10 minutes for the Senator from Pennsylvania.

The PRESIDING OFFICER. Would the Senator from Mississippi wish to propose a unanimous consent request for this?

Mr. LOTT. Mr. President, I so make that request to have 2 minutes for the distinguished Senator from Hawaii to discuss an amendment that will be the managers' amendment, and 10 minutes for the two Senators from Pennsylvania on a subject relating to Jimmy Stewart, I believe.

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

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

DEMONSTRATION PARTNERSHIP PROGRAM

Mr. AKAKA. Mr. President, I thank the leadership, and I thank my friend, Chairman SPECTER, for including it in his manager's report.

I have an amendment, which will be in the chairman's report, and it would restore partial funding for the $7.9 million rescinded from the Demonstration Partnership Program. My hope is this amendment is agreeable and that it will receive the support of my colleagues.

The DPP, administered by the Office of Community Services in the Administration for Children and Families of the Department of Health and Human Services, has a highly successful record of employing innovative approaches to increase self-sufficiency for the poor.

The program provides grants to community action agencies and other eligible entities of the community services block grant. The objectives of the DPP are to develop tests and evaluate new approaches for overcoming poverty, as well as to disseminate project results and evaluation findings so that successful programs can be replicated elsewhere.

I also want to inform my colleagues that there is agreement to offsets for this $3 million, and there is agreement by the staff on both sides of the Appropriations Committee.

Therefore, Mr. President, I urge the adoption of my amendment and thank Chairman SPECTER for including it in his report. I yield back any time remaining.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, rather than taking time now from the amendment of the distinguished Senator from South Carolina, Senator SANTORUM and I would like to amend the unanimous-consent agreement to take 10 minutes at the conclusion of the next vote.

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

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself sufficient time. The Senator from Connecticut, Senator LIEBERMAN, wanted to be heard. I ask unanimous consent that the Senator from Virginia, Senator ROBB, be added as a cosponsor.

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

Mr. HOLLINGS. Mr. President, I think it is fundamental that we all understand that this movement with respect to the development of our technology came about at the same time that we were trying to get conversion programs in the Defense Department, including start-up funding for many of the extension centers in this particular program. In fact, we actually got as NIST Director Dr. Arati Prabhakar, one of the top managers who had worked with Craig Fields over at DARPA, and NIST is now taking over the funding of 37 DOD-started extension centers that help small firms that are no less attuned to civilian purposes rather than to military purposes.

If this little amendment is knocked out, and some $25.6 million, is rescinded, as originally proposed in the bill, then what you have left is only $65 million to support a total of 44 centers, plus any new centers for other States. There is a cutoff period of 6 years also in this program that I forgot to emphasize. These centers come up with at least 50 percent of the cost to begin with and over the years we have an ever diminishing amount by the Feds and an ever increasing amount by the sponsoring State along with the industry. They take over these extension centers.

By way of comparison, it should be shown that this past year, where we had some $91 million in these centers and now, if we lose $25 million, we would end up with only $65 million. You can compare that to the $439 million budget this year of extension program of the U.S. Department of Agriculture, a figure that does include research or the cooperative education programs; to NASA with an aeronautical research and assistance budget of $882 million; and the Department of Energy, where there is another $3.315 billion for civilian energy research. And what we have is a very restricted program, run on a peer-review basis, of $91 million. We are trying to restore the proposed cut by using unobligated balances within the same NIST budget.

I also emphasize at this particular time, Mr. President, before yielding as much time as is necessary to the Senator from Connecticut, that I would like to read just one sentence from the 1992 Senate Republican defense conversion task force. This was a very outstanding group of some 14 Republican Senators, including the Senator from Kansas, now the majority leader, and many others here, without reading out their names. I read the language:

> The task force endorses two programs of the National Institute of Standards and Technology as important to the effort to promote technology transfer to allow defense industries to convert to civilian activities. These programs are the Manufactured Technology Program and the Advanced Technology Program.

That is exactly what we have been doing. This has been bipartisan from the very beginning. It has worked very well. There is no pork and there is no industrial policy with the Government picking winners and losers.

I yield as much time as he needs to the distinguished Senator from Connecticut. I do appreciate his support.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, the state of manufacturing in this country

is mixed. On the one hand our manufacturing productivity is increasing, but on the other hand we are losing manufacturing jobs by the millions. Manufacturing which once was the life blood of our economy is bleeding jobs overseas. We need to provide the infrastructure that insures that manufacturing flourishes.

Some kinds of manufacturing have been experiencing a resurgence in the last decade. This resurgence has been dominated by big business, not by small and mid-sized businesses. I am worried about the 381,000 manufacturing companies of less than 500 workers, representing nearly 12 million employees. Taken as a group, these small and mid-sized manufacturers are the source of the largest number of new manufacturing jobs, and, they represent real growth for our economy. Perhaps most importantly, small and mid-sized manufacturers have become the foundation of our manufacturing industry.

Larger manufacturers are no longer self-sufficient. Outsourcing is more and more often the most efficient and competitive way to manufacture. Take the example of a Chrysler car. Typically 70 percent of the final product is manufactured by Chrysler itself, the rest is manufactured by a myriad of smaller suppliers. This web of smaller manufacturers have become the core of the manufacturing industry. When U.S. small manufacturers thrive, our manufacturing industry as a whole thrives, and our economy thrives. If our smaller suppliers are not competitive, they compromise the quality of the final product, or more realistically, they lose out to more qualified suppliers abroad. We have to decide how, as a nation, we are going to build our manufacturing infrastructure so that we do not lose these jobs and this potential for economic growth.

As I look at our manufacturing competitors, I am struck by how little we do to support this critical component of our economy. American big manufacturers have had the resources to undergo something of a long and painful rebirth. They have learned from their competitors how to modernize their manufacturing processes as well as their products. At one time, it was sufficient to provide new products in a wide variety. Then as more companies had products, being the company with the best price was the order winner. Then, all competitive companies had low prices, and the company with the highest quality products started winning the orders. Now, a company must supply high quality, low cost products, in a wide variety and deliver it exactly when the customer needs it. These demands are tremendous challenges for manufacturing, and unless you have state-of-the-art manufacturing practices, you cannot compete.

In the United States we are used to being the leaders in technologies of all kinds. Historically, English words have crept into foreign languages, because we were the inventors of new scientific concepts, technology, and products. Now when you describe the state-of-the-art manufacturing practices you use words like "kanban" (pronounced kahn' bahn) and "pokaoke" (pronounced po kai oke'). These are Japanese words that are known to production workers all over the United States. Kanban is a word which describes an efficient method of inventory management, and pokaoke is a method of making part of a production process immune from error or mistake proof thereby increasing the quality of the end product. We have learned these techniques from the Japanese, in order to compete with them.

In a global economy, there is no choice, a company must become state-of-the-art or it will go under. We must recognize that our policies must change with the marketplace and adapt our manufacturing strategy to compete in this new global marketplace. The Manufacturing Extension Program [MEP] is a big step forward in reforming the role of government in manufacturing. This forward looking program was begun under President Reagan, and has received growing support from Congress since 1989.

The focus of the MEP is one that historically has been accepted as a proper role of government: education. The MEP strives to educate small and mid-sized manufacturers in the best practices that are available for their manufacturing processes. With the MEP we have the opportunity to play a constructive role in keeping our companies competitive in a fiercely competitive, rapidly changing field. When manufacturing practices change so rapidly, it is the small and mid-sized companies that suffer. They cannot afford to invest the necessary time and capital to explore all new trends to determine which practices to adopt and then to train their workers, invest in new equipment, and restructure their factories to accommodate the changes. The MEPs act as a library of manufacturing practices, staying current on the latest innovations, and educating companies on how to get the best results. At the heart of the MEP is a team of teachers, engineers and experts with strong private sector experience ready to reach small firms and their workers about the latest manufacturing advances.

Another benefit of the MEP is that it brings its clients into contact with other manufacturers, universities, national labs and any other institutions where they might find solutions to their problems. Facilitating these contacts incorporates small manufacturers into a manufacturing network, and this networking among manufacturers is a powerful competitive advantage. With close connections, suppliers begin working with customers at early stages of design and engineering. When suppliers and customers work together on product design, suppliers can provide the input that makes manufacturing more efficient, customers can communicate their specifications and timetables more effectively, and long term productive relationships are forged. These supplier/customer networks are common practice in other countries, and lead to more efficient and therefore more competitive, design and production practices.

The MEP is our important tool in keeping our small manufacturers competitive. We are staying competitive in markets that have become hotbeds of global competition, and we are beginning to capture some new markets. More importantly, companies that have made use of MEP are generating new jobs rather than laying off workers or moving jobs overseas. These companies are growing and contributing to real growth in the U.S. economy. For each Federal dollar invested in a small or midsized manufacturer through the MEP, there has been $8 of economic growth. This is a program that is paying for itself by growing our economy.

Let me share with you some examples of success stories from the MEP. When the Boeing Co. told Manufacturing Development Inc. or, MDI, it needed to meet Boeing's stringent D1-9000 quality standards, or risk losing Boeing's business, MDI Vice President Michael Castor knew the company needed help. The 30-person sheet metal fabricator located in Cheney, KS, depended on its work with Boeing, its largest customer. The company called the Mid-America Manufacturing Technology Center, an extension center in Kansas, which provided MDI employees on-site training in statistical process control and helped MDI secure a State job training grant that paid for half of the training costs. MDI not only received certification by Boeing and retained its largest customer, but it also estimates that it will achieve a 50 percent reduction in scrap, reduce rework by 25 percent, and realize an annual savings of $132,000.

Another example is HJE Co. Inc., a 4-person manufacturer of gas atomization systems in Watervliet, NY. HJE produces ultrafine metal powders from molten metal. These powders are used, for example, in solder and braze pastes and dental alloys. When Joe Strauss, founder of HJE, first came to the New York MEP he had lots of good ideas and some sketches and rough drawings. The New York MEP helped him turn those ideas into blueprints of manufacturable parts, and helped him find machine shops to make the parts. Strauss spent 6 months getting assistance and learning how to become a world class manufacturer. After learning to use them with the help of the MEP, Strauss eventually purchased his

own computer-aided design and manufacturing equipment and software. Now HJE is one of only four companies of its kind in the world and the only one in the United States. Joe is now used as a materials expert for others who seek help from the New York MEP. HJE, by the way, is expanding and moving into new areas in manufacturing.

These are just a couple of examples. There are many others.

Each MEP is funded after a competitive selection process, and currently there are 44 Manufacturing Technology Centers in 32 States. One requirement for the centers is that the States supply matching funds, ensuring that centers are going where there is a locally supported need.

The appropriated funds for fiscal year 1995 would allow the Commerce Department to fund over 30 more centers, to further cover manufacturing areas in the country. The funds are required to grow the program and reach the States that still need them. Not only are the appropriated funds needed to grow the program, but to maintain the centers that were once covered by DOD funds. Historically, the DOD has covered the cost of some manufacturing extension centers because of its vested interest in maintaining a strong defense manufacturing base. DOD funding of the MEP has been a casualty of the defense cuts as defense dollars become tighter.

In conclusion, I urge my colleagues to support the Manufacturing Extension Program. The MEP provides the arsenal of equipment, training, and expertise that our small and mid-sized manufacturers need to keep them in the new global economic battlefield. The investment is in our future economic health, in high wage jobs for our workers, in the American dream. Investment in the education of our small and mid-sized manufacturers is investment in our future.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. First, I would like to remind everybody what is the base bill here. This started out being a bill that was going to pay for disaster aid that is needed for California and perhaps in other areas.

It also has rescissions. These are reductions in spending from this year's fiscal budgets throughout the Government to try to reduce the deficit, try to pay for the disaster aid, and to try to begin to move toward controlling our rate of growth. That is the basic premise that we are starting from here.

When we have all these amendments—although some of them are very justifiable, good, small amounts of money, they just keep growing. For a week now, I have seen lists floating around here with add-backs here, add-backs there, many of which I like. When we check into it, usually it is an add-back on top of a very large program already.

Second, this amendment, I understand, has four components, at least part of which there is support for, and an agreement could probably have been worked out to support it.

I understand that Senator GRAMM from Texas, chairman of the State, Justice and Commerce Subcommittee of the Appropriations Committee, had indicated he could go along with some of these. But it adds back money in these areas: $26.5 million in the manufacturing extension partnership program; adds back $1.5 million from salaries and expenses of the Commerce Department's Technology Administration; it adds back funding of $5 million in funding for NOAA coastal ocean program; and it adds back $14 million in the climate and global change research area.

Some of those sound pretty good, but in each case it is an add-back on top of money that was already there.

The central issue here is the funding for the manufacturing and extension partnership program and the fact that it has been growing so rapidly. Funding for this unauthorized program increased dramatically over the past few years. For instance, this program did not exist until fiscal year 1991. In that year, the funding was $11.9 million; then it went to $15.1 million; and then $16.9 million; then $30.3 million; in this fiscal year it jumped to $90.6 million. Even with the rescission or the cuts proposed in this bill, we still would have had a doubling of the program. The Senator noted that there is still $67 million, I believe, that would be left. It is projected this program would go up to $146.6 and keep going up.

This is a new program that has grown like top seed. Maybe the plan is over the years to bring it down and maybe bring in private-sector funding. That is all well and good. The fact of the matter is it has been doubling and tripling in recent years. That is why on this side, on behalf of the chairman of the subcommittee and the chairman of the committee, our urging to the Members is that they vote to table this amendment, because if we do not do it here, there will be another one that will add money, and another one will add money, and we think we have to control the rate of growth and not start a long process that will add back additional spending to this bill. I yield the floor.

I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, right to the point. We are not adding back $26 million of the $24 million, and we are not adding back $14 million, but $7 million on the climate and global change research. I want to correct those figures.

I wanted also to include, Mr. President, the point made that it does restore not only the manufacturing extension but the NOAA coastal ocean program, the NOAA climate and global change program and the Undersecretary for Technology Office, and it shows the United States-Israel Bilateral Science and Technology Agreement continues.

Right to the point about growing: We transferred from the Department of Defense at the request of the Republican Coalition for Defense Reconversion. These programs did not grow. It was just really transferred as more applicable to the civilian side than the military side. That is why we have that amount in there.

It certainly has not grown just like export promotion in agriculture, which I am sure my distinguished colleague from Mississippi supports, which is over 1 billion bucks.

Talking about rescissions—now, just with the atmosphere or environment of frustration of amendments coming and going, I can say categorically, Mr. President, we could not offer an amendment all last week. I tried to. What we had was a fill-up-the-tree kind of approach and we had to take the amendments, and we had no votes. We sat around here for 3 days with no votes on amendments. My amendment has never been considered in subcommittee. Rolled in the Appropriations Committee as if we had considered it. And it only takes from other programs unexpended balances, rather than eliminate viable programs endorsed on both sides of the aisle that are not growing like topsy.

I ask unanimous consent to have printed in the RECORD at this point a letter from the president of the Advanced Technology Coalition, with the encompassing endorsement.

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

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

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

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

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

Combined, the Advanced Technology Coalition represents 5 million U.S. workers, 3,500 electronics firms, 329,00 engineers, and 13,500 companies in the manufacturing sector. The Coalition is a diverse group of high-tech companies, traditional manufacturing industries, labor, professional societies, universities and research consortia that have a common goal of ensuring America's industrial and technological leadership.

The members of the Advanced Technology Coalition have invested an enormous amount

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

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

Sincerely,

See attached list of associations, professional organizations, academic institutions and companies:

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

Mr. HOLLINGS. I also ask unanimous consent we print a letter from President Clinton, an endorsement.

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

THE WHITE HOUSE,
Washington, DC, March 28, 1995.

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

DEAR FRITZ: Thank you for your concern about the technology investment programs we have built together over the past two years. Your steadfast support of the Advanced Technology Program (ATP), the Technology Reinvestment Project (TRP), and related technology investment efforts has been indispensable in educating the new Congress as to their economic and national security value, and countering proposed legislative actions that threaten their existence.

These programs are a high priority to me and I will continue to fight for them. I have expressed strong opposition to the cuts to TRP and ATP in H.R. 889, and I am working to see that an acceptable bill comes out of conference. And, as you know, I have indicated that I would veto H.R. 1158 in the form passed by the House; the cuts to key technology programs are among the serious problems that I have with the bill.

Our technology investments in partnership with industry, while a small part of our entire federal R&D portfolio, make essential contributions to national security and economic growth. Together with TRP and ATP, initiatives such as the High Performance Computing and Communications program, the Partnership for a New Generation Vehicle, the Manufacturing Extension Partnership, Challenge Grants for Technology in Education, Information Infrastructure grants, and the Environmental Technology Initiative provide the necessary seed money for exciting, rewarding education for our children, productive jobs for our working people, and a better quality of life for all of us in the twenty-first century.

I have asked Laura D'Andrea Tyson, chair of the National Economic Council (NEC), to lead a team composed of senior officials from throughout my Administration to continue to build support for these vital investments in the nation's future. We want to work closely with you to protect our technology investments.

Sincerely,

BILL.

Mr. HOLLINGS. Mr. President, I rise to speak regarding a technology/NOAA amendment for myself, and Senators THURMOND, BINGAMAN, BREAUX, GLENN, GRAHAM, LEAHY, LEVIN, KENNEDY, KERRY, KOHL, LIEBERMAN, KERREY, MURRAY, PELL, ROCKEFELLER, and SARBANES.

There are many rescissions in the Commerce, Justice and State chapter of this bill which I am not pleased with. There are four particular rescissions in the Commerce Department section of the committee reported bill which my amendment would restore—the National Institute of Standards and Technology Manufacturing Extension Program, the Office of the Under Secretary of Technology, the NOAA Climate and Global Change Research Program, and the NOAA Coastal Ocean Program. These rescissions total $37.5 million and my amendment proposes $37.5 million in alternative rescissions in their place. My amendment is fully offset, dollar for dollar.

OFFSETS

The offsets in this amendment are quite simple, and they are all from other Commerce Department appropriations accounts. We propose rescinding $30 million from the unobligated balances in the NIST construction account. There are currently $195 million to such unobligated balances. Most of this amount is set to go on contract. But several projects have been held up due to environmental concerns and delays, and this rescission should have little impact on the agency being able to move ahead with modernization of its priority laboratories. This account has never been authorized, and there should be no reason why this rescission is not acceptable to the managers of the bill.

Second, we have recommended two rescissions of prior year unobligated balances from NOAA. We have recommended rescinding $5 million of unobligated balances from NOAA's construction account. Since fiscal year 1992 Congress has appropriated over $9 million for above standard costs for a new environmental research laboratory. The principle construction costs for this facility are the responsibility of GSA. The construction of this facility has been held up by a number of environmental and community concerns.

Finally, we have proposed rescinding $2.5 million of prior year recoveries within the GOES Satellite contingency fund. This is a one-time appropriation account that Warren Rudman and I established in 1991 to ensure the GOES Satellite Program continued. The program got back on track, and the first GOES-next satellite is now in orbit—these unobligated funds are no longer needed.

So each offset is based on good financial management. We have identified prior year appropriations that are not required or not needed at this time. Our proposed restorations, however, continue priority NOAA and technology programs that should not be cut.

RESTORATIONS

Our amendment provides restoration of appropriations for four programs:

Technology programs: With respect to the Commerce technology and competitiveness programs. The committee bill rescinds $26.5 million from the NIST Manufacturing Extension Program—from Manufacturing Technology Centers—and it rescinds $1.5 million from the Office of the Under Secretary of Technology, Mary Good.

No. 1, Office of the Under Secretary for Technology: I find it hard to believe that this Senate would want to cut Under Secretary Mary Good's office. She is the finest Under Secretary for Technology we have had. She is the kind of leader that we had in mind when the Congress passed the 1988 Trade Act. This cut would make her either lay off her staff or terminate valuable projects, like the Commerce Department's share of the United States/Israel Science and Technology Agreement. When I was chairman, we annually exceeded the Bush and Reagan budget requests for this office. I was requested to do so by Republican members of this committee, and I was happy to do so. Further, I cannot understand why we would want to prevent the Under Secretary of Technology from following through participating in a technology and science agreement with our allies, the Israelis.

So, first, our amendment restores funding for her office and prevents any reduction to the U.S./Israeli science and technology agreement.

No. 2, Manufacturing extension: Second, the House bill and the committee-reported bill currently cuts the NIST Manufacturing Technology Centers by $26.5 million. Our amendment would restore $24 million of this program, and leave a rescission of $3.1 million.

The Manufacturing Extension Program now supports 44 centers in 32 States. Most were started with defense conversion [TRP] funds but have now been transferred onto NIST's budget. These centers provide hands-on technical support to small to medium-sized manufacturers to help them upgrade equipment, improve production processes and save jobs. They are cost-shared with States and are competitively awarded. This is a merit-based program—neither the President nor the Secretary of Commerce, nor members of Commerce—can earmark these centers. Each center is tailored to the industrial characteristics and needs of the area in which it is located. So the center in Philadelphia is different from the center in Albuquerque, NM, which is different again from the manufacturing extension center in Rolla, MO.

Now there are two specific impacts from the rescission proposed in the committee-reported bill. First, NIST will not be adding as many new centers as we intended when I fought for these funds in conference last year. And I should note that NIST informs me that they expect applications to come in from many States.

Second, some of the 37 centers that were started with Defense appropriations will have to begin phasing out operations—because NIST will lack the funding to take over the Federal portion of their operational support.

This is an effective program that has always been bipartisan. I remember when former Vice President Dan Quayle traveled to the Great Lakes Manufacturing Center in Cleveland, OH. He praised their work and was particularly impressed with their role in keeping an automotive part manufacturer in business. General Motors told the small firm to cut costs or they would contract with a Mexican firm. The NIST manufacturing center designed machinery to automate and modernize the firm's operations—and the company prospered and added even more jobs in Cleveland. In fact, there is a picture of the Vice President in the entrance to that Great Lakes Manufacturing Center.

NOAA OCEAN AND ENVIRONMENTAL PROGRAMS

No. 3, NOAA, Coastal Ocean Program. Third, my amendment restores $5 million to the National Oceanic and Atmospheric Administration's [NOAA] Coastal Ocean Program. The Coastal Ocean Program was established as an agency-wide initiative to focus the capabilities of all NOAA line organizations to deal with coastal and oceanic issues of national concern. Examples include fisheries research in the Bering Sea off Alaska and the Georges Bank off Massachusetts, New Hampshire and Maine; and estuary and ecosystem studies in Florida and the Chesapeake Bay. The Coastal Ocean Program is merit-based and employs competitive peer review. The program was recently praised by the National Research Council.

The House rescission, which the committee-reported bill agrees to, eliminates half the Coastal Ocean Program's funding. This would result in a loss of ongoing field and laboratory work and it would impair NOAA's ability to attract quality scientists and oceanographers. Many coastal ocean projects would have to be terminated or severely curtailed.

No. 4. NOAA Climate and Global Change Program. Finally, our amendment would restore $7 million for the NOAA Climate and Global Change Research Program. Specifically, we would seek to restore cuts that the committee-reported bill, which cuts twice as much as the House bill from this program, would require in the research and understanding of the role of the oceans in climate change.

NOAA's Climate and Global Change Program is a competitive and peer-reviewed program of scientific grants geared toward improving our understanding of long-term changes in the oceans and atmosphere.

This is a quality program that increasingly is paying off by allowing NOAA to have more accurate long-term weather forecasts. We used to think of a wet side to NOAA and a dry side or atmospheric side of NOAA. The Climate and Global Change Program is breaking down these artificial barriers by proving that the oceans hold the key to global climate and weather.

A case in point is NOAA's program to monitor and forecast El Nino events. El Nino is an interannual change in the air-sea conditions of the tropical Pacific that can cause torrential rains, droughts and major shifts in ocean conditions. For example, during a 1983 El Nino, 600 people died in South America, and Peruvian economic losses due to severe weather and poor fishing were estimated at $2 billion. In the United States, the west coast and Gulf of Mexico were hit by major winter storms that led to beach erosion, flooding and mudslides. Increasingly, NOAA's climate and global change research is correlating severe weather events and the temperature of the equatorial Pacific. The program plays a key role in efforts to develop El Nino predictions that could improve planning and preparation for such events, thereby saving hundreds of lives and preventing millions in economic losses.

Mr. President, again this amendment is fully offset. I urge its adoption.

Mr. ROCKEFELLER. Mr. President, this amendment, offered by the Senator from South Carolina, deserves strong support from this body. I am a cosponsor of the amendment for a very basic reason. Our amendment will restore funding for what's called the Manufacturing Extension Partnership [MEP] Program—a vital network of facilities dedicated to a strong manufacturing base in this country. With vision and a lot of hard work, the Senator from South Carolina has turned a very basic idea into a very powerful, invaluable reality.

It seems incredibly stupid to cut funds from a program that has the track record of this one. The name says it all—manufacturing extension. That means that because of this program, the small- and medium-sized businesses of this country have place to contact, to call, to visit where they get the latest there is to know about how to make products and turn a profit. Cut the funds, eliminate these centers, and cut off the businesses of our country from what they cannot get anywhere else.

Forty-four manufacturing extension centers now operate in 32 States. The centers are sharing expertise, information, and advice to smaller- and mid-sized companies that want to manufacture products and want to stay in business. This extension network has been so successful that other States are waiting In the wings to get centers of their own, and to link hundreds and even thousands of the businesses in their State to a central repository of people and expertise steeped in the state-of-art in manufacturing and technology. Anyone who knows what the Agricultural Extension Service did in this country to help farmers learn about the latest techniques for irrigation, for farming, for keeping their costs down, understand this model now applied to manufacturing very well.

These manufacturing extension centers play a role that cannot and will not be duplicated by any single part of the private sector. They play a truly public role, because their only client is the public interest. They share information and ideas among businesses. They learn what works on 1 factory floor, and help 20 more businesses avoid reinventing the wheel by learning from the first. They spread manuals, training guides, information across their States—with the latest findings and ideas on how to run and fix equipment, make products efficiently, organize and train a work force, and make profits.

We all know how information and know-how spread in places like Silicon Valley and Cambridge, MA. Extension programs tie the rest of the country's small manufacturers into these and other hubs of new technology, and allow even the smallest firm to share in new ideas and equipment in a way that enables businesses across the country to prosper.

In West Virginia, this is the program responsible for drawing together two

facilities, the West Virginia Industrial Extension Service at West Virginia University and the Robert C. Byrd Institute for Advanced Manufacturing at Marshall University. The program is called the West Virginia Partnership for Industrial Modernization [WVPIM].

Because of this effort, the hundreds of small businesses in my State have a place to go for help and expertise that would not be there otherwise. In Huntington, WV, there is the story of Wooten Machine Co. Because of the help that this company got from the Institute for Advanced Manufacturing, Wooten went from making parts manually to computerizing their operation. Now they are talking about hiring more people.

They are not alone. Stinson Manufacturing in Alta, WV, went from a 4-person operation to one that now employs 28 people and has annual gross sales of more than $1 million, again with the help of the Robert C. Byrd Institute.

This is not just about tying together the resources in just one State. Mr. President, there is a tremendous advantage in being part of a national network of centers planted in different States. With the help of this network, West Virginia firms are staying on top of the innovations and techniques that are being collected from thousands of small- and mid-sized firms throughout the country. Larger firms will always be able to keep up with modernization, they have the staff and resources to do that. But if this unique network of manufacturing centers shrinks or dies off, the losers will be the small firms in our States.

Nationally, there are almost 400,000 small- and mid-sized manufacturers that employ less than 500 people apiece—these manufacturers account for over half our national manufacturing output. Nearly 12 million people, in all 50 States, work at these small- and mid-sized firms.

Mr. President, in the global marketplace, firms of any size must master modern technologies, management techniques, and methods of work organization. The exciting part of progress is that you don't have to run a business in Chicago or Detroit or New Orleans to be the best maker of an auto-part, a computer chip, a machine tool. You can be in remote parts of Montana or West Virginia or South Carolina. But you do have to be linked to the information that is necessary to keep up with the advances breaking out every day.

Our Nation's overall economy requires thousands of small- and mid-sized firms keeping up at breakneck pace with what works in design, production, marketing, training, and all kinds of other practices.

Mr. President, the American people know what it will mean to our Nation's long-term economic survival if we do not keep making products and being the best at manufacturing. We have to build things to survive in this increasingly competitive global marketplace. The Manufacturing Extension Partnership is the best, most efficient way to advance this cause.

I also ask unanimous consent that a Dear Colleague distributed by myself and several colleagues on the importance of this effort be reprinted immediately after this statement.

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

U.S. SENATE,
Washington, DC, March 23, 1995.

DEAR COLLEAGUE: Tomorrow, Friday, March 24, 1995, the Senate Appropriations Committee will mark-up the many rescissions passed by the House of Representatives as part of the Disaster Relief Supplemental Appropriation.

One item included in the House package is a $26.5 million rescission from the Manufacturing Extension Partnership—that amounts to 30 percent of this current year's appropriated funds.

We believe Congress should continue its history of bipartisan support for this unique network of assistance dedicated to equipping small-and-medium-sized businesses and their employees to maximize their potential in manufacturing and for growth.

The MEP centers exist in most states, and play an essential role in diffusing and sharing the state-of-the-art ideas, lessons, and methods that businesses in all of our states—especially when they're not in metropolitan centers—would not otherwise obtain.

To help you think about the vital role of the Manufacturing Extension Partnership, we offer you the following:

10 KEY FACTS ABOUT THE MANUFACTURING EXTENSION PARTNERSHIP—AND WHAT'S AT STAKE FOR THE BUSINESSES AND ECONOMIES OF YOUR STATE

1. The Manufacturing Extension Partnership (MEP) is based on the basic, proven idea that a strong manufacturing base is essential to this nation's economic strength and future. Manufacturing employs almost 19 million Americans, representing more than 20 percent of the private sector workforce and accounting for almost a fifth of the U.S. GNP over the last 40 years.

2. Small manufacturing firms, with less than 500 employees—the primary customers of the MEP—contribute more than half of total U.S. value-added in manufacturing and employ almost two-thirds of all manufacturing employees, approximately 12 million Americans.

3. America's small manufacturers know their challenge lies in being able to learn about and adopt modern manufacturing equipment and "best practices," and overcoming various barriers to change, including geographic location or even isolation, awareness, information, finance, and regulations. These are the smaller companies across the country being assisted by manufacturing engineers at MEP extension centers run by local, state, and non-profits.

Median size of MEP's client companies is 50 employees; median sales of a MEP's client companies is $5.4 million; median age of MEP's client companies is 26 years.

4. The Manufacturing Extension Partnership is industry-driven, and market-defined. It builds on and magnifies existing state and local industrial extension initiatives and resources. Centers are managed and staffed by experts with private sector manufacturing experience.

5. The MEP Centers are awarded funds using a rigorous, merit-based competitive process.

6. MEP and its Centers focus services on activities where economies of scale do not exist in the marketplace, and on only those firms which demonstrate a commitment to their own growth and development.

7. The small amount of federal dollars available for MEP leverages substantial resources in state and local governments, as well as the private sector.

8. MEP is committed to performance measurements which focus on the bottom-line economic impact for client companies. This program has shown a rate of return of 7-to-1 for the federal government's investment, with concrete benefit in increased sales, cost savings, and jobs for small manufacturers.

9. Companies using MEP centers are becoming more competitive and are improving their long-term prospects for growth. Their goal is to retain existing jobs, create new high-skilled jobs, and contribute broader economic benefits.

10. Manufacturing Extension Centers are in 32 states, and one of them could be yours. But even if your state is still without a center, eliminating funds from the Manufacturing Extension Program will mean giving up on the goal of a modern, national network to provide irreplaceable technical assistance to our businesses and workforce.

In conclusion, our point is: "fiscal year rescissions undermines manufacturing strength"

The proposed $26.5 million rescission for the Manufacturing extension Partnership would weaken the emerging, nationwide network of extension centers—co-funded by state and local governments—that provide small and medium-sized manufacturers with technical assistance as they upgrade their operations to boost competitiveness and retain or create new jobs. The rescission would reduce funding available for establishing new centers around the country. Approximately 10 new centers could be funded in FY 1995, rather than the planned 36 centers. Reducing the number of new centers would slow the delivery of MEP services to large regions of the United States—and many thousands of small companies.

We urge your support for his important endeavor. For further information, please contact Laura Philips at 4-9184 in Senator Lieberman's office or Ken Levinson at 4-7515 in Senator Rockefeller's office.

Sincerely,

JOE LIEBERMAN.
JOHN GLENN.
JAY ROCKEFELLER.
JEFF BINGAMAN.

Mr. KERRY. Mr. President, I speak today in support of the Hollings amendment to the Emergency Supplemental Appropriations Act. The amendment would restore programs that are important to the people of Massachusetts and the entire country. I would also like to note that offsets for each of these programs is provided so the total amount of the rescission package is not affected.

NIST's Manufacturing Extension Program [MEP] is vitally important to small businesses in my State. MEP supports our Bay State Skills and University of Massachusetts technical assistance programs for small- and mid-

sized Massachusetts companies. The House bill rescinds $26.5 million from this program and the Senate bill retains this rescission. The Hollings amendment would restore the entire amount rescinded from the MEP Program.

The second program addressed in the amendment is the NOAA Coastal Ocean Program [COP], a nationwide science program that is conducting very important interdisciplinary research on oceanographic problems. As part of the COP, a major field study is presently being conducted of Georges Bank as part of the U.S. Global Ocean Ecosystems Research Program [U.S. GLOBEC]. The main objective of the study is to understand the physical and biological processes that control the abundance of populations of commercially important marine animals. The House and Senate bills rescind $5 million of COP's $11 million in fiscal year 1995 funding—40 percent of the budget. The rescission is harmful not only to U.S. marine science but also to resource management decisionmaking which depends on the results of this science. The Hollings amendment would restore the $5 million rescission in the NOAA operations, research and facilities account for the Coastal Ocean Program, resulting in retention of $11 million in funding for this year. As an offset, the amendment would increase the rescission in NOAA construction account from $8 to $13 million. This would decrease the construction account from $97 to $84 million. NOAA supports this change.

The final program that the amendment addresses is the NOAA Global Climate Change Program. This program seeks to develop a clearer picture of the relative roles of various greenhouse gases in causing global warming. The Senate bill rescinds $14 million of the $78 million in fiscal year 1995 funding. The amendment would restore $7 million of the rescission for this critical program. The offset would come from the NIST construction fund and the GOES construction fund.

I compliment the distinguished Senator from South Carolina for his leadership in these oceans and technology issues—which he has championed for years. It is my pleasure to serve with him on the Commerce Committee, where he was recently chairman and is now the ranking Democrat.

I join with him to prevent shortsighted cuts in these beneficial programs that exemplify the kind of nationally important work Government can do so well and I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. The Senator has 6 minutes and 40 seconds.

Mr. HOLLINGS. Mr. President, I retain the remainder of my time and yield time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly I just wanted to respond to my friend from Mississippi and say we are at a time when, obviously, we have to make some tough choices, a lot of tough choices. There are a lot of rescissions in this bill to cut spending and I am going to support most of them. But it seems to me this is one that does not make sense because of the numbers I cited, which is $8 in economic growth for every $1 we spend in this program.

I have to tell my colleague, I know we all hear different messages from our people back home. When I am in Connecticut there is one question that I think is most on people's minds, resonating throughout the State, and I think, throughout the country. The question is: "Can you do something in Washington to protect my job, to keep my job secure?" If people have lost a job, as too many people in my State have, because of manufacturing downsizing, the question becomes: "What can you do to help me get a new job?"

I know some of the old industries in our State which have downsized, some have even closed, are not going to expand in the near future. The only answer here is to grow the economy. There are tax policies I will look forward to supporting that will encourage capital formation and help make that possible.

But it seems to me one of the best things we can do is to create manufacturing extension centers that will reach out to the small- and mid-size companies to help them grow and help them create jobs. This is a program where I feel we make a mistake by cutting a single dollar because this is a program that gives a lot of people out there—people who are worried about their futures—some hope that there is a new and a good job, a high-paying job, around the corner.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the Senator from Mississippi should understand, this does not add back. It does not add back one red cent. It is offset within the same budget for unexpended construction funds that are sitting there.

I am here going along with the original premise and the continuing premise of rescissions. That is the basic premise. This amendment is in conformance. It does not add back. It readjusts allocations under the same budget from construction—whether you are going to build office buildings or you are going to start building jobs.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 3 minutes and 40 seconds.

Mr. HOLLINGS. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I think we have made our points. We will be prepared to yield our time and go to a vote if the Senator would like to. I think we only have a total of about 5 minutes or so left. How much do we have?

The PRESIDING OFFICER. The Senator from Mississippi has 6 minutes remaining. The Senator from South Carolina has 3½ minutes.

Mr. HOLLINGS. Mr. President, I will go along with the suggestion of the distinguished Senator from Mississippi. What happened, two or three Senators wanted to be heard, but we only have 3 minutes if they got here.

Is it the point to yield the remainder of our time, make the motion, get the yeas and nays? Is that it?

Mr. LOTT. Yes, sir.

Mr. HOLLINGS. Very good.

Mr. LOTT. Mr. President, I yield the remainder of my time.

Mr. HOLLINGS. I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back on the amendment.

Mr. LOTT. Mr. President, I move to table the Hollings 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.

VOTE ON MOTION TO TABLE AMENDMENT NO. 574 TO AMENDMENT NO. 420

The PRESIDING OFFICER. The question is now on the motion to table the amendment of the Senator from South Carolina. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—43

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Warner
Faircloth	Lugar	
Frist	Mack	

NAYS—57

Akaka	Burns	Exon
Baucus	Byrd	Feingold
Biden	Cohen	Feinstein
Bingaman	Conrad	Ford
Boxer	D'Amato	Glenn
Bradley	Daschle	Graham
Breaux	DeWine	Harkin
Bryan	Dodd	Heflin
Bumpers	Dorgan	Hollings

Inouye	Levin	Reid
Jeffords	Lieberman	Robb
Johnston	Mikulski	Rockefeller
Kassebaum	Moseley-Braun	Sarbanes
Kennedy	Moynihan	Simon
Kerrey	Murray	Snowe
Kerry	Nunn	Specter
Kohl	Packwood	Stevens
Lautenberg	Pell	Thurmond
Leahy	Pryor	Wellstone

So the motion to lay on the table amendment No. 574 to amendment No. 420 was rejected.

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

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

The motion to lay on the table was agreed to.

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

Mr. HOLLINGS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment. Is there further debate?

The amendment (No. 574) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

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

Mr. FORD. Mr. President, may we have order.

The PRESIDING OFFICER. Will the Senator from Minnesota suspend?

The Senate is not in order. The Senate will be in order.

Mr. FORD. Mr. President, I do not believe they can even hear you.

The PRESIDING OFFICER. Will the Senate please be in order?

The Chair advises the Senator from Minnesota that under the previous order, at this time, the Senators from Pennsylvania were to be recognized for 10 minutes.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, if the Senator from Minnesota would just give us about 5 minutes, then we will come back to the Senator from Minnesota.

Mr. WELLSTONE. I thank the majority leader.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

The Senate will be in order.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE JIMMY STEWART MUSEUM IN INDIANA, PA

Mr. SANTORUM. Mr. President, Senator SPECTER and I rise today to honor a native son of the Commonwealth of Pennsylvania who is going to be honored next month in Indiana, PA—the birthplace of Jimmy Stewart—with a museum that is going to open right about half a block away from the birthplace of Jimmy Stewart.

Many of us have been working long and hard on this museum, trying to get a suitable museum for a man like Jimmy Stewart.

Jimmy Stewart asked, when the people of Indiana, PA, went to him and asked to do a museum for him, that it not be anything fancy; that he wanted it to be very modest. He did not want the University of Indiana, PA, to have a big museum dedicated to him. He wanted something very simple.

In fact, he refused to have anyone from Hollywood participate in any of the fundraising. He said he wanted it to be something from the community and not anything that was generated with a lot of money and a lot of fanfare; that that would make him feel uncomfortable.

So the people of Indiana, PA, have set about the process of raising the money locally and secured the third floor of an old house, just a very small amount of space. Mr. Stewart donated the artifacts for the museum, some of his personal memorabilia. And, in fact, he still has several old friends who have been sort of shepherding this cause along.

I am rising today with Senator SPECTER to pay tribute to him and to the people of Indiana, PA, a little town in western Pennsylvania; a town that, frankly, has had some tough times of late. In fact, Indiana County has the highest unemployment rate of any county in the Commonwealth of Pennsylvania.

But they pulled themselves together and are putting together this really fine and lovely and modest tribute to Jimmy Stewart.

The man is an incredible man in America. He is an actor who has appeared in 71 films. Obviously, we all know the famous films that he has been in. Who has gone through a Christmas holiday without seeing the brilliant George Bailey part that he played and that we all can identify with as someone who has gone through some tough times and been able to face those tough times, and the spiritual role that he played in that movie.

I can still relate to him as I watch "Mr. Smith Goes to Washington," and the role he played as a U.S. Senator in fighting for what the people of his State called for.

He has been an inspiration not only on the movie screen, but he has been a tremendous inspiration as a war hero. He was assigned to the Army Air Corps, rising from private to bomber pilot, to commander of the Eighth Air Force Bomber Squadron. He, himself, flew 21 missions over enemy territory, including Berlin, Bremen and Frankfurt. By the time it was over Over There, James M. Stewart would be known as colonel, and he would be later decorated with an Air Medal, the Distinguished Flying Cross, and the Croix de Guerre. All told he accumulated 27 years of service in active and reserve duty, even attaining the rank of brigadier general.

On May 20 in Indiana, PA, we will be celebrating Jimmy Stewart's birthday and the opening of the Jimmy Stewart Museum. And, in so doing, we really do honor a great American, someone who takes life in stride and who is just a wonderful example of the goodness that is in America.

I just want to read a couple of quotes from Jimmy Stewart that I found to be amusing and somewhat typical of the man. He said once:

> Jean Harlow had to kiss me, and it was then I knew that I'd never been kissed before. By the time we were ready to shoot the scene, my psychology was all wrinkled.

On his experience in the military and in the war:

> I always prayed, but I didn't really pray for my life or for the lives of other men. I prayed that I wouldn't make a mistake.

And finally, when he was flying a plane back for the Army, he ran into engine trouble while flying a tour of duty in 1959, but managed to bring his plane to a safe landing. He was quoted after he got out of the plane:

> All I could think of was not my personal safety, but what Senator Margaret Chase Smith (who was then chairman of the Senate Armed Services Committee) would say if I crashed such an expensive plane.

That is the kind of down-to-earth goodness and humbleness that Jimmy Stewart brought to the stage and to the screen and to the families of millions and millions of Americans and millions around the world.

He, frankly, deserves a greater tribute but, frankly, I cannot think of a more appropriate tribute to a modest man, to a good man, than a modest museum in his own hometown.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join with my distinguished colleague, Senator SANTORUM, in commemorating the opening of the museum in Indiana, PA, on May 20 of this year, which will commemorate the 87th birthday of a great American.

James Stewart spoke in the Senate of the United States to a spellbound crowd in the movie "Mr. Smith Goes to Washington," unlike those assembled here today, who are still conducting some substantial business as we near the completion of this important appropriations bill.

The PRESIDING OFFICER. The Senator will suspend while we get order on the floor.

Could we please have order in the Senate?

I thank the Senator.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I feel a particular affinity for James Stewart for many reasons. In addition to playing a U.S. Senator for the movies, he was also the lead actor in "The Philadelphia Story," for which he won an Academy Award.

He is a Pennsylvanian from a small town, Indiana, PA, which has a very striking statue in his honor.

In opening this museum on May 20—we talk about it on an appropriations bill—it is relevant to know that there is no Federal funding, at least to my knowledge, for this museum, which the people are offering as a tribute to James Stewart.

He has really a remarkable career as an actor and as a great patriot, one of the first movie stars to enter in World War II. He rose from the rank of private to the rank of colonel. He had 20 missions over Bremen, Frankfurt, and Berlin. He is an all-American hero. He reminds us of that when he appears frequently on television and in the reruns of "It's a Wonderful Life."

James Stewart is an American success story, and it is entirely appropriate that he be honored in his hometown on May 20 of this year.

Jimmy Stewart's achievements on and off the silver screen are well known to us, and Indiana, PA, is indeed fortunate to claim him as one of its own. He was born in Indiana, PA, on May 20, 1908, and graduated from Princeton University in 1932 with a degree in Architecture. Shortly after his graduation, Jimmy joined a summer theater group, debuting that same year in a production of "Goodbye Again." After several years of performing in Broadway productions, Jimmy made his film debut in "The Murder Man" in 1935. His legendary film career was launched, and over the next several years he would bring us such classics as "It's A Wonderful Life," "Destry Rides Again," and "The Philadelphia Story." His 1939 "Mr. Smith Goes to Washington" stands before us all—here in Washington and all throughout our country—as an abiding testimony to the importance of courage and integrity.

Jimmy Stewart's excellence in film, however, is matched by his sense of duty and patriotism. When his country called him to serve in World War II, he answered willingly; he served as a bomber pilot in the U.S. Air Force with dedication and distinction, earning several medals and commendations—and yet all the while with a sense of modesty and humility that belied the star-of-the-screen status he had left behind. By the time he returned home to the States, Mr. Jimmy Stewart had become Col. Jimmy Stewart, and over the course of his continued service in the Air Force Reserve in the years after the war he rose to the rank of Brigadier General.

His post-war return to the world of film brought us some of his greatest cinematic achievements, including such collaborative efforts with Alfred Hitchcock as "Rear Window," "The Man Who Knew Too Much," and "Vertigo." In 1950, he brought us "Harvey," in 1953, "The Glenn Miller Story," and in 1962, "The Man Who Shot Liberty Valance." And in the most gloriously atypical fashion, he and his wife Gloria remained together through it all year after year until her recent passing.

Jimmy Stewart's many contributions to the world of film, as well as the steadfast humility of his character and the tremendous sacrifice that he made as he served in behalf of his country, have endeared him to us all, and the occasion of the opening of this museum in his honor is a special one indeed. I am personally grateful for the joy that he has brought to us in his films and for the tremendous model of integrity and selflessness that he has exhibited for so many years, and I am hopeful that this modest museum erected in his honor will serve to enshrine his contributions and his character for many generations to come.

These remarks, along with the remarks by my distinguished colleague, Senator SANTORUM, as we pay tribute to this very, very distinguished American and Pennsylvanian.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair reminds the Senator, the question before the Senate is amendment No. 441 in the second degree to amendment No. 427. The Senator needs to ask unanimous consent for that to be set aside.

Mr. WELLSTONE. I ask unanimous consent that that amendment be set aside.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, shortly I think we will have some agreement on an amendment that I will offer. I thought what I might do is take advantage of this time to briefly summarize this for colleagues. I appreciate the hard work of the majority leader and the bipartisan spirit of this.

Senior citizens face a confusing world of rules, conditions, exceptions, limitations, and even outright scams when choosing their supplemental health insurance and grappling with the Medicare system. Congress recognized the difficulty seniors face when it established a program, which is really a wonderful program. It is sort of the best example of grant money going a long way, and is called the Insurance Information Counseling and Assistance Grant Program in OBRA 1990. This was a recognition by the Congress that Medicare beneficiaries need help, not help through a Washington agency, but person-to-person help at a local level.

All 50 States have established insurance counseling and assistance programs with the help of Federal grant dollars. As a result, these programs provide local volunteer based assistance to Medicare beneficiaries.

Mr. President, this grant program is a perfect example of a small program—it is basically seed money—that has produced big results. Let me repeat that—a small program that has produced big results.

Over 10,000 volunteers have been trained through the program, and over $14 million is saved each year for beneficiaries just by good counseling for senior citizens who have a difficult time.

I remember that both my mom and dad had Parkinson's disease and, in the latter years of their lives, among their struggles was the struggle of just wading through some of the paperwork that they had to do, and some of the forms that they found bewildering.

In my own State of Minnesota, 300 volunteers have been trained, and 3,300 beneficiaries were assisted in 1994 alone—just in the State of Minnesota—and $867,000 was saved on their behalf.

Mr. President, I just simply want to make the case that what we are trying to do here is restore $5.5 million that is part of the proposed rescissions. What we are working on now is what the offset will be.

This is $5.5 million to be added on to what I think is now being spent, which is also about $5.5 million, which will go a long way. Again, this is not a program centered in Washington, DC. This is a program that uses a small amount of Federal dollars that goes a long, long way. We train volunteers in each of our States, and I say to my colleagues that I know if you just talk to people in your State, especially senior citizens, you will find that there is a tremendous appreciation for the Insurance Information Counseling and Assistance Grant Program.

So I am just trying to restore $5.5 million. We are now working on an offset. As soon as we have that offset—

and I think it will be soon—it is my hope that my amendment will have unanimous support.

Mr. President, I also want to say to my colleagues, the reason that I have been working on this amendment is, at least for me, one of the better reasons to be in the U.S. Senate—the need for this program comes directly from a lot of senior citizens in the State of Minnesota. People are really committed to this program. They feel it is not very expensive. I am just trying to get $5.5 million back in here to provide counseling assistance to seniors all across the country, and people tell me it is a huge help to them.

I think this is a good example of public policy that is not overly centralized, Mr. President, and not overly bureaucratized. It takes place back in our States and local communities, and constitutes the best example of using a small amount of money to get a lot of volunteers to provide a lot of help to senior citizens working their way through these forms, and it is a wonderful consumer protection and prevention program against some of the scams that all too often, unfortunately, happen to seniors.

I suggest the absence of a quorum. I hope soon we will have some resolution.

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 ask unanimous consent that we lay aside the pending amendment if we have one.

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

AMENDMENT NO. 576 TO AMENDMENT NO. 420

(Purpose: To restore $614,000 proposed for rescission from the Weir Farm Historical Site, CT, and $700,000 proposed for rescission from the Jefferson Expansion Memorial, IL, offset by rescissions of $700,000 from land acquisition for the Wayne National Forest, OH, and $690,000 from the Highway Trust Fund; and to prohibit the purchase of lands in Washington County and Lawrence County, OH)

Mr. GORTON. 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 Washington [Mr. GORTON] proposes an amendment numbered 576 to amendment No. 420.

Mr. GORTON. 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 19, line 2, strike "$11,297,000" and insert: "$9,983,000".

On page 21, line 17, strike $3,020,000" and insert: "$3,720,000".

On page 21, line 17, after "rescinded" insert "and the Chief of the Forest Service shall not exercise any option of purchase or initiate any new purchases of land, with obligated or unobligated funds, in Washington County, Ohio, and Lawrence County, Ohio, during fiscal year 1995".

On page 44, line 77, insert the following:

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 100-17, $690,074 are rescinded.

Mr. GORTON. Mr. President, this amendment includes five items, all of which apply within the general direction of the Interior Committee portions of this bill. They are at the request of individual Senators and have offsets there for relatively small projects. They have offsets. They have been cleared with the majority and minority parties.

They include elements in Ohio, Illinois—that is one in which Missouri is interested—and Connecticut.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Has the Senator from Washington sent the amendments to the desk? Are they at the desk?

Mr. GORTON. They are.

Mr. BUMPERS. Mr. President, those amendments have been cleared on this side.

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

The amendment (No. 576) was agreed to.

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

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

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

Mr. DOLE. Mr. President, as I understand it, the Senator from Nevada is prepared to offer an amendment. I wonder if we might agree to a 30-minute time agreement on the amendment?

Mr. BRYAN. Mr. President, if I may respond, Senator BUMPERS is the primary sponsor of this. I am trying to reach him. He will be here momentarily. I am certainly agreeable in principle to the time limit to accommodate the leader and move this along, but I am reluctant to agree to a specific time until I speak with him.

Let me assure the leader I will try to ferret out the distinguished Senator from Arkansas and will be in communication with the leader as soon as possible.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I just want to give my colleagues a status report on where I think we are. I believe we are making progress, but I am not certain because I see some additional amendments that have been added, additional cost items, add-backs—about $60 million. Then the offset has been reduced by about $60 million. It is about $120 million that has sort of disappeared here without our knowledge on this side.

We are perfectly willing to discuss these items or look at offsets that might be offered.

$46 million for Job Corps; I do not know where that came from. That came out of the blue; never discussed it yesterday. TRIO, whatever TRIO is; immigration and education; substance abuse and mental health—all these things. There is already a great deal of money in the bill for all of these programs.

Then the IRS offset disappeared. That was $50 million. Library is $10 million; maybe one or two others.

So we have sort of gone backwards on the deficit reduction and forwards on spending more money. Now, maybe in the overall mix of things, because this is about a $16 billion rescission package, we should not quarrel about $120 million. But I think there may be principle involved here, too.

If we are going to negotiate, then we ought to negotiate and finish this bill, or finish it tomorrow. I am not going to stay here very much longer tonight if we are not making any more progress than we are. So we will come back tomorrow. But I hope before that decision is made we can come to some conclusion on where these amendments came from. Why were there not any offsets? Why did we lose some $60 million on the offset side, savings side? Then I think we would be prepared to reach some agreement.

I know the Senator from Nevada has an amendment. I know the Senator from Minnesota has an amendment. And I know there is a managers' amendment. Then I think there was one additional amendment. The Senator from Iowa has an amendment on CPB. I thought those were all of the amendments. Then we discovered there are four more amendments that have been added back without a vote or anything else. Then there were some taken out of the savings side without a vote or anything else.

I just say to my colleagues on the other side. We want to be cooperative, but we cannot do business this way. I am prepared to see if we cannot work something out in the next 30 minutes. If not, we will recess for the evening and come back sometime tomorrow.

Are we yet in a position to get a time agreement? We are never going to finish it unless some people are willing to give us some time agreements.

Mr. FORD. Will the majority leader yield for just a moment?

Mr. DOLE. Sure.

Mr. FORD. We are doing our best to try to put things together. I understand the push. I understand getting out in 30 minutes and coming back tomorrow. But then you have a cloture petition filed. That ripens Saturday. So we are trying to put it together, and people understand that. The amendments that we have there, the new entrants, are the ones that are the amendments that basically have been agreed to. We have been trying to put—

Mr. DOLE. On your side.

Mr. FORD. On our side. We are trying to put it together where we can get that agreement. It becomes very difficult. We understand that there is no budget out here. We are trying to get rescissions in this year's allowances. That cuts off a lot of money for people that already started work. It does make it a little bit difficult.

I wanted to assure the majority leader that we are working. We are sweating trying to agree to what he is offering here. I just wanted to assure him. There was not anyone else out here to take it up.

Mr. DOLE. I am not quarreling with the Senator from Kentucky.

I will give you one example. The Senator from Mississippi, Senator COCHRAN, has been following the Women, Infants, and Children program, WIC, very carefully. He is very sensitive to that program. So we are adding back $35 million, which he says we cannot spend, just cannot spend it. But you know we added it back. So I assume it will not be spent. So it is not really an add-on. I am certain there are other programs which are the same.

But all I am suggesting is I think we are very, very close to getting this done, except for these new add-backs that I was not aware of, and then some of the deductions that have gone on that I was not aware of. So, hopefully, we can resolve those matters very quickly. And one way to do it quickly is to get Members to give us a time agreement.

I wonder if we not in a position to get a time agreement on the BRYAN-BUMPERS amendment so we can move on to some other amendments and so we are not just wasting our time waiting for the Senator from Arkansas to give us permission to proceed. Is there another amendment that we can proceed to?

Mr. BRYAN. I have just been informed that Senator BUMPERS should be here momentarily. Once he gets here, I am can assure the leader that we are prepared to proceed and enter into a time agreement.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, I ask unanimous consent that there be 30 minutes equally divided on the BRYAN-BUMPERS amendment. In fact, we are prepared to give Senator BRYAN 20 minutes as the proponent of the amendment and we will take 10 on this side.

Mr. BRYAN. I thank the majority leader. That is agreeable.

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

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 461 TO AMENDMENT NO. 420

(Purpose: To eliminate funding for the market promotion program)

Mr. BRYAN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. BRYAN], for Mr. BUMPERS, for himself and Mr. BRYAN, proposes an amendment numbered 461 to amendment No. 420.

Mr. BRYAN. 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:

Strike lines 3–7 on page 4 of the Committee substitute, and insert in lieu thereof the following: "deleting '$85,500,000' and by inserting '$0.'"

Mr. DASCHLE addressed the Chair.

Mrs. BOXER. Madam President, I have a parliamentary inquiry, if I might.

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

Mr. BRYAN. I yield for the purposes of parliamentary inquiry. Will that be on our time?

The PRESIDING OFFICER. Yes. The Senator is correct.

Mr. DOLE. Madam President, the Senator can have 5 minutes; 10 in opposition, and take 5.

Mrs. BOXER. That is quite satisfactory. So the agreement is that the Senator from California would have 5 minutes, and the Senator from——

Mr. DOLE. Wherever.

Mrs. BOXER. Wherever can have 5 minutes.

Mr. BRYAN. Is that satisfactory to the Senator from California?

Mrs. BOXER. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I yield myself 7 minutes, Madam President.

Madam President, this year Ralston-Purina will spend $13 million to advertise its Chex brand cereal, and Brown-Forman Corp. has budgeted $20 million to help sell California Cooler, and last year McDonald's spent $7.7 million in advertising in Singapore alone.

The question arises, what do all of these companies have in common besides each having multimillion-dollar advertising budgets? The answer is that they are all recipients of taxpayer funds which is known as the Market Promotion Program. This program was started in 1986 to promote American agricultural produce.

Let me just say a word by way of background. The amendment which the Senator from Arkansas and I have presently before the floor will zero out funding for this program for this year. Last year, the appropriators came up with $85 million for this Market Promotion Program, and in the legislation we are acting on this evening, they have increased the appropriation level to $110 million.

In my view, this program, which I am going to describe very briefly in a moment, is corporate welfare. We have debated in this session of the Congress where we can make cuts in the budget. We have talked about Women, Infants, and Children and school nutrition programs. Everything seems to be on the table except the sacred cow of American agriculture, the Market Promotion Program.

Very briefly, Madam President, the history of this program dates back a number of years. Currently, we are spending in the neighborhood of $3.5 billion in America on export promotion—$3.5 billion. Of that sum, $2.2 billion is set aside specifically for agricultural promotion.

Now, to put this in context, 63 percent of all the money that we are spending for export promotion in America is devoted to agriculture. Agriculture represents about 10 percent of the foreign exports from America. So it is my view that is a disproportionate, indefensible amount. But let us put that aside for the moment. We can debate the merits or demerits of spending $2.2 billion in agricultural promotion. I am talking about the Market Promotion Program. This is a program which, as I have said, is corporate welfare. It is the equivalent of food stamps for the largest corporations in America.

The way this program works is that advertising budgets of some of the large corporations in America are supplemented by taxpayer moneys. Now, Conagra, a good company, makes the kind of products that are household names in America: Country Pride, Chung King, Wesson, Butterball, Swift, Peter Pan, Armour, Banquet, Swiss Miss. Since 1986, this company has received in taxpayer dollars $826,000. This company has, by 1994 financial data,

$462 million in net profits. The advertising budget is $200 million. The CEO receives compensation of $1.229 million annually. How in God's world do we justify, Madam President, spending taxpayer dollars to supplement this program? This is a company that is large; it is successful; and they can effectively handle their own advertising and promotion budget.

Jack Daniels, a product that is familiar to many of us, $2.41 million is what they have received through the Market Promotion Program and its immediate predecessor, TEA [Targeted Export Assistance]. The 1994 financial data: Net profits of $146 million, an advertising budget of $74 million, CEO compensation of $703,000.

Again, Madam President, I suggest that it is indefensible to call upon the American taxpayer to subsidize a company of this size.

McDonald's. Who among us does not enjoy a Big Mac? I know I do. But this is a company that has received, since 1986, $1.6 million, taxpayer dollars, all taxpayer money, to supplement a company that makes a net profit, according to the 1994 data, of $1.2 billion, that has an advertising budget of nearly $700 million, and CEO compensation of $1.78 million.

In addition to this, it is not only American companies that receive it. Here is a list—not a complete list—of foreign companies that receive money from the American taxpayer.

The point to be made is that at a time when we are making some very tough budget cuts—very tough budget cuts—we are talking about the most vulnerable in our society who have been asked to step forward, whether it is the WIC program, or whether it is school nutrition, or aid to our schools in terms of drug assistance.

All of these programs have been hotly debated, but for some reason these agriculture programs are sacrosanct. It is time to eliminate these programs. First of all, they are indefensible in terms of taxpayer dollars being used to subsidize them. And secondly, there is a question as to its effectiveness.

The General Accounting Office has done an evaluation, and they find a number of problems with this program. Number one, it is not clear whether the taxpayer dollars that are going into the advertising budget simply are being exchanged for advertising money that is already in the corporate budget.

Secondly, there is no criteria as to who is eligible—big company, small company.

Third, there is no criteria as to how long you stay in. Do you get in and stay forever?

Now, there has been at least one reform that has been added that you have to get out in 5 years. But that is 5 years from 1994, and that means some of these companies have been in this program since its origin.

There is no objective statistical data, absolutely none, to suggest or to prove that in fact these dollars have assisted our export promotion program. Madam President, I remind my colleagues that we are spending separate and apart for this one agricultural promotion $2.2 billion. Now, you will recall agricultural exports represent 10 percent of the exports from America. We are spending 63 percent of a total of $3.5 billion that is being spent by the Federal Government on export promotion.

There are other brand names that are household products. I think the American taxpayer is entitled to be absolutely outraged when you look at some of these companies, highly successful companies. I have no quarrel with the companies. My quarrel with them is the fact that American taxpayer dollars are subsidizing the corporate giants in America.

Let me just give you some more information here. Welch's, marvelous fruit juice, and others, they have received since 1986 $5.8 million; Blue Diamond, these are the folks who are involved in nuts, $37 million; Dole fresh fruit, $9 million. If the Pillsbury Doughboy looks a little chubby to you all, it is because the American taxpayer has been subsidizing his diet pretty heavily. Pillsbury, it says, received during this period of time $10 million.

So my point, Madam President, is that if we are serious about cutting the deficit, if we are serious about making the hard choices, the tough cuts, we have to begin with programs like this. Corporate welfare ought to be on the line every bit as much as the other programs which have been targeted in this Congress either for elimination or reduction.

Let me say this is not a liberal amendment nor a conservative amendment that my friend, the distinguished senior Senator from Arkansas, and I offer. This is an amendment on which those who are to the political right in America, the Cato Institute, and those who are the moderates in America, the Political Aggressive Policy Institute, have taken a look at this program and both have reached the same conclusion: This is a program that ought to be eliminated.

To conclude, Madam President, it is time to take these companies off the taxpayer dole. They are capable of fending for themselves. They have marvelous programs, sophisticated staffs. They pay their people top dollar in terms of their promotion programs. The American taxpayers ought not to be asked to spend their dollars to supplement these advertising accounts. The time for action is now.

Madam President, I yield the floor and reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

I rise to oppose the amendment by my friend and colleague from Nevada. We agree on many things. This is one on which we do not agree. To zero out a program like the Market Promotion Program, which we know is working—and, when my colleague says there is no statistical proof it is working, I have other reports than he does on that matter. But to cut a program that is working to increase our exports, when we are approaching the 21st century mark and exports are crucial to our economy—and promoting those exports is certainly crucial to that—I think it would be a very radical move.

We have a budget that is coming up for review. We are going to look at this program in that budget review. After we do that—and I am on the Budget Committee—as my friend knows, we are going to take a real hard look at all of these things in the various authorizing committees and, of course, in the Appropriations Committee. But to take this move today to eliminate this program, I hope that we will not go along with it.

The Marketing Promotion Program is an important tool in expanding markets for U.S. agricultural products from California to many other countries in the world.

We talk today about redirecting farm spending away from price supports. I support that. I think we should move away from price supports. But we also should work toward expanding markets. I think it makes a lot of sense to do that.

My friend from Nevada says there is no statistical data to show that the Marketing Promotion Program is working. I would like to call to his attention a U.S. Department of Agriculture study. They estimate that each marketing promotion dollar results in an increase in agricultural product exports of between $2 and $7.

Madam President, that is a very good return on our money. Indeed, any business person would say if you put $1 in and it results in $2 of increased sales and even up to $7 in increased sales, that is a very sound program.

And my colleague talks about large beneficiaries. Well, I think he is overlooking the number of small beneficiaries. We have seen much-needed assistance to commodity groups comprised of small farmers who are unable to break into those markets on their own. And I think that is a very important point.

I have been to the fertile valleys of California. I have met with those small farmers. I have seen those family farms. And alone they do not have much power. But they come together as cooperatives, and they work together as marketing groups, and with the Market Promotion Program they have been successful in breaking into the export markets.

So I think it is fair to say to my friend that the small growers and the small farmers have benefited greatly. And that is one of the intentions of the program.

I also want to point out to my friend that last year a task force of the U.S. Agricultural Export Development Council met for 2 days in Leesburg, Virginia. Their function was to review the role of the Marketing Promotion Program and other agricultural programs as part of our overall trade policy. The task force concluded that the purpose of the Marketing Promotion Program is to "increase U.S. agricultural product exports." It also concluded that the increase in such exports helps to "create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income."

And I am directly quoting from that meeting.

So I would say to my friend, although he has not found any documentation that this program works and it helps us and, in fact, is a wise investment, there are certainly other groups that have found that it is a wise investment. And it should be supported.

I would like to say to my friend, in closing, that we should look at what other countries do. Sometimes we do not look at the fact that other countries push for their exports, push for their agricultural products, promote their products, and fight for their products. And what do we do sometimes? We walk away from a program like this and let our people twist in the wind.

Madam President, I see my time is up.

I ask unanimous consent to have 1 additional minute.

The PRESIDING OFFICER. Is there objection? If not, so ordered.

Mrs. BOXER. Thank you very much, Madam President.

I will conclude here. I think that we would be making a big mistake, as we move toward this global marketplace, to walk away from the Marketing Promotion Program. Our competitors have programs that do far more for their agricultural products than we do. And there is a reason. They understand that exports are key to any country's success as an economic power.

We do not have a level playing field out there. That is clear. So I hope that my friend would agree with me that there is no level playing field, and other countries are out there pushing hard for their products, helping their farmers to push exports. This is our only program that does that.

I hope we will defeat his amendment.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Nevada has 10 minutes 39 seconds remaining.

Mr. BRYAN. I yield to the Senator from Arkansas whatever time he wishes.

Mr. BUMPERS. How much time remains for the proponents?

The PRESIDING OFFICER. Ten minutes 31 seconds.

Mr. BUMPERS. Madam President, I will yield myself such time as I may use, which I hope will be less than 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. First of all, I want to thank my colleague and very good friend, Senator BRYAN, of Nevada, for his unstinting efforts in this.

In 1993, Congress directed GAO to prepare a report on the effectiveness of the Market Promotion Program. The report that came back was less than satisfactory. Subsequently, for Fiscal Year 1994, we cut MPP from $147.7 million to $100 million. In Fiscal Years 1991 and 1992, the funding level had been at $200 million.

Last year, as Chairman of the Appropriations Subcommittee on Agriculture and Rural Development, I made every effort to eliminate this program. However, the distinguished Senator from Washington, Mr. GORTON, was successful in reinstating the program, both in the committee and on the floor.

Madam President, I do not see how we can go through the agony we have been going through in here in trying to cut spending, particularly in light of the fact that we are cutting spending for school lunches and for the Corporation for Public Broadcasting and for a host of other things which, in my opinion, have great merit and go right to the heart and soul of America. How we can cut spending for them and actually add nearly $25 million to the Market Promotion Program? It was at $85.5 million for Fiscal Year 1995 and it now stands, by virtue of the bill now before the Senate, at $110 million.

Senator BRYAN and I now propose to eliminate the Market Promotion Program and apply the savings toward deficit reduction. We are not setting it aside for something else. I would love to take this and put it in the Corporation for Public Broadcasting, but we chose to offer this amendment and apply the $110 million for pure deficit reduction.

I do not believe any member of this body should be able to keep a straight face and support some of the measures we are voting for when we cannot kill a program, like MPP, that is a pure subsidy for some of the biggest corporations in America and abroad. If we were solely promoting an industry, an industry-wide product or an agricultural product, as we do in the Export Enhancement Program, it might make a little sense. But we are promoting brand loyalty. With MPP, we are using Federal funds to promote a large number of popular retail items that most of us know as household words. MPP funds have been used to promote McDonalds' products, Gallo Wines, and several popular items produced in my State which we can all easily identify in grocery stores across the Nation.

Look down the list of the people who benefit from this—143 foreign firms. You inquire, what on Earth are we doing spending American taxpayers' money subsidizing foreign companies and promoting their brand loyalty? The answer: They use some American products. So if foreign companies that use our products want to advertise their brand and create a brand loyalty, we give them money, too.

And, in addition to 143 foreign corporations, Madam President, over 700 American corporations participate in this program just last year alone.

I am not blaming them. When Uncle Sam throws a big trough full of money out and says, come and get it, if I were one of these corporations and I had a foreign presence, as most of them do, I would get up there and apply for it, too.

Now, Madam President, I started off saying that the 1993 GAO report gave us reasons to question the validity of this program. More recently, another GAO report was prepared which I received in March of this year, just a couple of weeks ago.

No Senator should vote on this amendment until they look at the March 1995 GAO report.

Here is what they say, and this is the meat of the whole argument:

> The Foreign Agricultural Service has no assurance that marketing promotion funds are supporting additional promotional activities rather than simply replacing company industry funds.

The GAO did not just reach that decision without substantial program review. They studied it, and they said there is no evidence that this money is going for additional promotional activities that the companies themselves would not spend if we torpedoed this program. You cannot find a more compelling reason to vote for anything around here than a GAO report offers findings such as this.

If we were going to champion a program such as this—and I am not prepared to do that yet—it ought to be for small business, or companies new to market U.S. agricultural products abroad. Not big businesses that have been in the export business for years.

So, Madam President, I hate to use the term corporate welfare because big corporations make a contribution to this country, although members of the national press have not hesitated to attach that label to some results of the Market Promotion Program. I am not blaming them for standing at the trough and getting this money. There are 716 domestic and 143 foreign firms that received MPP funds in Fiscal Year 1994, and some of these are among the largest commercial enterprises in the World. Look down the list. It is shocking.

Here is an opportunity to save $110 million, of which it can be argued that the farmers of this nation are only the indirect beneficiaries, if even that; $110 million in genuine deficit reduction, much of which will otherwise go to some of the most affluent companies we know.

I listened to some Senators on the other side of the aisle 2 evenings ago talking about pork, talking about the Corporation for Public Broadcasting being an outrageous waste of the taxpayers' money. Here is an opportunity for everybody to quit talking and making partisan points. We need to make better use of our limited federal resources. We should join hands and eliminate this funding and allow these large companies to float free and easy on their own and spend their own money.

Madam President, I yield the floor and reserve the remainder of time that the distinguished Senator from Nevada has.

Mr. COCHRAN. What is the situation with the time? How much time remains on each side, allocated to individual Senators?

The PRESIDING OFFICER. The Senators in opposition have 5 minutes; the proponents have 3 minutes 28 seconds.

Mr. COCHRAN. I thank the Chair.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. How much time on our side is left?

The PRESIDING OFFICER. Three minutes 28 seconds.

Mr. BRYAN. Madam President, let me, in the interest of moving this debate forward, just express my appreciation to the distinguished Senator from Arkansas for his efforts and make just a couple of brief points, if I may.

He made the observation, which is absolutely correct, that there are 140 foreign companies. Here is a partial list of them right here. Some of the names you may know and some, frankly, I have never heard of, but 140.

To make the point that the distinguished Senator from Arkansas was making, from 1986 to 1993, 20 percent—20 percent—of the budget for this program for branded advertising—that is the McDonald's and the rest of it—goes to foreign companies. Twenty percent, American taxpayer dollars. I do not know how you justify and how you support that.

The other point that I would like to make is the GAO report that the distinguished Senator makes reference to has a very interesting piece of testimony, and that is, one of the recipients of the program was asked by the auditors, "How did you all become involved in the program?"

"Well," she said, "we got a phone call. They said, 'Would you like to get some money?'"

As the Senator from Arkansas said, I do not fault the company.

She said, "Tell me how."

"Look, we are passing out money on this program called the Market Promotion Program," and, indeed, the company did. The company, Newman's Own, Paul Newman's food company. They just got a call which said, "Look, would you like help for your advertising bills? We will reimburse you."

This was the testimony of A.E. Hotchner, from Newman's Own.

"We would be delighted to take it." As the Senator from Arkansas made the point, number one, it has not been established that it has accomplished its desired purpose. It is not effective. Is that not a prime reason to zero it out? And secondly, philosophically, I must say, Madam President, it sticks in my craw. Companies like this, and good companies—I am not maligning these companies—would get into the public trough and get this kind of taxpayer dollar when everybody in this Congress has talked a pretty good talk about reducing the deficit.

This ought to be a no brainer. This is not a difficult decision. This is one in which we should say these companies ought to have the ability to fly on their own.

I yield the floor and reserve any time I may have left.

The PRESIDING OFFICER. The Senator has 31 seconds left.

Mr. COCHRAN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, first of all, let me say putting the sign of McDonald's on the floor of the Senate and suggesting this program is designed to subsidize McDonald's, or any other particular firm, is an outrageous distortion of this program.

Let me read to you a memo written by the Poultry and Export Council about the McDonald's issue. It says in part:

Yes, our Council has used MPP to help McDonalds sell more American chicken—but not to promote McDonalds. The facts are that McDonalds franchises in other countries are foreign owned and operated. They are under no obligation to buy U.S. poultry or eggs and can readily find lower priced (and lower quality) product in Thailand, Malaysia or elsewhere.

But by allowing McDonalds to apply for and receive matching funds under MPP, requires their franchisees to be entirely supplied with U.S. products. The point is, we are NOT promoting McDonalds, we are getting McDonalds to advertise U.S. chicken and eggs. And it has been quite effective. In fact, the state of Arkansas has likely benefited more from this activity than any other state.

The point is this: The market promotion funds are made available almost 97 percent to non-profit and related U.S. trade associations, including state departments of agriculture. The National Cattlemen's Association says these funds have helped them break into the market in Japan, in Korea, and build market share.

We have seen the funds used in other countries for the same purpose, to try to overcome barriers to U.S. trade. The program has helped farmers, it has created jobs in America, and it has benefited every community.

I ask unanimous consent, Madam President, to print a copy of a letter from the Coalition to Promote U.S. Agricultural Exports in the RECORD, which shows a listing of all of the agriculture and farm commodity groups in America that benefit from this program because they can sell what they produce more effectively with this program's promotion money in overseas markets when they have to combat the unfair and competitive subsidies from other countries.

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

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, March 28, 1995.

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

DEAR SENATOR COCHRAN: We are writing to urge your continued strong support for maintaining and strengthening funding for USDA's export programs, including the Market Promotion Program, when the Senate takes up the FY 1995 supplemental appropriation and rescissions package.

As approved by the Senate Appropriations Committee, the package includes $24.5 million to restore funding for USDA's Market Promotion Program to its authorized level of $110 million. Such an increase, we believe, sends a strong and positive message that U.S. Policies and programs will remain equally competitive with those of other countries as allowed under the Uruguay Round GATT Agreement.

For this reason, we are very concerned over possible amendments to reduce or even eliminate funding for the entire program when the package comes to the Senate floor. Such action would be devastating to U.S. interests—especially in the face of continued subsidized foreign competition.

The GATT agreement, it should be emphasized, did not eliminate export subsidies, it only reduced them. The European Union (EU), which outspent the U.S. by 6 to 1 over the last 5 years, will be able to more than maintain its historical advantage. As export subsidies are reduced, they and other competitors can be expected to redirect much of those resources into other GATT allowable programs, including market development and promotion, to maintain and expand their share of the world market.

In fact, the EU and other competitors, including Australia, Canada and New Zealand, are moving aggressively with their farmers and ranchers, and other exporters, in support of market development and promotion efforts. According to USDA, total expenditures for such activities are estimated at nearly $500 million—well above similar expenditures by the U.S. and are expected to increase.

American agriculture is the most competitive in the world. But, it is not enough to be economically competitive. U.S. policies and programs also must be competitive. Many of us supported the Uruguay Round agreement because of assurances that U.S. policies and

programs would continue to be maintained and aggressively implemented to the full extent as allowed under GATT and U.S. law. Without this commitment, America's farmers and ranchers will be at a substantial disadvantage in the new global trade environment.

U.S. agriculture exports, which are projected to reach as high as $48.5 billion this year, account for as much as one-third of total production. In addition to helping strengthen farm income, exports are vital to our nation's economic well-being as highlighted below:

Jobs—Nearly one million Americans have jobs which are dependent on agriculture exports. A 10 percent increase in exports would help create as many as 100,000 jobs.

Economic Growth—U.S. agriculture exports help generate approximately $100 billion in economic activity and account for $8 billion or more in federal tax revenues.

Balance of Payments—U.S. agriculture exports result in a positive trade balance of nearly $20 billion. Without agriculture, the U.S. trade deficit would be even higher.

Again, such economic benefits can only be maintained to the extent that U.S. policies and programs remain competitive with those of our foreign competitors. America's farmers and ranchers, and others engaged in international trade, can not and should not be required to compete alone against the treasuries of foreign governments.

USDA's Market Promotion Program has been and continues to be an important element in our nation's trade strategy and in helping U.S. agriculture build, maintain and expand export markets in the face of continued subsidized foreign competition. As a cost-share program, it has been extremely cost effective with farmers and ranchers, along with other participants, required to contribute as much as 50 percent of their own resources in order to be eligible. It has also been highly successful by any measure.

For these reasons, we urge your continued strong support and that you oppose any amendment which would reduce or eliminate funding for this important program.

Sincerely,

AG PROCESSING, INC.
ALASKA SEAFOOD MARKETING INSTITUTE.
AMERICAN FARM BUREAU FEDERATION.
AMERICAN FOREST & PAPER ASSN.
AMERICAN HARDWOOD EXPORT COUNCIL.
AMERICAN MEAT INSTITUTE.
AMERICAN PLYWOOD ASSOCIATION.
AMERICAN SEED TRADE ASSOCIATION.
AMERICAN SHEEP INDUSTRY ASSN.
AMERICAN SOYBEAN ASSOCIATION.
BLUE DIAMOND GROWERS.
CALIFORNIA AVOCADO COMMISSION.
CALIFORNIA CANNING PEACH ASSN.
CALIFORNIA KIWIFRUIT COMMISSION.
CALIFORNIA PISTACHIO COMMISSION.
CALIFORNIA PRUNE BOARD.
CALIFORNIA TABLE GRAPE COMMISSION.
CALIFORNIA TOMATO BOARD.
CALIFORNIA WALNUT COMMISSION.
CHERRY MARKETING INST., INC.
CHOCOLATE MANUFACTURERS ASSOCIATION.
DIAMOND WALNUT GROWERS.
DOLE FRESH FRUIT COMPANY.
EASTERN AGRICULTURAL AND FOOD EXPORT COUNCIL CORP.
FARMLAND INDUSTRIES.
FLORIDA CITRUS MUTUAL.
FLORIDA CITRUS PACKERS.
FLORIDA DEPARTMENT OF CITRUS.
GINSENG BOARD OF WISCONSIN.
HOP GROWERS OF AMERICA.
INTERNATIONAL AMERICAN SUPERMARKETS CORP.
INTERNATIONAL APPLE INSTITUTE.
INTERNATIONAL DAIRY FOODS ASSOCIATION.
KENTUCKY DISTILLERS ASSOCIATION.
MID-AMERICA INTERNATIONAL AGRI-TRADE COUNCIL.
NATIONAL DRY BEAN COUNCIL.
NATIONAL GRAPE COOPERATIVE ASSOCIATION, INC.
NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE.
NATIONAL CATTLEMEN'S ASSN.
NATIONAL CONFECTIONERS ASSN.
NATIONAL CORN GROWERS ASSN.
NATIONAL COUNCIL OF FARMER COOPERATIVES.
NATIONAL COTTON COUNCIL.
NATIONAL MILK PRODUCERS FEDERATION.
NATIONAL PEANUT COUNCIL OF AMERICA.
NATIONAL PORK PRODUCERS COUNCIL.
NATIONAL POTATO COUNCIL.
NATIONAL RENDERERS ASSOCIATION.
NATIONAL SUNFLOWER ASSOCIATION.
NATIONAL WINE COALITION.
NORPAC FOODS, INC.
NORTH AMERICAN EXPORT GRAIN ASSOCIATION.
NORTHWEST HORTICULTURAL COUNCIL.
OCEAN SPRAY CRANBERRIES, INC.
PRODUCE MARKETING ASSOCIATION.
PROTEIN GRAIN PRODUCTS INTERNATIONAL.
SIOUX HONEY ASSOCIATION.
SOUTHERN FOREST PRODUCTS ASSN.
SOUTHERN U.S. TRADE ASSOCIATION.
SUN-DIAMOND GROWERS OF CALIFORNIA.
SUNKIST GROWERS, INC.
SUN MAID RAISIN GROWERS OF CALIFORNIA.
SUNSWEET PRUNE GROWERS.
THE CATFISH INSTITUTE.
THE POPCORN INSTITUTE.
TREE FRUIT RESERVE.
TREE TOP, INC.
TRI VALLEY GROWERS.
UNITED EGG ASSOCIATION.
UNITED EGG PRODUCERS.
UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION.
USA DRY PEA & LENTIL COUNCIL.
USA POULTRY & EGG EXPORT COUNCIL.
USA RICE FEDERATION.
U.S. FEED GRAINS COUNCIL.
U.S. LIVESTOCK GENETICS EXPORT, INC.
U.S. MEAT EXPORT FEDERATION.
U.S. WHEAT ASSOCIATES.
VODKA PRODUCERS OF AMERICA.
WASHINGTON APPLE COMMISSION.
WESTERN PISTACHIO ASSOCIATION.
WESTERN U.S. AGRICULTURAL TRADE ASSOCIATION.
WINE INSTITUTE.

Mr. COCHRAN. Madam President, let me give one example. The European Community this year is going to spend $89 million just promoting wine exports and subsidizing wine exports, a lot of that into the U.S. This entire program is $85.5 million, and the sponsors of this amendment are trying to knock out every dollar of it. We are not going to have any funds left to help combat the unfair and heavily subsidized trading practices of foreign countries if you take away this tool.

I am hoping that we can increase the funding. It used to be $200 million a year, and because of cuts in this and other programs, we had to downsize the program. It is now only $85.5 million, and they are trying to take away that.

The President and the administration requested additional funds to help companies, to help farm groups and State departments of agriculture deal with these competitors, to increase their market share. The administration asked for an increase from $85.5 million to $110 million, and this committee recommended it, the Appropriations Committee agreed to it, and we ought to approve it.

I am hoping the Senate will reject this amendment. I yield whatever time remains to the Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington has 1 minute 7 seconds.

Mr. LEAHY. Mr. President, I would like to say a few words about a program that I have not often praised in the past. The Market Promotion Program [MPP] is designed to help U.S. agricultural producers develop export markets overseas.

Most people do not associate Vermont with agricultural exports, but in fact the State exported almost 122 million agricultural products in 1994. The

food products industry is the fastest growing sector of the State's economy. And profitable value added products make up a good part of that total.

In my State, the Market Promotion Program has fulfilled its potential to help small companies develop a niche in foreign markets. Thanks to the program Mexicans have discovered the joys of Vermont maple syrup, Canada is importing Vermont cheesecakes, Bermudans are drinking our cider and finding that they like it, and our friends in the United Kingdom are eating MacIntosh apples they never even knew Vermont produced.

Through MPP, the Vermont Department of Agriculture is introducing Vermont companies to new opportunities in Europe, Canada, Asia, and Latin America. During the next year, Vermont companies will be participating in trade missions and export seminars in Hong Kong, Guangzhou, Canada, Brazil, and Mexico. These opportunities would not be available to Vermont agriculture without the MPP.

Unfortunately MPP dollars are not always as well spent. As chairman of the Senate Agriculture Committee, I held oversight hearings on MPP that uncovered a number of problems with USDA's management of the program. And, in 1993 I worked for real reform of the program to correct the abuses that were reducing MPP to a massive corporate welfare program.

The Market Promotion Program has come a long way from where it was 3 years ago. The Clinton administration has reformed the program to curb abuses and focus the program where it should always have been targeted—toward small businesses. MPP is far from perfect. We must continue to look for ways to put scarce dollars where they are needed the most. But eliminating the program is not the way to do it.

Mr. GORTON. Madam President, I find it simply incredible that almost the only suggestion for the reduction in funds that we get from Members who, by and large, have been voting to increase funds for all sorts of income transfer purposes is to take away funds that help the United States sell its agricultural products abroad.

This program does more to benefit hard-working American farmers and food processors than almost any other program we have.

It helps to deal with a terrible deficit in our trade balance, the largest this country has ever had. It is a more positive impact on what we do to produce money for our farmers, for the people who work for them, for those who process food, than practically any other program.

By all means, we should not turn down the opportunity to help our economy become more and more competitive. We should reject this amendment.

Mr. COCHRAN. Madam President, is there time left in opposition to the amendment?

The PRESIDING OFFICER. All time has expired. The Senator from Nevada has 30 seconds remaining.

Mr. BRYAN. Thank you, Madam President.

Let me just say in response to my friends on the other side of this proposition, I am not arguing with the distinguished Senator from Arkansas that no agricultural promotion is defensible or justified.

We are spending $2.2 billion—$2.2 billion—on agriculture promotion for exports aside from this program. What I am saying is this particular program that subsidizes the wealthiest corporations in America cannot be defended, particularly when we are spending $12.2 billion, 63 percent of all the money spent for promotion around——

The PRESIDING OFFICER. All time has expired.

Mr. COCHRAN. Madam President, I move to table the amendment offered by Senators BRYAN and BUMPERS 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. Under the previous order, the question is on agreeing to the motion to table amendment No. 461 offered by the Senator from Nevada [Mr. BRYAN]. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "nay".

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—61

Akaka	Exon	McConnell
Ashcroft	Feinstein	Moseley-Braun
Baucus	Ford	Murkowski
Bennett	Frist	Murray
Biden	Gorton	Nunn
Bond	Gramm	Packwood
Boxer	Grams	Pressler
Breaux	Grassley	Pryor
Burns	Hatch	Robb
Campbell	Hatfield	Shelby
Coats	Heflin	Simon
Cochran	Hutchison	Simpson
Cohen	Inouye	Snowe
Conrad	Jeffords	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thurmond
DeWine	Kerrey	Warner
Dole	Kohl	Wellstone
Domenici	Leahy	
Dorgan	Lott	

NAYS—37

Abraham	Bradley	Bryan
Bingaman	Brown	Bumpers
Byrd	Inhofe	Nickles
Chafee	Kennedy	Pell
Coverdell	Kerry	Reid
Dodd	Kyl	Rockefeller
Faircloth	Lautenberg	Roth
Feingold	Levin	Santorum
Glenn	Lieberman	Sarbanes
Graham	Lugar	Smith
Gregg	Mack	Thompson
Harkin	McCain	
Hollings	Moynihan	

NOT VOTING—2

Helms	Mikulski

So the motion to lay on the table the amendment (No. 461) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. DOLE. Mr. President, let me advise my colleagues I think we may have an agreement here if we can have everybody's cooperation, and we may be able to finish this bill tonight and we may be able to finish all other business by voice votes including the defense supplemental, the district board, kiddie porn and whatever else might be remaining. So it would mean that my colleagues will be able to tend to other business tomorrow either here or somewhere else.

AMENDMENT NO. 577

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

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. DASCHLE, proposes an amendment numbered 577.

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

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

(The amendment will be printed in today's RECORD under "Amendments Submitted.")

Mr. DOLE. Mr. President, I ask unanimous consent there be 30 minutes for debate on the Dole amendment to be equally divided in the usual form and that no amendments be in order during the pendency of the Dole-Daschle amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN addressed the Chair.

Mr. DOLE. I am coming to the Senator's.

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

Mr. DOLE. I further ask that the following amendments be the only remaining amendments in order and limited to the following time restraints where noted, all in the usual form. And I have been advised by Senator LEVIN he will not offer the one amendment—he does have an amendment that has been worked out; an amendment by Senator WELLSTONE relating to seniors; a managers' amendment, a Hatfield/Byrd amendment; and a Harkin handback for CPB, and on that there be an up-or-down vote.

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

Mr. JEFFORDS. Reserving the right to object, Mr. President.

Mr. DOLE. Excuse me. I did not give times on those amendments: On Harkin, there will be 20 minutes equally divided; on the Wellstone amendment, 20 minutes equally divided; and the Hatfield/Byrd managers' amendment, 15 minutes equally divided.

Mr. HARKIN. Reserving the right to object.

Mr. JEFFORDS. Mr. President, reserving the right to object, I have an amendment for which I do not need more than 10 minutes which I intend to offer.

Mr. HARKIN. Mr. President, reserving the right to object, I ask the distinguished majority leader, on my amendment, I had initially asked for 20 minutes on our side. I do not know how much time the other side will take. I need 20 minutes because I have at least two other people who want to speak on it. If I can just have 20 minutes, that is fine.

Mr. DOLE. Twenty minutes and we will take 10 minutes.

Mr. HARKIN. Whatever. The amendment is not only CPB. It is also an addback for the senior community appointment program.

Mr. DOLE. What is the total of the amendment?

Mr. HARKIN. The total of the amendment is $40 million.

Mr. DOLE. And it is offset?

Mr. HARKIN. It is offset by the cut in Radio Free Europe. Some of the money goes to get CPB back up to the inflation increase, and then some of it goes for the senior community appointment program. The Senator did not mention it, and I wanted to make sure that it was in there.

Mr. DOLE. So that will be 20 and 10, 20 minutes for Senator HARKIN and 10 minutes in opposition.

Mr. HARKIN. That is fine. My concern, when the unanimous consent was read, was that when I sent my amendment to the desk and it was also for somebody in the senior community appointment program, it would not be pulled out of order on this type of agreement.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, I am not sure where I stand, Mr. President.

Mr. JEFFORDS. Mr. President, I withdraw my objection.

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

Mr. DOLE. Mr. President, I further ask unanimous consent that, following the disposition of the above listed amendments, the Senate proceed to vote on the Hatfield substitute, to be followed by third reading and final passage of H.R. 1158, as amended, all without any intervention action or debate.

But before the Chair rules on that, I think it is best to have a colloquy at this time with the distinguished Senator from New York with reference to the amendment on Mexico, which would be critical to winding up this package this evening, as I understand from the Democratic leader and others.

So I am happy to yield to the Senator from New York.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I thank the majority leader.

I recognize the situation and the dilemma that the Senate finds itself in in confronting the necessity of moving forward with this bill. I recognize that we are moving up against a time deadline.

Mr. President, I am going to say now that I am not going to pursue this amendment for two reasons. Number one, I do not want to be accused of scuttling a very difficult agreement that has been worked out, where other of my colleagues have stepped back, and insist that I be the only one that goes forward.

Having said that, I want to indicate very clearly that this Senator is deeply troubled by the manner in which we are discharging our constitutional responsibility as it relates to Mexico and the attempt of this administration to help them.

And I want to help. But this Senator wants to see to it that the dollars that we are committing are used appropriately. I think at the very least we are entitled to the kind of accountability that we would be if it were a foreign aid program and even more since it is a clear circumvention of the manner in which foreign loans should be made.

To that extent, I suggest that the second-degree amendment which was offered by Senator MURKOWSKI is absolutely, totally appropriate; that the legislative initiatives undertaken by Congressman Cox should be, without question, something that is carried out in terms of making information available to us as it relates to what preceded the crisis in Mexico before it became public and the collapse of the Mexican economy. What was our role and what has been our role since then? And what do we anticipate as we move along?

Again, I will press this matter. I do not claim that the legislative initiative that I have undertaken should be adopted in its present form, but I do believe that when we are talking about sending billions of dollars, taxpayers' dollars, to a program that may or may not work—and the administration has testified before the Banking Committee that it may not work—that we have an absolute obligation to know what is taking place and how it is administered, at the very least.

I do not think that those who say this is without doubt within the administration's prerogative would deny us that. I believe that is giving tremendous latitude.

When we come back from our recess, undoubtedly billions of dollars more of American moneys will have been placed into this program. The question as to whether or not we will ever have repayment is a very legitimate question. But how far do we go, in a very important but a very risky undertaking; how far do we go before we say, "Wait, this may not be working"? Do we leave this just in the prerogative of the Secretary of the Treasury to determine if it is working, or should we not at the very least have that information?

Mr. President, I tell the majority leader that I will move forward by way of legislation, if necessary, to at least obtain that information, obtain the facts. And, in addition thereto, if we find, and if I am not convinced, that the program is working or that there is a chance of us recovering moneys, I will then move by legislative action again to accomplish the things that I have said before on this floor and to cut off further dollars.

By the time we come back, there is no doubt in my mind that we will have committed directly from the United States probably in the area of $10 billion or more. That is a lot of money. We are working on a rescission package to try to save money. We certainly, at the very least, are entitled to know that those dollars are being used wisely, appropriately, and that there is some chance of success, a bona fide chance of success. That is what troubles this Senator.

So with that statement, I will say that I do want to accommodate my colleagues, but I also want them to know that there may be more legislation moving through this Senate, and I reserve the right, as all of us have that right, to move forward with this initiative. It will be at a time when there is legislation that may be critical, that the administration needs or that people are interested in. I will not move on

a piece of legislation that is not critical and therefore be denied bringing this matter to a vote.

At some point in time, it is my belief that this Congress and this Senate should be required to vote as to whether or not we should continue this program.

Mr. President, I ask unanimous consent to withdraw the pending amendment, amendment No. 427.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 427) was withdrawn.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think we have the agreement.

I think I did ask unanimous consent that following the disposition of the above-listed amendments, the Senate proceed to vote on the Hatfield substitute, to be followed by third reading and final passage of H.R. 1158, as amended, without any intervening action or debate.

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

Mr. DOLE. Mr. President, I want to say to the Senator from New York, I think he has raised a very important issue, and it is not going to go away. Sooner or later, Congress is going to have to become involved, because we are spending taxpayers' money. I think it is safe to say that Speaker GINGRICH and I indicated early on that we wanted to support the administration, the President. That is what we said at that time, and that is what I would say at this time, but with one caveat: We should know precisely what is happening. And I think that is the thrust of the Senator's amendment. It is an important amendment.

We have a responsibility. We are talking about $5 million here in one amendment we cannot agree on—$5 million. And you are talking about $5 billion. So I just suggest it is important, and I hope that we do not lose sight of that.

I thank the Senator for withdrawing the amendment. That will permit us to complete action on this bill, hopefully, tonight or tomorrow at some hour. I would like to do it tonight.

I ask unanimous consent that all the votes that we order be stacked, in effect, so we could have all the votes and then final passage, and then see if we cannot get some agreement to do the rest of our business by voice vote, if there is no objection to that.

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

Mr. DOLE. I also ask unanimous consent that, if there is more than one vote, any succeeding votes be limited to 10 minutes.

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

Mr. DOLE. Mr. President, I would also ask my colleagues, even though they have 20 minutes or 15 minutes, different time allotments, that I think we could save some time.

I want to thank the distinguished Democratic leader for his cooperation throughout the day and throughout yesterday, and throughout part of the night last night.

I believe we are within striking distance of concluding a bill that now totals about $16 billion in rescissions—$16 billion. This bill will go to conference and some of the issues that some people have concerns about will be raised again in the conference. Regardless of what your concern may be, if you think it is too much or too little, it can be raised in the conference.

So I thank all of my colleagues for their cooperation. I think we have made progress. I can tell you that the end is in sight.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me also thank all of our colleagues on both sides of the aisle for their cooperation in the effort that has been made to bring us to this point. It has been a long day. There have been a lot of people who have been responsible for bringing us to this point, and I want to publicly commend them and thank them for that effort.

We still have some very big decisions to make on amendments that are going to be offered. I appreciate everyone's willingness to accommodate a debate on each one of these issues, but I do think that we are getting close, and I think that it is an agreement we can all support. Obviously, people are going to come down on either side of the issue when we come to final passage, but I think this accommodates Senators in a way that allows us to get to that point.

So I think it is a good agreement, and I hope that we can work through the amendments and get to final passage sometime tonight. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 578 TO AMENDMENT NO. 420

(Purpose: To restore funds to the National Sea Grant's program on research to control and prevent the spread of aquatic nonindigenous species)

Mr. LEVIN. Mr. President, I ask unanimous consent to set aside the pending amendment and send an amendment to the desk which has been cleared by both sides, reference to which was made by the majority leader in the UC.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. ABRAHAM, Mr. SPECTER, Mr. KOHL, Mr. GLENN, Mr. SANTORUM, Mr. SIMON, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 578 to amendment No. 420.

Mr. LEVIN. 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:

On page 9, line 16, strike "$13,000,000" and insert "$15,000,000".

On page 9, line 12, strike "$37,600,000" and insert "$35,600,000".

Mr. LEVIN. Mr. President, I am sending this to the desk on behalf of myself, Senator ABRAHAM, Senator SPECTER, Senator GLENN, Senator KOHL, Senator SANTORUM, Senator SIMON, and Senator MOSELEY-BRAUN.

This amendment will restore $2 million to the research program on the zebra mussel, which is a pest which has infested the Great Lakes and is now spreading through the tributaries from and to the Great Lakes.

It is a very important program for the fresh water supply of this country. The reduction of $2 million will hurt the research program. Many, many States benefit by it, and the offset for the $2 million restoration comes from the NOAA construction money.

I understand that this has been accepted on both sides.

The $2 million rescission in the National Sea Grant Research Program will limit Federal, State, and university research to help stop the spread of the zerbra mussel, and other non-indigenous species.

Fifteen States' programs would likely continue efforts to educate natural resource managers as to the devastating impacts of zebra mussels if this $2 million is restored. They will study these pests' life cycles to determine when and where they are most vulnerable to pesticides or nonchemical control. The States that received funds in fiscal year 1994 besides the Great Lakes States include California, Louisiana, Massachusetts, Maryland, New Jersey, Delaware, Texas, Connecticut, and Florida.

This is not just a zebra mussels amendment. Sea Grant's Program is crucial. We need to keep cataloging the ways nuisance species reproduce. There are over 130 nonindigenous species in this country, two-thirds of which entered the country since 1959, when the St. Lawrence Seaway was opened.

Some of my colleagues may be familiar with some of the most economically damaging exotic species that industries, municipal sewerage and drinking water facilities, boaters, farmers, et cetera have been forced to confront besides the zebra mussel, such as the water milfoil, the water flea, purple loosestrife, the round Gobi, and the ruffe.

But, the zebra mussel invasion provides the most compelling reason to

support research that will enable us to develop control methods and prevent infestation. The mussel has now spread to 20 States and continues to spread. Between July and September 1994, mussel densities on the southern Mississippi River increased from 10/sq meter to 40,000/sq meter.

A relatively new pest, the ruffe, is spreading throughout the far reaches of Lake Superior threatening commercial and recreational fisheries, and is heading toward Lake Erie's $800 plus million perch and walleye fishery.

The sea grant performs high-quality, peer-reviewed science. It does not duplicate other nonindigenous programs conducted by other agencies.

My bipartisan amendment would take an additional $2 million out of NOAA's construction account and restore it to NOAA's National Sea Grant Program for research on nonindigenous species.

Mr. GLENN. Mr. President, I rise to commend my colleagues from the Great Lakes region, on their efforts to restore needed funding for Sea Grant's critical research on aquatic nuisance species.

As the cochair of the Senate Great Lakes Task Force, I have worked hard to protect and restore the economic and environmental health of the Great Lakes. This aquatic ecosystem is home to nearly 30 million Americans who depend on these waters as avenues of commerce, as sources of drinking water, and as recreational playgrounds attracting millions of visitors. Under the Nonindigenous Aquatic Nuisance Prevention and Control Act (P.L. 101-646) I sponsored in 1990, Sea Grant is authorized to conduct critical exotic species research which allows the Great Lakes to provide such a wide range of benefits.

Exotic species cause severe economic and ecological damage along our Nation's marine coasts and freshwater systems. In a surprisingly short time, the zebra mussel has spread to 20 States taking a heavy toll on biodiversity of hosting systems and forcing private and municipal waterworks and powerplants to withstand increased and costly maintenance efforts. However, Sea Grant aquatic nuisance species research is not exclusively dedicated to the zebra mussel. The restoration of $2.0 million for Sea Grant's nonindigeous species funding continues research on the serious Eurasian ruffe problem in Lake Superior which threatens the region's $4 billion fishing industry.

The increasing number of harmful nonindigenous species and their cumulative impacts continue to create growing economic and environmental burdens for the United States. Sea Grants research and outreach efforts complement other Federal programs and enable us to adopt a national approach toward stewardship of our natural resources. Reducing funding for the critical aquatic nuisance species research conducted by Sea Grant will curtail ongoing research which benefits the Great Lakes and the entire Nation.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Michigan is correct. This amendment has been accepted on this side.

Mr. LEVIN. I thank the Senator from Washington.

Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of the amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 578) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 579 TO AMENDMENT NO. 420

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. LEAHY, Mr. REID, and Mr. KENNEDY, proposes an amendment numbered 579 to amendment No. 420.

Mr. HARKIN. 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:

Insert after page 7, line 18:

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the funds made available under this heading to the board for international broadcasting in Public Law 103-317, $40,500,000 are rescinded.

On page 27, delete lines 4 through 12.

On page 36, line 10, strike "$26,360,000" and insert "$17,791,000".

On page 36, line 12, strike "$29,360,000" and insert "$11,965,000".

Mr. HARKIN. Mr. President, I understand I have 20 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I yield myself 10 minutes.

Mr. President, this amendment, offered on behalf of myself, Senator HOLLINGS, Senator LEAHY, Senator REID, and Senator KENNEDY, would rescind $40.5 million from the funding for the organization known as Radio Free Europe. Of that money, we would take $26 million and put it into the Corporation for Public Broadcasting in America, and the other $14 million would go for the Senior Community Service Employment Program.

Again, Mr. President, I point out that adding this money, this $26 million to the Corporation for Public Broadcasting, still leaves the CPB at $29 million less than what was appropriated last year. This does not even bring it up to the fully appropriated level. It would allow for only an inflationary increase for CPB.

But I want to point out very emphatically that this amendment does not even bring the Corporation for Public Broadcasting up to what was funded last year.

It does take $40 million out of Radio Free Europe, and I think it reflects an important historical reality; namely, the cold war is over, and it is time we take some of these old relics of the cold war and we start defunding them.

Mr. President, right now we have a lot of people who are opposing Federal funding for public radio and television in the United States. The same opponents who rail against U.S. contributions to public radio for Americans are willing to write, without question, a check of almost equal amount to fund public radio for Europeans to fight a war against an enemy that no longer exists. In short, sending U.S. taxpayer dollars abroad to fund public radio in Europe is OK, but using U.S. tax dollars to finance public radio and TV for Americans at home is not.

Our amendment attempts to correct that injustice by restoring federally financed public radio for Americans and cutting a little from U.S. financed public radio for Europeans.

I will also point out that this amendment, plus the $14 million that is in the agreement, provides for a $54 million total cut in Radio Free Europe. The Dole substitute, offered by the majority leader, had a $98 million cut in Radio Free Europe. So I am not even advocating cutting as much from Radio Free Europe as the Senator from Kansas did in his first proposal. He proposed to cut $98 million out of it. We are only proposing to cut $54 million.

Even with this cut in Radio Free Europe, Radio Free Europe's funding level will be $175 million. That is $100 million more than the $75 million the administration requested for this program in fiscal year 1996.

I point out further that President Clinton, in February of 1993, proposed eliminating Radio Free Europe. He said the cold war is over; there is no use to keep funding RFE.

Opponents of the Corporation for Public Broadcasting are working to phase out public broadcasting at home and are willing to sustain that same service in Europe. Make no mistake about it, this is public broadcasting in

Eastern Europe; it is paid for by U.S. taxpayers. But there are existing alternatives available to Eastern Europeans and Russians—CNN, FM radio, AM radio, in addition to the Voice of America.

Mr. President, let me recite briefly the history of Radio Free Europe. It started 40 years ago as a covert operation of the CIA broadcasting shortwave signals behind the Iron Curtain. All three of these—Radio Free Europe, Radio Liberty, and Voice of America—played a tremendous role in bringing news and information to people in Communist countries. They all played a critical role in fighting and winning the cold war.

I would never have suggested this kind of amendment if the cold war were still on, but the cold war is over. And yet our overburdened American taxpayers are still paying more than $200 million for Radio Free Europe—I have dubbed it "Radio Expensive Europe"; it is not Radio Free Europe, it is "Radio Expensive Europe"—plus another $100 million for the Voice of America and another $2 million for the administrative costs for the Board of International Broadcasting.

Mr. President, you will hear arguments against my amendment. They will claim that RFE provides independent broadcasting, and therefore performs a different role from the Voice of America. Who is kidding whom? Radio Free Europe, created by the Central Intelligence Agency—the board that runs it is appointed by the President of the United States.

Second, Radio Free Europe continues to be funded to this day solely by U.S. taxpayers. Why? Why not the Germans? Their mark, as we know lately, is a lot better than the U.S. dollar. Why do the Germans not come in and pay a little bit? Why do they not pick up the tab? Or how about the French or the Norwegians or the Swedes or the Poles or the Italians? Why do they not come in and contribute?

No, it is our U.S. taxpayers footing the whole bill for Radio Free Europe. Quite frankly, Mr. President, I want to make my feelings known. I think Radio Free Europe ought to be zeroed out. But I am not proposing to do that in this amendment. I am still leaving $175 million for RFE for Fiscal 1995. I think we ought to come back and zero it out, maybe next year, but we ought to use some of this money to at least provide an inflationary increase for public broadcasting here at home, and restore funding for the senior citizen community employment program.

Mr. President, let me just talk a little bit more about the Senior Community Service Employment Program. As I said, the amendment I have offered takes $26 million for the Corporation for Public Broadcasting. It still leaves it $29 million less than what we appropriated last year. And it takes $14 million and puts it into senior community service employment, the only work force program designed to help seniors, elderly, get jobs in community service.

I suspect all Members have gone to a senior citizens center providing meal programs, and we know how much good this program does.

I ask unanimous consent to have printed in the RECORD an article from the Washington Post of January 27, 1995, titled "A Federal Program That Does It Right," and I also ask unanimous consent to insert a letter from the National Council of Senior Citizens in support of this program.

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

[From the Washington Post, Jan. 27, 1995]

A FEDERAL PROGRAM THAT DOES IT RIGHT

(By Judy Mann)

Let's say you run a small company and you need a filing clerk. A 67-year-old Latino woman applies for the job and so does a newly minted high school graduate. Which one would you hire?

Precisely. And that's one of the reasons behind the Senior Company Service Program, an organization that trains low-income people 55 and older and helps them find jobs. Participants usually receive minimum wage for 20 hours of training, and then they go to work, often in community service jobs that help the elderly. Those subsidized jobs often serve as bridges into permanent positions.

By last June, the program had placed 27.3 percent of its people in unsubsidized jobs such as bookkeeping in banks, driving delivery vehicles, tutoring in schools and working as health aides. That is a higher rate than the 25 percent job placement rate in California's program for its welfare parents.

The Senior Community Service Program is the backbone for most meals-on-wheels programs and for many day-care centers in rural areas. an essential feature of the program is that it matches seniors with the service needs of each community. The program also works closely with businesses to ensure that enrollees are getting indispensable job skills.

The program is administered by the Department of Labor, which contracts with national nonprofit organizations, such as the National Council of Senior Citizens (NCSC) and the American Association of Retired Persons, to run them. About 70 percent of the enrollees are women, 56 percent are 65 or older, a third have less than a high school education and about 40 percent are members of a minority group—one of the highest rates of minority participation for any domestic program.

Chris Oladipo, who runs the NCSC program in Prince George's County, says it is particularly helpful as a bridge for older immigrants who have trouble earning a living because of language barriers.

While most employment programs operate on the premise that they get more for their money by concentrating on young people, "we look for the oldest and poorest people we can find," says Andrea Wooten, president of Green Thumb Inc., which trains 18,000 people a year.

The programs have also played an important role in retraining displaced workers, says Donald Davis, who directs the programs run by the National Council on Aging. He tells the story of a professional man in San Francisco who had looked for a job for eight months after being laid off.

"We worked with him for three months. He is now heading up a multilingual program and making $30,000 a year," Davis says. "Every study that's been done of this program says it is one of the most effective ever developed by the federal government."

In the three decades since the senior community service and job training program has evolved, it has enjoyed strong bipartisan support. But it is in danger of getting caught up in the current rush to decentralize welfare programs and to fund them through block grants to states, where various programs are having to compete with each other for fewer resources.

David Affeldt, the former chief counsel with the U.S. Senate Committee on Aging who developed legislation creating the program, says it came about because block grant programs historically have not served older workers well. He predicts that, at a minimum, 15,000 to 20,000 older workers served each year "will get their pink slips" if the program is funded through block grants.

"One of the main problems that older workers have is that they are not as visible or outspoken about their needs. . . . The program has given these people hope and an opportunity to help themselves while helping others, rather than be dependent upon public assistance."

The Senior Community Service Program, also known as Title V of the Older Americans Act, costs $410 million a year and is supposed to serve about 67,000 people. "We actually serve over 100,000 people because we've used this program to get people up and out," says Sheila Manheimer, of the NCSC.

Half the members of the U.S. House of Representatives have been elected since 1992, and many are riding a streamroller called "mandate for change" without having a very good idea of the territory they are rolling over. The Senior Community Service Program serves the poorest of the elderly while providing a wide variety of services that make our communities livable. Far from a candidate for dismantling, this is one federal program that everyone should look to as a model of what works.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Washington, DC, March 30, 1995.

DEAR SENATOR: The National Council of Senior Citizens (NCSC), in behalf of our five million affiliated members, asks you to vote in support of Senator Harkin's amendment of H.R. 1158, the 1995 Rescission bill. This amendment is expected to come before the full Senate today and your support would be appreciated by seniors and families throughout the nation.

This amendment would restore funding to many programs important to the elderly, children and our communities, including the Senior Community Service Employment Program (SCSEP), the Child Care Block Grant, the Safe and Drug Free Schools Program, Drug Courts and the Corporation for Public Broadcasting.

The Council is particularly concerned about the $14.4 million rescinded under H.R. 1158 from the Senior Community Service Employment Program. The SCSEP designs needed community service programs and provides subsidized training and part-time employment which maximizes the productive contributions of older persons in these community services. Senator, please note that the $14.4 million rescinded under H.R.

1158 would result in the loss of jobs for almost 3,000 low-income senior citizens now staffing community service programs nationwide under Title V of the Older Americans Act.

In a January 27 article in *The Washington Post*, which I have attached, Judy Mann said it best when she said, "Far from a candidate for dismantling, this is one Federal program that everyone should look to as a model of what works." Every study has shown the SCSEP to be one of the most effective programs ever developed by the Federal government.

Again, please do right by the elderly, young and our communities by supporting Senator Harkin's amendment restoring funding to these critical programs. Short of the changes included in Senator Harkin's amendment, the Rescission bill does not merit support.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 2 minutes of the 10 minutes allotted yourself and another 10.

Mr. HARKIN. I yield 2 minutes or whatever more he needs to the Senator from Vermont.

Mr. LEAHY. Mr. President, the amendment Senator HARKIN and I are offering would partially restore cuts to public radio and television by reducing the appropriation for Radio Free Europe.

Radio Free Europe [RFE] is a World War II program, designed to broadcast news to people living behind the Iron Curtain.

News flash—The Iron Curtain has fallen.

The Cold War is over. While the rest of the world is moving ahead with satellite communication and other technological advances, we are still using U.S. tax dollars to support broadcasts by shortwave radio.

I find when I go on the internet, I can reach people in Eastern Europe. I think I can reach them quicker on internet than by shortwave radio on Radio Free Europe.

I really cannot see, when we are cutting out our own public broadcasting, why we are paying for this in Germany.

We are shortchanging an American audience in deference to overseas listeners.

Our amendment cuts $40.5 million from what U.S. taxpayer is currently paying to support Radio Free Europe. This will still leave $175 million for RFE.

The Corporation for Public Broadcasting would receive $26 million of this savings.

This is not a total restoration of the cuts in this bill for public television and radio—we understand that tough choices have to be made. This restoration will support CPB at the 1995 level with a small increase to compensate for inflation.

Continuing public television and radio programs are especially important in rural areas where residents might not be able to afford or have access to cable programs.

I hear from hundreds of Vermonters each week on how important Vermont ETV and Vermont Public Radio are to their lives. For some, it is the only news and educational programming they can get.

We should not be diminishing this valuable national resource.

The remaining savings from the RFE budget would restore cuts to the Community Service for Older Americans Program.

The war against communism is over. We must focus our efforts on another battle that is still being waged here at home:

Adoption of this amendment will send a clear signal that our priority is to support programs that will help educate and enrich the lives of Americans.

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

Mr. WELLSTONE. First of all, Mr. President, I ask unanimous consent to be included as an original cosponsor of this amendment.

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

Mr. WELLSTONE. I thank the Chair. Mr. President, it is difficult to cover the ground in less than 2 minutes.

Let me just make three points. First of all, I want to associate myself with the remarks of the Senator from Vermont. Second of all, I would like to focus on the import of this amendment, which is to restore as much funding as possible for public television.

I go back to just one gathering in Appleton, MN, in southwest Minnesota, where it is just crystal clear for anyone who wants to look at public TV that it is far from a "sandbox for the rich." Public television is so important to the enrichment of lives of citizens in our country, both urban and rural, but I think especially in the rural communities it is vitally important.

Second of all, the community service for older Americans program is a huge success. The way I define "success" is we are talking about low- and moderate-income elderly people who, number one—it is kind of a marriage—are able to have the dignity of being able to work; and number two, their work is this service of community, whether it be delivery of meals to homebound, whether it be taking care of children, whether it be recreational services.

I remember in talking with citizens in Willmar, MN, we can get a wonderful feel for how important this program is on the basis of investment of really very few dollars.

I want to make it clear that I am in full support of this amendment and proud to be an original cosponsor.

Mr. PRESSLER. Mr. President, if the leader would yield 5 minutes.

Mr. HATFIELD. I yield 5 minutes.

Mr. PRESSLER. Mr. President, this amendment represents the complicated dilemmas that can be presented. Of course, I am in favor of senior citizens, and I also support public broadcasting. In fact, I contribute and have contributed to public broadcasting through the years.

As chairman of the Commerce Committee this year I have discovered that public broadcasting could well become self-funding. I agree with AL GORE that we need to reinvent and privatize wherever possible.

In talking to a lot of telecommunications people, I discovered that they plan to get into video dial TV and so forth, and I asked them where they are going to buy their programming? They would say from Arts and Entertainment, the History channel, or Learning channel. I said, "Why not buy it from public television or radio? They have all kinds of public programming." And they said, "Well, they do not try to sell it."

I came up with a plan, along with some House leaders, and an agreement has been reached, or an informal agreement, with some of the leading people in public broadcasting to move towards self-funding.

Where would the money come from? First of all, public broadcasting can digitize and sell a lot of their programming. There is a good market for that type of programming. They can sell it to the channels I mentioned as the History channel, the Learning channel, Arts and Entertainment. Nickelodeon is marketing a lot of children's programming in France where it is dubbed—educational children's programming. There is money to be made in this. Public television has taught that.

Second of all, the spectrums that public broadcasting has throughout the country. Now we are finding that, with modern technology, we have extra spectrum. They can sell it or rent parts of their spectrum and make a great deal of money.

Third of all, they have a lot of overlapping spectrum that can be sold or represented. For example, in the Washington, DC, area, many homes get two or three public television signals with the same programming or virtually the same programming. The taxpayers of the country need some relief.

Fourth, the great bureaucracy that has grown inside the beltway here and the excessively high salaries that are paid to foundations that get grants directly from the corporation can be cut. There is great room for efficiency there.

By the way, our States are not getting their fair share of the money. In fact, our State legislatures support most of the public broadcasting in this country as well as private contributors such as myself.

Finally, public stations could make money by getting a bigger percentage of what is played on the free public

platform. I have spoken out about this, and indeed I commend the board of directors of the Corporation for Public Broadcasting because they passed a resolution to start getting a bigger percentage of Barney and other programming that appear on the free public platform provided by the taxpayers of this country.

Mr. President, the States are not getting their fair share. My little State of South Dakota, which is vast in geography but small in population, gets $1.7 million, but they have to send $1 million back immediately for programming, which they might be able to buy elsewhere at a better rate.

The "shields" used by public broadcasting are children in rural areas. Let me say the State legislature in my State voted against a resolution to seek more funding for the Corporation for Public Broadcasting because it is such a charade they must go through.

So, I believe strongly in lowering the deficit. I believe in less Government involvement. This is an opportunity, a plan has been developed, and they are working with a big investment bank in New York to privatize, to become self-funding.

There is not a need for taxpayers money here. If we are going to transfer this money, we do not need to transfer it to the corporation. The House leaders reached an agreement to privatize, to work toward self-funding. I have outlined various sources of revenue the Corporation for Public Broadcasting can get. I have not mentioned additional advertisement. They already have a great deal of advertising. They call it "enhancements" or something. That is fine.

Even without further advertising they sit on a treasure trove of resources here. I recently wrote an article in the Washington Post outlining the five ways public broadcasting can get more revenue without any more advertising. They are sitting on a treasure trove of spectrum, of overlapping spectrum. Inside the beltway here their headquarters are bloated bureaucracies.

The States are really not getting the money that they are supposed to be getting.

Mr. President, I ask unanimous consent to have the Washington Post article I mentioned printed in the RECORD at the conclusion of my remarks.

[From the Washington Post, Mar. 8, 1995]

REALITY-BASED BROADCASTING

(By Larry Pressler)

"Public broadcasting is under attack!" "Congress wants to kill Big Bird!" These and other alarmist cries have been common in recent weeks. The problem is they are lies. That's right, lies. I tried to conceive of a more polite way to say it. I could not. With rare exceptions the press largely has ignored the specifics of the position taken by members of Congress seeking to reinvent public broadcasting.

I have struggled to make my position clear. Yet the misrepresentations continue. I am convinced many simply do not care to report the facts—facts they do not find as interesting as the scenarios they create. That is too bad. The average American taxpayer would find the facts extremely interesting.

As chairman of the Senate Committee on Commerce, Science, and Transportation, I am not seeking to destroy public television and radio. I am a strong supporter of public broadcasting, both in my home state of South Dakota and nationally. Pull the plug? Absolutely not. Rather, my plan would expand opportunities and save taxpayer dollars.

Why do I seek change? Because times have changed. Today's electronic media are vastly different from those of the 1960s, when the current system of federal subsidies for public broadcasting was established. The old theory of "market failure" for educational programming is completely untenable in today's environment. Educational and cultural programs can and do make profits when their quality is good and marketing astute. The only money losers in today's arrangement are the taxpayers.

A Feb. 24 Post editorial stated it is time for the public broadcasting industry to face reality. The issue no longer should be whether federal subsidies for public broadcasting will be cut. I could not agree more. Congress now is debating when and how much. The House Appropriations subcommittee on labor, health and human services already has cut the public broadcasting budget. The House leadership promises more to come. I fully expect the Senate to follow suit.

Instead of crying over public cash, it would be more prudent for public broadcasting executives to use their talents and resources developing the numerous potential sources of revenue available to replace the federal subsidy rather than continuing to fan the flames of fear and exaggeration. As captains of a major corporation, their responsibilities should be clear. The Corporation for Public Broadcasting (CPB), National Public Radio (NPR) and the Public Broadcasting System (PBS) need to learn to stand on their own feet.

To help in that effort, I recently provided the chairman of the board of CPB with a plan to end its dependency on federal welfare in three years. Ideas to end CPB's addition to taxpayer dollars include:

PROFITS FROM SALES

CPB should renegotiate sales agreements and improve future agreements to get a larger share of the sales of toys, books, clothing and other products based on its programming. In 1990, Barney-related products retailed at $1 billion! Steps have been taken by the CPB board to improve its share of such sales. More should be done.

MAKE THE MOST OF NEW TECHNOLOGY

Use of new compressed digitization technology would permit existing noncommercial licensees to expand to four or five channels where once they had only one. Public broadcasting stations could rent, sell or make use of the additional channels for other telecommunications and information services.

END REDUNDANCY

At least one-quarter of public television stations overlap other public television stations' signal areas. Public radio also suffers from the inefficiencies of redundancy. Ending this overlap and selling the excess broadcast spectrum would provide substantial revenues to public broadcasting.

SWITCH CHANNELS

Moving public television stations from costly VHF channels to less costly UHF channels in certain markets would provide a substantial source of new revenue.

TEAM WITH OTHER INFORMATION SERVICES

CPB could increase commercial arrangements in the computer software market and with on-line services.

These are only a few of the ways in which the CPB could reinvent itself into a self-sufficient corporation for the '90s and, indeed, for the next century. Ending federal dependency does not end public broadcasting. Today's subsidy amounts to only 14 percent of the industry's spending! Indeed, my current plan asks the Corporation for Public Broadcasting to end its dependency on federal welfare in three years—that's one year more than what current proposals would give welfare recipients to get off federal assistance.

It would be tragic if the public broadcasting industry ignores its responsibilities when the federal budget is in crisis. It also would be tragic if the industry spurns exciting opportunities in new markets and technologies. Perhaps most tragic of all, however, would be continued retrenchment from public broadcasting executives crying, "It can't be done." It can be done. It should be done.

Mr. PRESSLER. So, let me conclude by saying that it may well be that moneys could be transferred from here to there, but they do not need to be transferred anymore for the Corporation for Public Broadcasting. The committee level and the House level gives them more than they need.

I yield the remainder of my time to my chairman.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes; 5 minutes and 8 minutes.

Mr. SPECTER. How much time remains for the opponents of the amendment?

The PRESIDING OFFICER. Five minutes.

Mr. SPECTER. How much time was there originally?

The PRESIDING OFFICER. Ten minutes.

Mr. SPECTER. We have 5 minutes left. Will the Senator from Delaware take 2½?

Mr. BIDEN. Mr. President, I will make it real quick. First of all, I think the characterization of my friend from Iowa is bizarre. It makes it sound like this is a CIA plot that is still underway. It is one of the most noble undertakings that the Western World has ever engaged in. If you ask any people in Eastern Europe, from Lech Walesa to Vaclav Havel to Boris Yeltsin, and others, who in fact were there before the Wall came down, they credit Radio Free Europe or Radio Liberty more than any single thing.

Number two, is it still needed? It is needed now. There is an enemy. The enemy is called censorship, and if you wonder whether or not it is true, some of us met this week with Mr. Gusinsky, the fellow who has the media empire in Russia now who is criticizing the present President. They are threatening to take down the television stations. They are taking down the radio

and television access to the news for the people everywhere from Slovakia through Russia.

The third thing is this notion it is no longer needed. Mr. President, 25 million people still listen to it on a regular basis in Eastern Europe and Russia. Anyone who thinks democracy has taken root and the free market system is in place in those areas, I respectfully suggest they take another close look. And the notion that they can watch CNN—I would say to my friends, CNN is in English; it can be censored. It, in fact, can be impacted upon. And CNN communicates international news, not what is happening within those countries—as RFE/RL does. What we are doing is fully emasculating the ability of Radio Free Europe or Radio Liberty to continue to function.

I am a supporter, an unabashed supporter of public television. I believe it should be more than it is now. But this is like having the hearing impaired steal from the physically impaired, from those who are unable to walk. They are pitting two very important functions of government against one another. But we should not undermine Radio Free Europe and Radio Liberty.

Again, those who think democracy is secure in those areas, please stand and raise your hands and tell me that censorship is still not the single biggest enemy of the prospect for freedom to flourish and democracy to flourish in Eastern and Central Europe.

Let me give a few more examples. In Russia, we have heard about the media courageously reporting on the war in Chechnya.

But that does not mean that Russia is now blessed with completely free media.

Last year, the State Duma in Russia adopted a new media law which requires that State-owned media must inform the public of activities of the President, Government, and Parliament within 24 hours after any noteworthy event.

And although the State Department reports that "print media [in Russia] functioned largely unhindered," this optimistic picture is clouded by the situation in many provinces:

> Regional political authorities [in Russia] resorted to various devices to close down critical newspapers.

Last winter and spring, during the parliamentary campaign in Kazakhstan, a television station went off the air for several days when local authorities, upset by broadcasts critical of the mayor of the capital, shut off electricity to the station.

In Slovakia, as the Washington Post reported last Tuesday, the newly elected Government has increasingly pressured—and at times forced—television, radio, and newspapers to accept wholesale changes or drop programs.

In my view, Radio Free Europe and Radio Liberty are as important today as they were during the past 40 years.

Because the establishment of free and independent media in the region has been a slow process, RFE/RL today have a dual role: To provide a model of how independent media should function in a free society, and to keep honest those who seek to reestablish repression and to silence the press.

This function is not one conceived in the abstract; the practical reality lies in the public response: The people of the region continue to tune in to RFE/RL.

In nearly every country in Eastern Europe and the former Soviet Union, the listenership of RFE/RL today equals or exceeds that of the Voice of America.

It also exceeds the audience of the British Broadcasting Corporation's World Service.

All told, some 25 million people in the region listen to RFE/RL on a regular basis.

Surveys conducted last fall of leading citizens in the region found that an average of nearly 75 percent supported the continuation of western radio broadcasts.

Equally important, every leader of the new democracies in the region continues to urge that these radios remain open.

Let me quote from a letter from Czech President Vaclav Havel to President Clinton:

> [RFE broadcasts] remain important to the development of independent journalism and democracy in our country.

The Presidents of the three Baltic States expressed a similar view:

> These broadcasts [are] an integral part of the continuing development of [our] democratic institutions.

These are not leaders whose budgets benefit from RFE/RL—these are leaders who recognize that RFE/RL still make a contribution to the establishment of democracy.

This year, the administration proposes to spend $100 million on the so-called "Warsaw Initiative," a program to assist the new democracies of Eastern Europe to modernize their militaries.

I would argue that Radio Free Europe and Radio Liberty are as important as this military assistance in helping to secure the democratic foundation in the former East bloc.

Yet I predict that hardly anyone around here will blink an eye when the Congress votes on the $100 million "Warsaw Initiative."

RFE/RL IS CUTTING ITS BUDGET

I agree with the Senator's belief that we need to reduce our international broadcasting budget.

We are doing just that.

The State Department authorization bill, enacted last year, provides for the consolidation of all U.S. international broadcasting.

The plan will reduce operations at both RFE/RL and the Voice of America. By next October, VOA and REF/RL will have reduced their combined broadcast hours to Eastern Europe and the former Soviet Union by 32 percent.

RFE/RL will reduce its budget by 67 percent—from $220 million to $75 million annually by fiscal 1996.

In terms of employees, RFE/RL will be cut by a similar amount—from 1,600 in September, 1993 to about 420 in fiscal 1996.

The research arm of RFE/RL has already been privatized: Its operations have been taken over by the open media society—a project funded by the philanthropist George Soros.

The new institute will undertake the restoration and preservation of the invaluable archives owned by RFE/RL—40 years of material that trace the dark era of totalitarianism in Eastern Europe and Eurasia.

This is a project for which no Federal funds were available. But because of this public-private partnership, that important objective will be realized.

The changes that I have enumerated will produce $400 million in savings over the period from 1994 to 1997. All this is not a one-time phenomenon—it is a permanent structural change.

In addition, Congress has directed RFE/RL to begin an effort to privatize the radios—that is, that the funding should be assumed by the private sector by the end of the decade.

The radios are taking that directive seriously. Their ongoing move to Prague is a critical part of the effort to prepare for privatization.

Let everyone understand what this amendment will do—it will emasculate Radio Free Europe and Radio Liberty.

The fiscal year 1995 budget for the radios is $229 million. That includes $103.5 million for one-time downsizing costs.

Nearly $67 million of those costs are mandated by German labor laws.

Restrictive German labor laws require RFE/RL to pay severance and other benefits to the hundreds of employees who will be laid off—laws that RFE/RL, as a private corporation operating in Germany, must comply with. It is undisputed that RFE/RL, Inc. is subject to German labor laws.

A recent case, decided in February in the D.C. Circuit (*Mahoney* v. *RFE/RL, Inc.*), made clear that as a corporation with its principal place of business in Munich, RFE/RL would violate the laws of Germany if the corporation breached its collective bargaining agreements.

THIS WILL STOP AN IMPORTANT MOVE TO PRAGUE

In short, the effect of this amendment would be to place a dagger in the heart of the radios—at a moment when they are in the midst of a move from Munich to Prague, where they are preparing for the eventual privatization of RFE/RL.

This would break faith with a decision that the President and Congress jointly made last year.

Last January, the Senate voted to consolidate RFE/RL and the Voice of America.

Last summer, the President sent a reprogramming to Congress which provided for the move of the headquarters of RFE/RL from Munich to Prague.

I do not recall any of my colleagues objecting at that time to the continuation of RFE/RL.

But now the move to Prague is in motion. Four language services are now being produced in Prague: Russian, Ukrainian, Latvian, and the South Slav service.

RFE/RL plans to be out of Munich by June 10.

Because Munich is one of the most expensive cities in Europe, the move will achieve important savings. Per capita personnel costs will be reduced by one-third.

The President of the Czech Republic, President Havel, made an extremely generous offer to allow the radios to use the former Czechoslovak Federal Parliament Building for a nominal fee of one Czech crown per day—or 12 dollars per year.

The President of the United States accepted that offer last summer. This amendment would obviously undercut that commitment.

That is why the Clinton administration is strongly opposed to the Harkin amendment, as stated in the letter I read earlier from Joe Duffey, director of the U.S. Information Agency.

RFE/RL AND VOA ARE NOT DUPLICATIVE

It is not true that RFE/RL duplicates the Voice of America.

The two radios have different missions. The Voice of America's is mandated to tell America's story.

By contrast, Radio Free Europe and Radio Liberty radios provide news and information about local events within the recipient countries.

In this manner, RFE/RL act as home service or surrogate radios in the absence of fully free and independent media in the emerging democracies of Eastern Europe and Eurasia.

As a result of the broadcast consolidation, the amount of overlapping broadcasts—that is, broadcasts by both RFE/RL and the VOA in the same language at the same time—was reduced from 24 hours to zero.

It is ludicrous to suggest that the cable news network now suffices for the countries of the former Soviet Empire.

In most countries, there are only two ways to obtain CNN—by staying in an expensive hotel or to buy a satellite dish.

I do not have any data on how many such dishes are available, but I cannot believe they are widespread.

More important, the news of CNN is in English, and it is international news. The news on Radio Free Europe and Radio Liberty is in the vernacular—the local language; and it focuses mainly on local news.

Do not take my word for it that these broadcasts are still needed. Listen to the results of a survey conducted last fall in the region.

A poll of decisionmakers in each country—government, military, media, and economic leaders—clearly demonstrates this point.

When the proposition was put to them that Western radio is needed despite the new media freedom, some 75 percent of those polled disagreed or strongly disagreed.

I sympathize with my friend from Iowa about the choice we face in this bill.

I am in favor of restoring the cuts to the corporation for public broadcasting—but not at the expense of one of the most valuable instruments in American foreign policy.

The last point I will make is the administration is opposed to the amendment of my friend from Iowa. And I hope I have done this within 2½ minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment. Much as I would like to see additional funding for public broadcasting, the subcommittee of which I am the chairman, the Subcommittee on Labor, Health, Human Resources and Education, has made a very careful allocation and has in fact reduced considerably the rescission by the House of Representatives for fiscal years 1996 and 1997. The House wanted to cut public broadcasting by $47 million. We limited the rescission to $26,360,000 for fiscal year 1996. For fiscal year 1997, the House of Representatives wanted to cut public broadcasting by $94 million, and our subcommittee limited that rescission to $29,360,000, leaving public broadcasting at its current rate of $285,640,000.

That is fairly complicated arithmetic, but what it boils down to is on the current mark, there has been substantial consideration given to public broadcasting. The responses which the committee has heard from those who are interested in public broadcasting is a sigh of relief that their funding has been maintained at its present level.

I would like to see more funding for public broadcasting. But in setting this mark we feel there has been a realistic and appropriate balancing of priorities.

When the Senator from Iowa talks about employment for older Americans and would like to add funding there, of course it would be fine to add $14 million additionally to the $396 million recommended by the committee. But here again, the Appropriations Committee has made a very careful balancing of priorities. It is possible to pick apart the appropriations bill in a thousand ways and to take accounts which sound wonderful, like older Americans or public broadcasting, and take them from accounts like Radio Free Europe which makes a great sound bite or looks complicated when the Sunday papers reprint the vote. But this has been very, very carefully worked out.

Senator BIDEN has made as good an argument as you can make in 2½ minutes. I am sorry he is not on the floor to compliment him, because it is seldom that Senator BIDEN makes that good an argument in 2½ minutes. Usually it is longer and proportionately it may not justify the additional time. I wish he were here to reply to that.

It is with some reluctance that I oppose my colleague, Senator HARKIN, who serves as ranking member on the subcommittee. We have worked together for a very, very long period of time. But as the allocations now stand, there is an appropriate allocation and balancing of priorities.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Will the Senator yield for just a moment?

Mr. SPECTER. I yield.

Mr. HATFIELD. Mr. President, I ask unanimous consent to extend this debate for 10 minutes, to be equally divided between both sides.

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

Mr. SPECTER. If the time is extended for an additional 10 minutes—

Mr. HATFIELD. And I yield to the Senator from Pennsylvania 2 minutes.

Mr. SPECTER. I would want to reserve time until I hear from Senator HARKIN and reply, if I may.

Mr. HATFIELD. Mr. President, the 10 minutes has been agreed to, 5 on a side?

Mr. SPECTER. I yield the floor and will reply to whatever additional arguments remain.

Mr. HARKIN. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, Senator SPECTER's argument on the Corporation for Public Broadcasting is we are not hurting the corporation nor public broadcasting as much as the House is. That is not a very good argument.

Let me point out one thing. This body, I am pleased to say, unanimously supported me in an effort to have an exemption to the antitrust laws so that the television industry could get together on the question of violence. The evidence is overwhelming.

The Presiding Officer is a physician. The American Academy of Pediatrics, the American Medical Association, the National Institute of Mental Health, the Surgeon General of the United States, all have issued studies saying that television violence that glorifies violence adds to violence in our society.

I am pleased to report to this body, thanks to your efforts and to voluntary

efforts in the industry, broadcast television has reduced violence appreciably. Cable has moved very, very modestly. But one network and one network alone provides violence-free television for the children of America, and that is public broadcasting.

I think we have to put our vote where our mouth is on this. I think we have to encourage the only network in this Nation that provides violence-free television for our children. There is one children's program, for example, that is broadcast in this country which is produced in two versions. One is the violent version for the United States of America, and the other is the nonviolent version for all the other countries in the world. When the Christian Science Monitor asked the producer why, she said, "Well, the United States people demand violence, and we get no complaints. We cannot sell it in other countries with the violence in it."

The Corporation for Public Broadcasting is doing a superb job of giving us violence-free television for our children, and we ought to be supporting it and supporting them strongly.

I am proud to be a cosponsor of the Harkin amendment. If I am not already, I want to be added.

I thank the Senator from Iowa.

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

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

The PRESIDING OFFICER. The Senator has 10 minutes and 39 seconds.

Mr. HARKIN. Mr. President, I yield 4 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank my distinguished friend from Iowa for yielding to me. I congratulate him on trying to maintain a semblance of culture, decency, and civility in this Nation.

The Senator from Illinois spoke just before I did. He spoke about the fact that our children, by the time they graduate from high school, will have seen 18,000 murders, to say nothing of the other unspeakable violence they are going to see on network television. We have grappled in the Senate with how to control children's exposure to violence in light of the free speech provisions of the first amendment, and nobody has been able to come up with a workable solution.

I was speaking with a Senator's wife about a week ago and she said, "You know, Dale, we don't subscribe to cable at our house. We have a 12-year-old son. We do not want him exposed to MTV." I tell you, there are an amazing number of people in this country who deplore what their children are watching on television, and some of them are opting, as she does, not to purchase cable television.

Mr. President, you can be assured that this is not the final definitive debate on the Corporation for Public Broadcasting. There is an assault in the U.S. Congress on public broadcasting. With NEWT GINGRICH leading the charge, the Republicans in Congress have decided to take dead aim at Big Bird, rather than deal with the problems that really cause harm to our society.

Mr. President, we have heard the argument: "CPB can be privatized; let them do as everybody else does." Let me ask you about the magnificent, unprecedented series on the Civil War which was so poignant. 14 percent of Americans tuned in to see it. I promise you, most Americans were in tears watching, but above all, learning about the most defining moment in American history—13 hours on public broadcasting. Can you imagine watching that series on one of the commercial networks and being interrupted every 5 minutes with a car being dropped on top of a mountain top, or a Budweiser beer commercial?

I cannot believe that the Harkin amendment is even being challenged. If the Senator from Iowa prevails on his amendment, there will be $175 million left in the Radio Free Europe account. That is $100 million more than the President requested. In addition, even if the Senator from Iowa prevails, we will still be $29 million short of what public broadcasting was supposed to get.

Mr. President, how many times during the balanced budget amendment debate did you hear the argument, "Senator, how can you vote against the balanced budget amendment? Eighty percent of the people of this country favor it. You are going against the wishes of the people."

So, for the Senators here who are prepared to vote against the amendment of the Senator from Iowa, let me remind you that between 65 percent and 70 percent of the people of this country do not want the Corporation for Public Broadcasting to be cut. Is it for dilettantes? The statistics show that the average salary of the people of this country who watch opera is $40,000 a year. Where else could they see Pavarotti, Kiri Te Kanawa, all of the magnificent voices; are they to be silenced? Are we going to say to the American people that other countries of the world are willing to spend up to $38 per household for the very same thing the American people are paying $1.09 for?

It is troubling to hear the assaults on things like the Corporation for Public Broadcasting and National Public Radio—I never move my radio off NPR. When I get in the car in the morning, that is what is on; and when I go home at night, that is what is on, because I want to know what is going on in the world and I do not want all those commercials interrupting it. I want a definitive, honest-to-goodness, analysis of what is happening all over the world. I wonder what the opponents of the Harkin amendment listen to in order to get their news.

Mr. President, I thank the Senator for yielding.

I yield the floor.

Mr. HARKIN. How much time is remaining on both sides, Mr. President?

The PRESIDING OFFICER. Five minutes on this side.

Mr. HARKIN. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I want to thank my colleagues who have spoken so eloquently on this amendment. I thank them for their support.

Second, I want to again thank and congratulate my colleague, Senator SPECTER, for doing a truly outstanding job in getting the provisions through our Labor-HHS-Education Appropriations Subcommittee that he has done in this bill. Having been in his position, I know it is a tough job, a thankless job. I want to commend him for all the work he has done. He has done a good job. I support him in that effort.

I point out, however, that in this case, Radio Free Europe is not in our subcommittee. So I am not hanging that on his head. It is funded in another subcommittee. Senator SPECTER and our subcommittee does not fund Radio Free Europe.

Mr. President, I also want to say—and I do not have the time to do this. The compensation package that was agreed upon for the employees of Radio Free Europe because they are now moving to Prague, Czechoslovakia, you ought to read it. Let me read a couple of its provisions.

Employees having children shall receive a one-time payment in the following amount: One month of gross salary, but in no event more than deutsche mark 10,000—that is $7,500 in U.S. dollars—for every dependent child aged no more than 27. How about that?

Employees terminated effective as of July 30, 1994, shall receive in respective school fees for the children to go to school 10,000 deutsche marks per child. So they can go to school. That is $7,500 a year.

What is going on here? This is criminal. Talk about a golden parachute. And at the same time, we are saying we are going to cut broadcasting for Big Bird and for our kids in this country. What nonsense.

My friend from Delaware talks about censorship. If that is going to be our guiding light, let us start Radio Free Asia, Radio Free South Africa, Radio Free South America.

Mr. BIDEN. We have.

Mr. HARKIN. Censorship can rear its ugly head anywhere, anywhere—in Uruguay and Paraguay, in Chile and Argentina, in any country in Africa.

But what we have is the Voice of America. Now, he talked about Lech Walesa. I have some statements from other people I will put in the RECORD telling about the Voice of America, the present Prime Minister of Albania saying it was the Voice of America that brought them through, not Radio Free Europe.

Second, Mr. President, here is a list—I ask unanimous consent to put these in the RECORD—of every country in Eastern Europe and all of the radio and TV stations they already have that are operating. I ask unanimous consent to put that in the RECORD.

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

Ukraine: Russian TV programming is widely viewed.

Belarus: European music stations and BBC TV programs have been on air since last year.

Latvia: 6 commercial stations broadcasting most of day.

Lithuania: Recent formation of an association of independent TV and radio stations. TV programs broadcast; also several TV and radio stations broadcasting in Polish.

Hungary: VOA and BBC rebroadcast on Kossuth, FM, a state radio network.

Poland: RWE, Inc. broadcasts on Polish Program 4, a nationwide mediumwave network; BBC and VOA rebroadcast locally on both MW and FM. A National Broadcasting Council has issued 3 private national licenses in addition to 115 local licenses. The first national private TV license was recently awarded to Polsat over competing bids involving well-established foreign firms such as Time Warner Inc., Bertelsmann AG, and Reuters.

Czech Republic: VOA and BBC broadcast on FM networks in locations throughout the country; 2 public radio networks. Many of the independent stations with music and news often broadcast 24 hours a day.

Slovakia: Slovak Radio broadcasts despite financial problems BBC broadcasts on FM networks throughout the country.

Bulgaria: Numerous local independent radio stations operate in Sofia and other major cities. VOA, BBC, Deutsche Welle and Radio France International broadcast on FM in Sofia; VOA and BBC in cities outside.

Romania: Romania Radio, with 3 national networks all due to go on FM in the near future, is a less controversial institution than state TV. Numerous local independent radio stations operate in Bucharest and other major cities. VOA, BBC, Radio France International and DW are currently being rebroadcast on FM in Bucharest; BBC and DW also broadcast on FM in other cities.

Azerbaijan: Iran and Turkey supply television and radio programs to Azerbaijan; radio and TV cooperation between Iran and Azerbaijan is expanding.

Georgia: "Free Georgia" radio reportedly has been set up in Mingrelia by Gamsakhurdia supporters. Western and Turkish TV is available in Tbilisi.

Kazakhstan: TV broadcasts from Russia. Almaty is home to several independent radio stations. Print media are diverse. BBC and VOA broadcast, but only in Russia.

Tajikistan: An opposition radio, "Free Tajikistan," has begun broadcasting 90 minutes a day. BBC and VOA broadcast in Russian.

Uzbekistan: Voice of Iran and radio Saudi Arabia transmit to Uzbekistan in Uzbek; other regional broadcasters can be heard in Persian or Turkish. VOA broadcasts; BBC plans to begin broadcasting in Uzbeck in later 1994.

Mr. HARKIN. The Senator from Delaware says the administration is opposed.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HARKIN. I will take 30 more seconds. Here is the OMB pass-back budget 1994:

Presidential decisions. The pass-back includes some specific policy issues that were personally reviewed and decided by the President and cannot be changed. BIB, RFE, RL will be terminated in 1995, capital assets will be transferred to and merged with USIA.

So if this is something new, then the President obviously has changed his mind. But the President made a decision to personally zero it out.

I would also point out that even in this fiscal year the President asked for $75 million.

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

Mr. HARKIN. And this is $100 million more than the President asked for.

I reserve the remainder of my time.

Mr. BIDEN. Mr. President, will the Senator from Pennsylvania yield me 2 minutes?

Mr. SPECTER. I yield the Senator 2 minutes.

Mr. BIDEN. I do not say this with any rancor, but it is clear the Senator from Iowa is correct; he is uninformed on this issue. The reason he is uninformed on the issue, Radio Free Europe or Radio Liberty, the administration is not opposed.

I will submit the letter for the RECORD. I ask unanimous consent it be put in the RECORD.

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

U.S. INFORMATION AGENCY,
Washington, DC, March 31, 1995.

Hon. JOSEPH BIDEN,
U.S. Senate.

DEAR JOE: It is my understanding that the Senate may take up an amendment that would rescind major funding for the operations of Radio Free Europe/Radio Liberty. We appreciate your past and continuing support for RFE/RL and hope you will join the Administration and me in opposing this amendment.

As you know, we are currently in the process of shutting down RFE/RL in Munich and moving the newly configured operation to Prague. We have managed to get major components of the operation off the government budget and all of those involved in this effort have proceeded in good faith on the basis of reductions agreed to last year. The budget is being drastically reduced.

The operation will be overhauled under the leadership of Kevin Klose, President of RFE/RL, and a new Board of Directors, chaired by David Burke, former Vice President of ABC News. We have, however, let go more than a thousand long-time employees in Germany and must meet major obligations (legal obligations) there for German Government mandated separation costs, pension and health costs, etc. A cut in this year's budget of the one-time expense set aside for this purpose will break faith with those who have moved ahead with creativity and no little courage to help reinvent this old institution and make it serve a new purpose in a new time. It will also create a monumental management disaster in Munich and Prague, which will cause operations to come to an abrupt halt and create obligations and penalties for the U.S. Government beyond the savings sought by the amendment's sponsors.

I stand ready to met you in the Senate Lounge at any time to talk with you about this, as does Mort Halperin, who can express President Clinton's and the National Security Council's strong opposition to the proposed amendment.

Thank you for your consideration.

Sincerely,

JOSEPH DUFFEY,
Director.

Mr. BIDEN. Let me clarify this for the Senator. At the beginning of this administration, the President proposed terminating RFE/RL. That decision was reversed in the spring of 1993. And that summer, the President proposed consolidating all U.S. sponsored international broadcasts. Congress accepted it. And we ordered budget cuts. We cut the costs. The reason it is $175 million, $100 million more that the request for Fiscal 1996, is that it costs more—in the current fiscal year—to reduce the size of the radios. That is what it cost under German law to reduce the operation. We are bound under German law. When we lay off people and fire people under German law, we are required to pay this severance pay. That is the reason why it is more money this year and drops to $75 million next year.

Thirdly, I point out to my friend from Iowa, he did vote for and we did vote for Radio Free Asia. We authorized the establishment of a new service last year, and began appropriating money last year. We did it because there is censorship in China and the other communist countries in Asia; because there is a gerontocracy in Beijing that does not let people express their points of view. We did do that. So he is ahead of himself without even realizing it. We did in fact vote and have voted to guarantee that where there is censorship in the world, we will be involved to the extent that we can.

So, Mr. President, if we do not send troops, and we are not going to send money, and we are not going to send information, and we are not going to send access to the truth, what the heck are we going to do? I resent the fact that this is being pitted against public television. The reason public television is cut is not because of Radio Free Europe. When we reach the point——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BIDEN. When you reach the point your time has expired, you sit down.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes 9 seconds remain.

Mr. SPECTER. How much for the opposition?

The PRESIDING OFFICER. One minute thirty-two seconds. But the Senator from Iowa yielded back his time.

Mr. HARKIN. No, the Senator did not.

The PRESIDING OFFICER. The Chair thought the Senator did.

In that event, 1 minute 32 seconds remain.

Mr. SPECTER. Mr. President, I yield myself 2 minutes.

When the argument is made by the Senator from Arkansas that there is an assault on public broadcasting, I would remind him that the major assault is on the deficit, and as chairman of the subcommittee we looked at $5.9 billion of rescissions by the House, and we reduced that to $3.05 billion, and asked public broadcasting to take a fair share, leaving them with the same amount they had last year. And that has received the comments of gratitude that they are able to function without the larger cuts recommended by the House.

The amendment is an attractive one, obviously, when they move into community service with older Americans, but that account already has $410 million. So the $14 additional million, while making this amendment look attractive, really is not very significant in the overall picture.

The distinguished Senator from Delaware has spoken about Radio Free Europe, but I think the point has not been made that the $229 million is being reduced next year to $75 million, and $7 million has been added this year for consolidation and wind-down purposes.

My colleague from Iowa, who was chairman and is now ranking member, worked with me over these sheets, and I can understand his interest in wanting more money for public broadcasting. And I understand the Senator from Illinois, who has done outstanding work to try to combat violence on television. But this is a fair allocation, and if we are going to reach a balanced budget——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SPECTER. I yield myself 1 additional minute.

If we are to reach the balanced budget by the year 2002, there is going to have to be a fair share reduction on many items which we would like to have. And I think it is a fair submission that the Corporation for Public Broadcasting is able to tighten its belt and do the job within the parameter of the existing budget, so additional funds should not be added at the expense of another worthwhile account.

I yield the floor and reserve the remainder of my time.

Mr. BIDEN. Will the Senator give me 5 seconds?

Mr. SPECTER. I do.

Mr. BIDEN. I would like to point out that in the Dole-Daschle compromise we are cutting the international broadcasting account by $35 million. The Senator from Iowa proposes to cut $40 million from RFE/RL in addition to what we are about to cut.

I yield the floor.

Mr. HARKIN. How much time is remaining?

The PRESIDING OFFICER. One minute 30 seconds.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. First of all, let us face it. The Voice of America is broadcasting all over the world, in China, in Europe. The Prime Minister of Albania said it was the Voice of America, not Radio Free Europe that they listened to, plus we have BBC, German. These countries all have other broadcasts. So it is just a question of choices.

This is deficit neutral. This does not increase the deficit. But the choice is just this. Are we going to privatize the Corporation for Public Broadcasting or are we going to privatize Radio Free Europe? Will we have a compensation package for the Germans that I just mentioned or will we have jobs for our senior citizens here in America?

I would also point out, Mr. President, that the Dole substitute had a $98 million cut in Radio Free Europe, much more than what we are asking for here in ours.

Lastly, Mr. President, I would point out again, this amendment provides $26 million more for the Corporation for Public Broadcasting. It also provides $14 million for the senior community service employment program.

I ask unanimous consent to put at the end of my remarks some supporting documents regarding the senior community service employment program.

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

(See exhibit 1.)

Mr. HARKIN. So, again, Mr. President, the choice is clear. Are we going to spend our taxpayers' dollars for Radio Free Europe when the Voice of America is already broadcasting? Or are we going to bring that money here and make sure we have public broadcasting and jobs for our seniors?

EXHIBIT 1

EXAMPLES OF VOA PROGRAMMING

GENERAL

They do news broadcasts (in English and native languages), descriptions of US foreign policy, pieces on popular US culture, information about studying in America, English lessons including Special English broadcasts in slow English, and editorials (which are criticized for being one-sided and potentially damaging the credibility of VOA.)

You can think of VOA as the public relations arm of the US Government for foreign publics.

SPECIFICS

During China's 1989 Tiananmen Square demonstrations and massacre, VOA correspondents broadcast in real time back to China eye-witness accounts of the massacre, and gave public exposure in China to the demonstrators demands for democracy and openness—information that Chinese authorities were censoring.

During the Gulf War, VOA stepped up broadcasts in Iraq and throughout the Middle East in English and Arabic to counter misinformation by Sadaam Hussein, and explain US goals and achievements in the world.

VOA reports on the Middle East peace process from the US perspective so that Arab populations, who live in countries where press is often censored, will hear additional views.

President Clinton broadcast an appeal for calm and non-violence to Burundi in February 1995 just as ethnic violence a la Rwanda is heating up between Tutsi and Hutu extremists: in this case the President is using VOA to circumvent hostilities without resorting to force or sanctions.

The Prime Minister of Albania, Dr. Alexander Meksi, praised VOA for its role during 5 decades of totalitarianism and during the 1990–1991 revolutions:

"On Voice of America we heard about the revolution in Eastern Europe as well as about internal developments in our own country. The role of the radio station was vital in the democratization of Albania. Through interviews that VOA conducted with prominent personalities in Albania we heard the first public criticism of the communist regime from within Albania."

VOA correspondents were in Mogadishu to report on the US feeding mission, getting out information about where the US Marines were, what they are doing, and where feeding centers were.

When the Congress voted to lift the trade embargo against Vietnam, Vietnamese heard it on VOA along with appeals for continued cooperation on POW–MIAs—which well reflected US policy.

VOA broadcasts to Tibet news about international efforts for their struggles that China authorities would not allow. The Dalai Lama can address his people on Tibet on VOA.

English classes in the English Corner throughout the world. It's a language lesson everyday on radio.

VOA also feeds its broadcasts to local FM stations to expand distribution

10 GOOD REASONS TO SUPPORT SCSEP

The Senior Community Service Employment Program (SCSEP) authorized under Title V of the Older Americans Act should be preserved and expanded for the following reasons:

1. The SCSEP is our country's only workforce development program designed to maximize the productive contributions of a rapidly growing older population through training, retraining, and community service. History has taught us that mainstream employment and training programs like JTPA and CETA are not successful in serving older workers. A targeted approach is needed.

2. The SCSEP is primarily operated by private, non-profit national aging organizations that are customer-focused, mission driven, and experienced in serving older, low-income people. These nonprofits work in close partnership with the Governors, Department of Labor, aging network, and employment and training system, actively participating in One Stop Service initiatives designed to streamline and integrate services.

3. The SCSEP is a critical part of the Older Americans Act, balancing the dual goals of

community service and employment and training for low-income seniors. Many nutrition programs and other services for seniors are dependent on labor provided by the SCSEP.

4. The SCSEP has consistently exceeded all goals established by Congress and the Department of Labor, surpassing the 20% placement goal for the past six years and achieving a record 135% of goal in FY 1993-94. Virtually all appropriated funds are spent each grant year, in stark contrast to similar programs.

5. The SCSEP provides a positive return on taxpayer investment. One study found that the program returns at least $1.47 for every dollar invested by empowering individuals to become self-sufficient and productive members of their communities.

6. The SCSEP is a means tested program, serving Americans age 55+ with income at or below 125% of the poverty level, or $9,200 for a family of one. The program serves less than 1% of those who are eligible; long waiting lists are common in most areas of the country.

7. The SCSEP serves the oldest and poorest in our society and those most in need: 39% of enrollees are minorities—the highest minority participation rate of any Older Americans Act program; 72% are female; 32% are age 70 and older; 81% are age 60 and older; 41% do not have a high school education; and 9% have disabilities.

8. The SCSEP ensures national responsiveness to local needs by directly involving participants in meeting critical human needs in their communities, from child and elder care to public safety and environmental preservation. The SCSEP has been a major contributor to national disaster relief efforts, most recently resulting from floods in the midwest, hurricanes in the southeast, and the California earthquakes and riots.

9. The SCSEP has demonstrated high standards of performance and fiscal accountability unique to government programs. Less than 15% of funding is spent on administrative costs—one of the lowest rates among federal programs and despite a unit cost that has not been adjusted for increased administrative expenses since 1981.

10. The SCSEP historically has enjoyed strong public support because it is based on the principles of personal responsibility, lifelong learning, and service to community. In addition, the program is extremely popular among participants, host agencies, employers, communities, and the membership of our nation's largest aging organizations.

[From Green Thumb, Inc.]

IOWA SCSEP CASE HISTORIES

Donald Huntley of Boone county came to a Green Thumb pre-app day last spring out of desperation. He had worked for many years at a large turkey manufacturing plant that had gone out of business. His annual income for a family of two at the time was $1,380. Don had very good skills and life experiences and a wonderful personality. He began his assignment in June with the Iowa 4-H Education Center. Prior to his orientation his Area Supervisor, Denise Juhl, told him that this was a chance to prove to the agency that they couldn't live without him. Don told her, "consider it done". On January 1, 1992, Don became a permanent full-time employee of the Iowa 4-H Education Center. His beginning salary will be $18,400 with full benefits—an increase of more than 13 times his salary when he enrolled in June! Way to go, Don—we knew you could do it!

Jerry Burgett, a once very successful business owner and entrepreneur, found himself physically disabled and as a result lost his business. He had been a concrete sawer, which took an extreme amount of physical activity. At age 55 he experienced major back surgery and was unable to lift more than five pounds. He became homeless, living with different relatives. His life learned working skills were no longer of value to him. At the intake and assessment, he indicated that he wanted to learn computers and word processing. He was dual enrolled in Green Thumb and JTPA to begin an eight week course in computers and word processing. At the completion of his course, he finished with a perfect attendance and top scores in his class. Jerry began working for a local greenhouse firm the day he finished classes. He is in charge of a city wide satellite greenhouse system. He insures each satellite is staffed and ready for business each day. Jerry credits his new job to his recently acquired training. He now has a small apartment and rediscovered self esteem and self worth.

The PRESIDING OFFICER. The time has expired.

Mr. SPECTER. How much time remains on my side?

The PRESIDING OFFICER. Fifteen seconds.

Mr. SPECTER. Mr. President, this has been a lively debate. I think all of the issues have been aired. I think the accounts as they currently stand express appropriate priorities as best we can determine them, and I move to table the Harkin amendment.

The PRESIDING OFFICER. The motion to table is not in order under the unanimous consent agreement.

Mr. SPECTER. Mr. President, I understand there was an agreement on an up-down vote. I was not present at that time. I withdraw the motion to table.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. Under the previous order, all yea and nay votes will be stacked. We are ready for other amendments.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, may I inquire of the Chair the list of the amendments that were incorporated in the unanimous consent agreement?

The PRESIDING OFFICER. The Wellstone seniors' amendment, the Hatfield-Byrd managers' amendment, the Harkin add-back for Corporation for Public Broadcasting.

Mr. HATFIELD. Mr. President, so as far as the process of those needing to be disposed of, we have the Wellstone amendment and the managers' wrap-up amendment?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Mr. President, we have resolved the Wellstone amendment. We are now putting that together with the managers' wrap-up. Therefore, I believe that would complete the business at this point as far as amendments are concerned; is that correct?

The PRESIDING OFFICER. That would be correct.

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

Mr. WELLSTONE. Would the Senator from Oregon yield for a moment?

Mr. HATFIELD. I withdraw the request for a quorum call.

Mr. WELLSTONE. Mr. President, I just want to thank Senator HATFIELD for his graciousness in our negotiations. I wanted to say to the Senator and to my colleagues that this program, the insurance information counseling and assistance grant program, again, is a program that we have in every single State, with seniors receiving assistance from trained volunteers in dealing with all the Medicare forms and the Medigap policies to provide really good protection for people. It is a program, with very little by way of money, that has gone a long way. I thank my colleague from Oregon for all of his help.

Mr. HATFIELD. I thank the Senator.

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

Mr. HATFIELD. I am happy to yield.

Mr. FORD. The only amendment left now will be the managers' amendment. When will that amendment be prepared to be offered and how much time will it take for that amendment, could I ask the good Senator?

Mr. HATFIELD. My estimate at this point is that we are in the process of putting that together and of alerting our colleagues who are involved.

I notice Senator MCCAIN is here. He will have an amendment in that wrap-up. Senator WELLSTONE will have one. Senator JEFFORDS will have one.

In each case, Mr. President, I say to the Democratic whip, each of these amendments that are in the wrap-up are totally offset amendments. So they do not add to the deficit. And they have been cleared on both sides. We should have that within the next few minutes.

Mr. FORD. Mr. President, I say to my good friend, I was not objecting to that amendment. I understand it is basically agreed to and it has complete offsets, so most people are satisfied with it.

The only thing I was trying to do is figure out how much longer it would be and when you think the votes will be occurring.

Mr. MCCAIN. I would like to make about a 4-minute statement.

Mr. HATFIELD. Mr. President, I say to the Senator, at this point, I would say it should all be wrapped up, as far as the managers' amendment, in about 15 minutes.

Mr. FORD. I thank the chairman very much.

AMENDMENT NO. 578, AS MODIFIED

Mr. HATFIELD. Mr. President, I will now make a unanimous consent request to make a technical correction. We had cleared the Levin amendment No. 578, but I ask unanimous consent to correct a drafting error by modifying it with the language that I now send to the desk.

What we are doing is we are, on page 9, line 12, striking one figure, $37 million, and putting in $25 million; and one figure $35 million and putting in $23 million. This does not change the basic content of the amendment. It was inaccurately drafted.

I ask that it be modified.

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

The amendment is so modified.

The amendment (No. 578), as modified, is as follows:

On page 9, line 16, strike "$13,000,000" and insert "$15,000,000".

On page 9, line 12, strike "$25,100,000" and insert "$23,100,000".

Mr. HATFIELD. Mr. President, that will appear in our wrap-up package now that it is corrected. It is easier to correct it now than correct it down the line. That is why I took the time to do that at this point.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I know the hour is late, and I will be brief. But I would like to make some comments on the compromise amendment that has been so long in its gestation period today and yesterday.

I want to start out by thanking the chairman of the Appropriations Committee and all those Members of the Senate who have worked to produce a good substitute rescission bill. I give them credit. I am only sorry we had not been able to do more.

Over the last week, freshman Senators have led a noble fight, in my view, to add new cuts to these bills. The amendment originally proposed by my freshman colleagues would have called for cuts in the Corporation for Public Broadcasting, AmeriCorps $206 million, IRS, Foreign Operations, Youth Build, and many other cuts that would have totaled $1.3 billion. Obviously, they sought to have that amendment passed. They were unable to do so for a variety of reasons which are not worth going into now.

But I really want to comment, Mr. President, about the difference that those freshmen bring to this body, which is the message of November 8, which is that we have to make tough decisions. We have to make difficult cuts in the budget and we have to do so because we have an obligation to the American people to balance the budget. Mr. President, we are not going to do that with this compromise amendment.

I especially thank Senator Santorum. I thank Senator Ashcroft, who is in the chair. I thank my colleague from Arizona, Senator Kyl, and many others who played such an important role in their efforts and came here to succeed and maybe will succeed next time. Those cuts that they proposed were difficult decisions. They alienated substantial constituencies in all of their States. But the fact is, we needed to enact those cuts and many more.

I have to say, Mr. President, I am a little bit disspirited because, if we cannot enact these cuts, I wonder what is going to happen when we take up budget reconciliation and we have to consider some really important and difficult reductions in the Federal budget. I am not positive we will have the courage to do so, particularly in light of the rejection of the so-called freshmen amendment.

I point out, in the compromise amendment, there are some good programs. I think they are very nice to have these programs. These add-backs all have nice-sounding names to them, like TRIO and substance abuse and mental health and Goals 2000 and school-to-work, et cetera, et cetera. But Mr. President, the question is where the role of Government ends and our obligation to the American people to balance the budget begins.

I am particularly pained by the so-called offsets that are in this amendment, because the majority of the offsets, about $1.2 billion of the $1.6 billion, are contained in two so-called offsets. One is for the HUD section 8 project reserves and the other is for airport improvement. Both of those funds will have to be replenished within the next 6 months.

So the fact is what we have done is add back $834 million and really only subtract from that around a couple hundred million. So the offsets are illusory. The offsets are not meaningful.

And it was interesting that Radio Free Europe and foreign operations were two of the major so-called savings in offsets, neither of which have any domestic constituencies. The other one that I see here was Federal administration and travel, which is always a convenient one. If anyone believes that there will be a $337 million reduction in Federal administration and travel that is unspecified, I would say they have more optimism about the Federal bureaucracy's reactions to the mandates of Congress than I have seen in the past.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. McCAIN. I did not ask for unanimous consent.

The PRESIDING OFFICER. We are under controlled time.

Mr. McCAIN. I ask unanimous consent for an additional 2 minutes.

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

Mr. McCAIN. I am sorry for taking so much time.

I believe it is important for us to recognize the effort that was made by the freshman Senators. I think it is disappointing that they did not succeed. I urge them to continue in their efforts, because I think they best reflect the views, aspirations, and hopes of the American people, as expressed on November 8.

I am disappointed in this so-called compromise. I hope that in the future we will not agree to such compromises again.

Mr. President, I had yield back the remainder of my time.

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. KENNEDY. 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. 579

Mr. FEINGOLD. Mr. President, I voted for the Harkin amendment to transfer $40.5 million from the Board for International Broadcasting and Radio Free Europe/Radio Liberty, Inc. to the Corporation for Public Broadcasting and the seniors community service program because I believe they are higher national priorities than overseas broadcasting is.

Last year I led the fight to reduce RFE/RL's budget from $220 to $75 million—by two-thirds—and to slash their outrageous management perks because I believe that RFE/RL is a cold war relic, which also suffered from terribly sloppy fiscal management in the past. I do have some concerns about this formula, however,

During the debate on consolidation last year, we discovered that because of contractual obligations that the BIB never should have entered into on behalf of the U.S. Government, we have to spend some money this year in order to cap RFE/RL at $75 million next year. It seems to make little sense, but I have done the math many times, and unfortunately, concluded that these sums are necessary if we are to downsize. It actually demonstrates how this organization ran amok for years under the guise of national security interests. In any case, I am concerned that if BIB funds are rescinded this year, we may not be able to reduce fully to $75 million next year.

At the same time, I think CPB is a far better investment than so-called surrogate broadcasting—particularly when we already have radio services to the transitioning democracies through the Voice of America. I am carefully monitoring RFE/RL's budgeting and expenditures. If their request exceeds $75 million next year, I will be the first to propose their termination.

Mr. HOLLINGS. Mr. President, I support the amendment to reduce funding for Radio Free Europe and to restore $40.5 million for programs cut in this bill before us. Specifically, this amendment would restore: $26 million for the Corporation for Public Broadcasting; $14.4 million for the Community Services Program for Older Americans.

Mr. President, for many years, I have been a supporter of the continued operation of Radio Free Europe. Every year as chairman of the Appropriations Subcommittee, I supported the Board for International Broadcasting's appropriations. But, now I look at this rescission bill and I look at the reductions that are proposed for programs like the Corporation for Public Broadcasting, the National Oceanic and Atmospheric Administration, programs to prevent the use of illegal narcotics, and programs that serve the elderly and children—all programs that serve Americans here at home—and I can no longer support the appropriations for the radios. Programs for Americans here at home should and must have a higher priority.

I have listened to the attacks on the Corporation for Public Broadcasting, on support for National Public Radio and Public Television. The other side has argued that taxpayer funds should not be used to support public radio and television. I disagree. Public radio and television are among the finest investments made by this Government. They are an investment in the education of our people. But, if the other side is arguing against taxpayer support for public radio for Americans, how can they justify taxpayer support for Radio Free Europe. And, in this bill that the Appropriations Committee reported they have even proposed supplemental funding for Radio Free Europe while they are proposing rescissions in the Corporation for Public Broadcasting. That simply doesn't make sense.

One of President Clinton's first reinventing government proposals was to phase out Radio Free Europe and to consolidate it with the Voice of America. This country spends over $320 million per year for the Voice of America's operations and facilities, and almost $230 million per year for Radio Free Europe.

We did not phaseout Radio Free Europe. They conducted an impressive lobbying campaign to continue their existence, and the administration backed down. It agreed to reduce the Radios, but not to end their operation.

But, times are changing. The world has changed. The cold war has ended. Many of the nations in Eastern Europe and the former Soviet Union had developed their own media and radio stations, and without jamming, they now have access to the BBC, CNN, Sky Television, and other Western media. Just last week the Washington Post carried an article discussing Russia since the fall of communism. While the article bemoaned the outbreak of organized crime, it also noted that Russia has developed a vigorous, and free mass media.

And, as everyone can see from this rescission bill, times have changed here at home too. We have before us a $13 billion rescission bill. We are cutting programs that Americans rely on.

Mr. President, in the budget game, in the appropriations business, we are continually involved in a process of setting priorities—of determining what is more important than something else. And, when I look at the programs that Senator HARKIN, Senator LEAHY, and Senator REID have suggested in this amendment, for this Senator, there is no contest. They clearly are higher priority than continuing radio stations for Europe.

There is no one in this room that does not think the Older Americans Act Community Service Employment Program has been a success. The average participant is a 68-year-old woman who has just lost her husband and has little or no work history outside the home. There are both elderly men and elderly women in the program, but this is the typical situation. All of the participants are low income by definition.

This program provides a grant to nonprofit organizations to train participants and to place them in jobs. Initially, the program supports them at the minimum wage. For those who have good work skills, it moves them into full-time, unsubsidized employment. For the others, it provides either formal or on-the-job training to prepare for employment.

In any case, the work done by these seniors in libraries, home health agencies, child care centers, and other public, nonprofit, and private jobs is an absolute boon to the community and to the taxpayer. It would be pennywise and pound foolish to send these low-income senior citizens to the welfare line instead of letting them do work that is needed for the minimum wage.

Furthermore, we are talking in committee about getting people off of welfare and into work, and here on the Senate floor we are cutting a program that does just that.

Mr. President, 16,000 elderly people are being supported at the minimum wage nationwide through the Community Service Employment for Older Americans Program. There are 900 in South Carolina alone, and we will cut 106 if this amendment fails. The dignity of these elderly people is certainly more important than overextending our past commitment to taxpayer-funded European radio.

Mr. President, Senator HELMS, chairman of the Foreign Relations Committee, and Senator SNOWE have proposed a major reorganization of our international affairs agencies. They are, at this time, considering major reductions in international affairs agencies. Their proposed organization chart for the reinvented Department of State includes an "America Desk." Well, it is clear to me that time has run out for Radio Free Europe, and we could well help their reorganization effort at this time. Clearly, Radio Free Europe no longer can pass the "America Desk" review.

I commend Senators HARKIN, LEAHY, and REID for bringing this amendment to the Senate. Phasing out Radio Free Europe is a tough decision to make. But, it is far preferable to the other reductions that have been proposed in this rescission bill.

I urge the adoption of the amendment.

Mr. SIMPSON. Mr. President, I rise in strong opposition to the pending amendment proposed by the Senator from Iowa.

Let me first state that I fully understand the valid impulses that give rise to an amendment such as this. It takes money from Radio Free Europe, and puts it into a small number of other domestic spending categories, some of them bringing benefits to children and to the elderly.

The point being made is clear. It is one that we always hear whenever we go to our town meetings. If a Senator such as myself stands up to describe the vast increases in direct transfer payments to American citizens—from the young worker to the older retiree—increases which indeed have driven our deficit to near extremity, one always hears the same old refrain in response: "What are you going to do about foreign aid? What about Congressional perks?"

Of course, spending on those two items amounts to less than 1 percent of the budget. But as long as some of it is still there, one can always gain a few more political points by taking a little bit more out of international spending, and spending a little bit more on the domestic side.

Now, I come to this issue from an unusual stance, which I would hope the Senator from Iowa appreciates. Unlike some of my colleagues on the Republican side, I fully support public broadcasting. I think it is especially valuable in a rural State such as my own, where we simply do not have the market power to make available to our citizens all of the best that commercial programming has to offer in a cost-effective way.

But despite my general support for public broadcasting, I oppose this amendment. It would take $40.5 million out of Radio Free Europe in order to make it available for other domestic programs.

The first point I would make is that there has been a series of amendments here from the other side of the aisle, each of them designed to score big political brownie points by giving more money to children, to the poor, to the

elderly. They're trying to make the crude charge stick, that somehow Republicans are wreaking havoc upon all these programs.

It is a war of symbolism, and it is being waged by various feints, jabs and deceptions. I would say to my colleagues over there on that side that I believe this tactic is getting quite worn and tired. The press, believe it or not, is beginning to figure this one out. They did fall a bit for the school lunch sophistry, buying the notion that we were snatching the food out of children's mouths, simply by giving the States more control over that program. But increasingly they are starting to understand what is a cut and what is a slower rate of increase. That's what we are proposing with all domestic and welfare spending generally—and if the American public can't figure that one simple gem of logic out, then they are, all of them, going straight to the poorhouse themselves.

So that's what gives rise to these partisan amendments. And of course, if you want to get some money for the ragged and downtrodden, there is no more politically popular place to get it than something that smacks of the evil term "foreign aid"—as in Radio Free Europe.

I would say that the U.S. is still getting a very fine return on its investment in Radio Free Europe. One thing that the collapse of the Berlin Wall has shown to us is the power that Radio Free Europe had in beaming a message of hope and freedom to those striving for democracy. It is said by some that, now that the wall has come down, RFE has outlived its usefulness. But we have seen eloquent testimony that this is not the case.

Indeed, Radio Free Europe has moved its base of operations precisely because President Havel of the Czech Republic offered them various forms of subsidy assistance if only they would relocate in Prague. That's what he personally feels about Radio Free Europe's usefulness in the post-Cold War World. If the charge was to be made that Radio Free Europe was too expensive, then the people of Central Europe were willing to chip in their own bucks and give some help in order to enable it to stay.

Radio Free Europe has kept its operation up-to-date and relevant. It remains a tremendous source of reliable information on many subjects of international import, often giving more timely and profound coverage of events that the commercial news services. They have managed to stay ahead of the game in a number of areas of particular movement and importance in recent years—reports on the evolution of ethnic tensions as well as burgeoning controversies in economic and military matters. They provide translations of articles in major international newspapers, and academic analysis of events that cannot always be found in commercial papers and broadcasts.

In a budget in which we devote less than 1 percent of our resources to trying to affect the course of events beyond our borders in a way that is beneficial to us, it seems to me to be very pennywise and pound foolish, to take yet another whack at something which is so inexpensive to the taxpayer—indeed becoming less expensive as a result of the recent decision to move—simply to make the sudden, cynical political point that the loyal advocates of the amendment stand for more spending for the downtrodden.

So I regret to say to the Senator from Iowa that I cannot support his amendment. I would say to him and to the rest of this chamber that if we are squeezing funding for the programs that he has attempted to provide for here, it is not spending on Radio Free Europe that has caused the difficulty. Come the year 2013, unless we do something about entitlement spending, we not only will not have money for Radio Free Europe, but for national defense, highways, prisons—turn them all loose—upkeep of the national parks—nothing. So we should turn the spotlight onto the spending that got us here and we'll be looking for the Senator's vote, otherwise we won't be able to fund any of the programs that the Senator from Iowa or anyone else cares about.

Mr. KENNEDY. Mr. President, I will just take one or two moments at this time, prior to the time that we are going to have a final vote on this issue on the rescissions, to, first of all, express my own deep personal appreciation for the leadership of Senator DASCHLE, on our side, over the course of this debate and his perseverance in pursuing the restoration of extremely important funding that had been cut in the areas which were targeted on children and on education. There is close to a billion dollars which has been returned to this measure as a direct result of his strong commitment and work over these past days.

Many of us were prepared to have extended debate on priorities, which I think the rescission issue basically brings forward, to try and reflect in this body what we think are the real priorities of the American people with regard to children and with regard to education.

We know that over this year and in the future, we are going to have to be much sharper in prioritizing this country's expenditures. Funding in and of itself is not necessarily the answer to all of our problems, but it is a pretty clear reflection of a nation's priorities. This is particularly true when we are talking about a number of the different items that were included in the measure which was supported by Senator DASCHLE and others, including some Members from the other side of the aisle.

I am speaking about the restoration of the funds at Head Start, Chapter 1, and the day care programs, which are so important for working families, particularly working mothers, and are an indispensable part of our planning if we are trying to be serious about welfare reform. I should also note the return of the funding on the Goals 2000, which will help some 1,300 schools to move ahead in terms of enhancing academic achievement and accomplishment.

Those were extremely important programs. Other important measures that were restored include the School-to-Work Program, which will provide additional opportunities for the 70 percent of the young people that do not go on to college and are facing dead-end jobs when they get out of high school.

Because of the School-to-Work Program that was passed last year and strongly supported with the leadership of President Clinton, we were able to work through a partnership with public and private sectors to try to offer a greater opportunity for young people. That, I think, is important.

I know that Senator KASSEBAUM is working through the restructuring and reorganizing of our youth training programs, and the role of the School-to-Work Program may very well be—I believe will be—the center focus of reform of youth training. It will also help in redesigning the outreach to the some 400,000 young people who drop out of school every year. With this program and some of the other efforts, these dropouts may be brought back into the educational system.

Finally, I want to mention the restoration of funding for the national service program. While we have had some debate and discussion on that measure, I wish we had had the chance to go into greater detail on the extraordinary contributions that so many of the young people in this country are involved in through community service.

If there was really a failing during the period of the 1980's, and we all have our list of shortcomings in national policy, I think one of the important areas was the failure to offer a vehicle and an avenue for young people, particularly, to give something back to their community in the form of voluntary service. We didn't give them an opportunity to repay what the community has done for them.

Under the leadership of President Clinton, we have seen service programs growing, not only in the AmeriCorps programs, but the other programs which are creating an opportunity for service while students are in school, from kindergarten through high schools. In my State of Massachusetts, enormously impressive programs are taking place.

I was talking recently to the service learning director of the community service programs, and she mentioned

that Massachusetts is one of the top States in taking advantage of the service learning programs.

We could go on about other programs restored—the TRIO program—and about some that were not, such as the technology programs, which are so important in making sure young people are going to be able to get the best in terms of new technology, and not only technology but training programs in the use of these technologies. All of these are enormously important.

We are going to have debates on these measures as to funding levels in the future. But we want to make very clear in this body and to the country that there are going to be a number of Members that will stand for the children, stand for education, stand for investing in the future of this country by doing all that we can to strengthen the support for the youngest and the most vulnerable. We will support children in the Head Start programs and support strengthening our education system. Another issue we will watch closely will be aid to college students. We must ensure that young people that are taking advantage of the student loan programs, work study programs, and other higher education programs which have been targeted by Republicans over in the House of Representatives are not hurt by Republican cuts. We must make sure the Republicans bent on eliminating these programs are not going to be successful.

I believe that there is a bipartisan coalition for education. Perhaps, had we had more votes on education it would have been reflected in the course of this debate, but I believe it is there. It will be tested over the period of these future months.

I do think in this early skirmish that it is very clear that even though the funding levels are not what I would certainly like to see in these areas, the areas nonetheless where there has been the greatest restorations have been in children and in education. I think that that is what the American people would want. I know that these are what we will want as we go through the process of prioritizing this Nation's needs. We will keep them on the front burner.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, by my calculation, we should be voting by now. Could I be advised why we are still talking?

The PRESIDING OFFICER. We still have another amendment to be offered, the managers' amendment.

Mr. DOLE. Is anybody entitled to time on the managers' amendment, or are the managers entitled to time?

The PRESIDING OFFICER. There is a total of 15 minutes remaining on the managers' amendment.

Mr. DOLE. I just say to my colleagues, if they want to stay here all night, that is fine. But we are going to come back in the morning if we cannot close this down in about 5 minutes.

It is about 10 o'clock. Most everybody is here tomorrow, and we will come back if we cannot conclude this, come back tomorrow morning. If everybody needs to talk, let them talk and we will come back and vote tomorrow morning.

Mr. President, why can we not proceed to vote on the Harkin amendment?

The PRESIDING OFFICER. The unanimous consent provided that the votes would be stacked.

VOTE ON AMENDMENT NO. 579

Mr. DOLE. I ask unanimous consent that we now proceed to vote on the Harkin amendment.

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

The question is on agreeing to the Harkin amendment No. 579. On this question, the yeas and nays have been requested, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD: I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—46

Akaka	Ford	Lieberman
Baucus	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Grassley	Murray
Breaux	Harkin	Pryor
Bryan	Heflin	Reid
Bumpers	Hollings	Robb
Byrd	Inouye	Rockefeller
Cohen	Johnston	Roth
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
Dodd	Kerry	Snowe
Dorgan	Kohl	Warner
Exon	Lautenberg	Wellstone
Feingold	Leahy	
Feinstein	Levin	

NAYS—53

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Nunn
Bradley	Gregg	Packwood
Brown	Hatch	Pell
Burns	Hatfield	Pressler
Campbell	Helms	Santorum
Chafee	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Jeffords	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	

NOT VOTING—1

Mikulski

So the amendment (No. 579) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Oregon.

Mr. HATFIELD. I ask unanimous consent to make a technical correction to an amendment previously offered by Senator GORTON and adopted by the Senate. It is a technical correction because the amendment is flawed.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senate is in order.

Without objection, the amendment is so modified.

AMENDMENTS NOS. 580 THROUGH 592, EN BLOC

Mr. HATFIELD. Now, Mr. President, I would like to have the attention of the body.

Mr. President, this is the last act for this bill except final passage, and this is referred to as a managers' wrap-up. What we have done is incorporate into this one action amendments that have been agreed to on both sides. If there is any additional money, it is fully offset. So it is totally deficit neutral. And instead of having them offered one at a time, we are offering them en bloc. Let me enumerate them because those of you who have such amendments make certain that we have incorporated them. The following list: HATFIELD has three, LAUTENBERG, BURNS, MCCAIN, JEFFORDS, PELL, KENNEDY, AKAKA, KEMPTHORNE, INOUYE, and WELLSTONE.

Now, that is our listing of all of the amendments that have been agreed to, cleared.

Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc and that motions to reconsider votes by which these amendments were agreed to be laid upon the table en bloc and any statements with regard to the amendments be placed in the RECORD at the appropriate place. And I yield to the ranking member of the committee.

Mr. BYRD. Mr. President, reserving the right to object, I shall not object, these amendments have been cleared on this side and they are fully offset.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], proposes amendments numbered 580 through 592, en bloc.

The amendments en bloc are as follows:

AMENDMENT NO. 580

(Offered by Mr. HATFIELD, for himself and Mr. BYRD.)

On page 26, line 12, reduce the sum named by "200,000,000".

On page 26, line 20, reduce the sum named by "$200,000,000".

On page 27, line 21, strike "$3,221,397,000" and insert in lieu thereof: "$3,201,397,000".

AMENDMENT NO. 581

In Amendment number 437 to Amendment 435 strike the following:

"Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 102-393, 103-123, 103-329, $1,842,885,000 are rescinded from the following projects in the following amounts:"
and insert in lieu, thereof:
"Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 102-393, 103-123, 103-329, $1,894,840,000 are rescinded from the following projects in the following amounts:"
and strike:
"Tucson, Federal building, U.S. Courthouse, $121,890,000"
and insert in lieu thereof:
"Tucson, Federal building, U.S. Courthouse, $80,974,000".

AMENDMENT NO. 582

On page 44 line 16 insert:
": Provided further, Of the available contract authority balances under this hearing in Public Law 97-424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100-17, $126,608,000 are rescinded."

AMENDMENT NO. 583

(Purpose: To restore funding for the purchase of buses and the construction of bus-related facilities as authorized under section 3 of the Federal Transit Act)

(Offered by Mr. HATFIELD, for Mr. LAUTENBERG.)

On page 43, line 17, strike the numeral and insert "$1,318,000,000."

On page 46, strike all beginning on line 6 through the end of line 11.

AMENDMENT NO. 584

(Offered by Mr. HATFIELD, for Mr. BURNS.)

At the appropriate place insert the following:

(a) SCHEDULE FOR NEPA COMPLIANCE—Each National Forest System unit shall establish and adhere to a schedule for the completion of National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule shall provide that not more than 20 percent of the allotments shall undergo NEPA analysis and decisions through Fiscal Year 96.

(b) * * * other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued, if necessary to conform to such NEPA analysis.

(c) EXPIRED PERMITS—This section shall only apply to permits which were not extended or replaced with a new term grazing permit solely because the analysis required by NEPA and other applicable laws has not been completed and also shall include permits that expired in 1994 and 1995 before the date of enactment of this Act.

AMENDMENT NO. 585

(Purpose: To address issues of equity in rehiring former Federal employees)

(Offered by Mr. HATFIELD, for Mr. MCCAIN.)

In title II—General Provisions, SEC. 2001 Timber Sales, add the following to the end of subsection (6) SALE PREPARATION: The Director of the Office of Personnel Management, and the Secretary of the relevant Department, shall provide a summary report to the governmental affairs committees of the House and Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies, of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provision of P.L. 103-226.

This report shall not be conducted in a manner that would delay the rehiring of any former employees under this Act, or effect the normal confidentiality of federal employees.

Mr. MCCAIN. Mr. President, I would like to make a few brief comments to describe the intent of the amendment I have offered today to S. 619. It addresses my concerns about the rehiring of former Federal employees who received a voluntary separation incentive payment to leave the Federal service, but now will be rehired under the provisions of this bill.

Under the terms of the "Federal Workforce Restructuring Act"—popularly known as the buyout bill—Federal employees could receive an incentive payment as high as $25,000 if they voluntarily agreed to leave their agency. These buyouts will help achieve a reduction in the Federal work force of approximately 275,000 employees, which will significantly reduce the size of our Federal bureaucracy and save taxpayers hundreds of millions of dollars.

After receiving such a buyout, the Federal employee would be barred from rejoining the Federal work force for 5 years. A special waiver provision afforded former employees with unique capabilities to be rehired by a Federal agency if no other qualified individual was available.

I supported this legislation, and am pleased that it has already helped reduce the Federal work force by some 30,000 employees. I am concerned, however, by one provision of the recissions bill before us today that would allow individuals who received a buyout payment to be rehired without having to either repay their buyout, or meet the terms of the existing waiver provision.

Mr. President, I recognize the need for highly qualified individuals to be brought back to Federal service with the Bureau of Land Management and the Forest Service to assist with new timber harvests. They must be brought back quickly, and are likely to be reemployed for a fairly short period of time.

I do believe, however, that the agencies rehiring these individuals should advise the Congress on the extent of former Federal employees who received a buyout and have been rehired. We have a responsibility to ensure that the spirit of the buyout legislation is not abrogated by this new rehiring authority. Furthermore, it would be wise for the Congress to monitor that the taxpayers investment in this buyout program is not improperly utilized.

My amendment is intended to allow the Congress to fulfill these obligations. It would require OPM and the relevant Federal Department to advise the Governmental Affairs Committees of the House and Senate their use of the rehiring authority established in S. 619. More importantly, it will require these agencies to explain how rehiring buyout recipients without a repayment of their separation incentive award is consistent with the original waiver provision of Public Law 103-226.

This requirement will provide the Congress with some idea of not only how many former Federal employees who received a taxpayer funded buyout have been rehired, but also whether their reemployment truly meets the congressional requirement of highly skilled individuals, and a shortage of similarly talented candidates. I do not want to see the expedited rehiring authority established in this bill to be used in such a manner that undermines the merits and purpose of the cash awards given to individuals.

I think it is important that we treat rehired Federal employees fairly in this regard, but we also need to ensure that taxpayers are protected due to the fact that they have paid for the cash buyouts that have been awarded. After all, these voluntary separation payments are intended to downsize the bureaucracy, and save taxpayers money. Individuals should not be able to take advantage of large buyout bonuses and then reenter the Federal service except under very special circumstances.

This amendment will help the Congress evaluate this rehiring program as it proceeds, without hindering the Forest Service or the BLM in their legitimate efforts to bring skilled individuals back into their work force on a short-term basis.

Mr. President, I want to thank Senator GORTON, Senator HATFIELD, and Senator BYRD for their assistance and acceptance of this amendment.

AMENDMENT NO. 586

(Offered by Mr. HATFIELD for Mr. JEFFORDS.)

On page 14, line 12 strike $81,500,000 and insert "$71,500,000".

On page 13, strike the figure on line 24 and insert "$60,000,000".

AMENDMENT NO. 587

(Purpose: To provide continued funding for the national center for research in vocational education)

(Offered by Mr. HATFIELD for Mr. PELL.)

On page 33, line 9, strike "$236,417,000" and insert "$242,417,000".

On page 33, line 14, strike "$8,900,000" and insert "$14,900,000".

On page 34, line 4, strike "$60,566,000" and insert "$54,566,000".

On page 34, line 7, strike "$8,891,000" and insert "$2,891,000".

AMENDMENT NO. 588

(Offered by Mr. HATFIELD, for Mr. KENNEDY.)

On page 36 after line 5, insert:

"PROGRAM ADMINISTRATION.

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $4,424,000 are rescinded."

On page 34, line 18, Strike $57,783,000 and insert in lieu "$53,359,000".

On Page 35, line 2, strike $6,424,000, and insert in lieu of "$2,000,000".

AMENDMENT NO. 589

(Purpose: To restore certain funding for the demonstration partnership program which is administered by the Office of Community Services within the Administration for Children and Families)

(Offered by Mr. HATFIELD, for Mr. AKAKA.)

On page 31, strike line 9 and insert the following: "Public Law 103-333, $10,988,000 are rescinded.".

On page 31, between lines 9 and 10, insert the following:

"Of the funds made available under this heading in Public Law 103-333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded."

On page 32, line 5, strike $2,918,000" and insert "$4,018,000".

AMENDMENT NO. 590

(Purpose: To make an appropriation for the Advisory Commission on Intergovernmental Relations and to increase the rescission amount for diplomatic and consular programs)

(Offered by Mr. HATFIELD, for Mr. KEMPTHORNE.)

On page 11, line 19, strike "$2,000,000 are rescinded." and insert the following: $2,500,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For the Advisory Commission on Intergovernmental Relations for purposes of section 306 of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), $500,000.

AMENDMENT NO. 591

(Purpose: To strike the provision that prohibits the application of the Davis-Bacon Act to any contract associated with the construction of facilities for the National Museum of the American Indian)

(Offered by Mr. HATFIELD, for Mr. INOUYE.)

In chapter V of title I, under the heading "CONSTRUCTION" under the heading "SMITHSONIAN INSTITUTION" under the heading "OTHER RELATED AGENCIES" strike ": *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the consideration of facilities for the National Museum of the American Indian.".

AMENDMENT NO. 592

(Offered by Mr. HATFIELD, FOR MR. WELLSTONE)

On page 29, line 16, strike "$2,185,935,000" and insert in lieu thereof $2,191,435,000".

At the appropriate place in the bill insert the following:

Notwithstanding any other provision of this Act, administrative expenses & travel shall further be reduced by $5,500,000.

So the amendments (No. 580 through 592) were agreed to.

Mr. HATFIELD. I thank the Chair.

I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

MARKET PROMOTION

Mr. LAUTENBERG. Mr. President, I rise to express my outrage at the provision in this rescission bill that would increase funding for the Market Promotion Program by $25 million in fiscal year 1995. A provision that would increase subsidies for major corporations, at the same time that we are cutting billions from programs that are vital to our Nation's children.

My opposition to the Market Promotion Program is long-standing. I do not believe that the U.S. Government should be spending $100 million a year to subsidize overseas advertising by large corporations.

In recent years, the Market Promotion Program has used taxpayer money to subsidizes such corporations as McDonalds, Miller Beer, Sun Maid Raisins, and General Mills: hardly struggling corporations in need of Government largesse.

It would be a travesty for the Senate to increase spending on this wasteful program while we are considering billions of dollars in cuts from far more important programs in the fiscal year 1995 budget.

How can we cut housing assistance for low-income families and seniors while we increase subsidies for large corporations?

How can the U.S. Senate cut the Head Start Program, the Youth Training program, the National Service Program, the Safe and Drug Free School Zones program, Child Care, Education, and so many other programs that benefit our Nation's children and families, help hard-working Americans, and prevent drug abuse and crime? How can we cut all those programs and then turn around and increase funding for multinational corporations?

Mr. President, this is wrong. Dead wrong. The market promotion program should not be increased. It should be eliminated. If we can cut funding for child nutrition programs and elderly housing, we certainly can ask billion-dollar multinational corporations to do their fair share as well.

I recently introduced legislation that would eliminate the Market Promotion Program and several other wasteful subsidy programs operated by the Department of Agriculture. I am pleased that the Senate has an opportunity today to cut some real waste out of the Federal budget.

I hope that my colleagues in the Senate will join with me in supporting the Bumpers-Bryan amendment.

FUNDING FOR THE UNITED NATIONS POPULATION FUND [UNFPA]

Mr. SIMPSON. Mr. President, I rise today to reaffirm my full support for U.S. funding for the U.N. Population Fund [UNFPA]. President Clinton resumed funding for the Population Fund last year after a 7 year suspension during the Reagan and Bush administrations. Last year, Congress appropriated $40 million for the fund, and $50 million was appropriated for 1995. Unfortunately—and I think unwisely—the House rescinded $25 million of the funding in its emergency supplemental and rescissions bill.

With Senator HATFIELD'S courageous support, the Senate did not rescind any money for the fund in its bill. I am most appreciative of my fine colleagues, Senator HATFIELD and his efforts and longstanding support for international population stabilization activities including the UNFPA.

I do understand that funding for all programs across the board needs to be reduced if we are to properly fund this supplemental bill. However, I do not want to see population programs unfairly targeted for larger reductions than other foreign assistance programs. Reducing the Population Fund's money by one-half is surely an unreasonable reduction in funding.

This huge reduction in funding will surely send exactly the wrong message to the rest of the developed nations across the world. Last year, the United States was seen as the world's leader on population and development assistance at the International Conference on Population and Development in Cairo. I was a congressional delegate at the Conference aid I came away very much impressed with the leadership and direction displayed by Vice President GORE and the assistance given him by our former colleague, Under Secretary of State Tim Wirth in guiding the Conference and its delegates in developing a consensus document on a broad-range of short- and long-term recommendations concerning maternal and child health care, strengthening family planning programs, the promotion of educational opportunities for girls and women, and improving the status and rights of women across the world.

We surely do not want to lose our moral leadership role and relinquish any momentum by abandoning or severely weakening our financial commitment to population and development assistance. The United States needs to continue its global efforts to achieve responsible and sustainable population levels, and to back up that leadership with specific commitments to population planning activities.

That is why it is so very important that we show our support by funding the U.N. Population Fund. The fund is supported entirely by voluntary contributions, not by the U.N. regular budget. There were 101 donors to the fund in 1993, most of which were developing nations. Japan and the United States are the leading contributors to the fund with the Nordic countries not lagging far behind. UNFPA assistance goes to over 140 countries and territories across the world. It would certainly be a real shame if the United States were to back away from its commitment to the world's largest source of material assistance for population programs.

Mr. CHAFEE, Mr. President, I want to join my colleague from Wyoming in expressing my strong support for the United Nations Population Fund (UNFPA). There are many challenges to be faced in the next century with regard to global population growth, and international programs such as UNFPA are critical to the world's population and development assistance efforts.

UNFPA, which receives funds from some 101 donor nations, has had a somewhat tumultuous history in the United States over the past decade. Indeed, UNFPA funding was suspended altogether during both the Reagan and the Bush administrations.

Under the Clinton administration, modest funding for UNFPA has resumed. However, of the $50 million appropriated for UNFPA in fiscal year 1995, $25 million—or one-half—was rescinded by the House of Representatives in its emergency supplemental and rescissions bill.

Let me emphasize that in these difficult budgetary times, U.S. Federal spending, including U.S. contributions to international foreign assistance programs such as UNFPA, need to be adjusted accordingly. However, in this process we must ensure that programs are not unfairly targeted for disproportionate funding reductions. Moreover, I believe it is important in this instance to continue the U.S. leadership role that was demonstrated at the 1994 International Conference on Population and Development in Cairo.

For these reasons, I believe that a 50-percent cut in funding for UNFPA is excessive, and thus unwise. I was pleased, therefore, to find that the Senate rescissions package does not cut the U.S. allocation for UNFPA. I particularly want to commend and thank the chairman of the Appropriations Committee, Senator HATFIELD, for recognizing the importance of this international effort.

UNFPA will continue only if member nations continue to provide it with support. I believe that the United States has a clear interest in the success of UNFPA and similar population and development assistance efforts, and I join with Senator SIMPSON and my other colleagues in urging the Senate to maintain U.S. support.

Mr. BINGAMAN. Mr. President, as the Senate prepares to take final action on H.R. 1158, I rise to draw the attention of my colleagues to the provisions of the bill and the Dole-Daschle amendment making rescissions in U.S. foreign policy programs. Along with my distinguished colleagues, Senators SIMPSON, CHAFEE, SIMON, and others, I believe a direct and substantial benefit flows to the United States from our modest investment in sustainable development and population efforts. I am pleased the Senate bill rejects specific cuts to these vital programs and instead attempts to minimize harm to on-going, cost-effective foreign assistance programs.

Mr. President, I disagree with certain provisions of the bill before us. Nonetheless, I want to commend the distinguished chairman and ranking Democrat of the Senate Appropriations Committee, Senators HATFIELD and BYRD, and the distinguished chairman and ranking Democrat of the Appropriations Subcommittee on Foreign Operations, Senators MCCONNELL and LEAHY, for their very commendable effort to make equitable rescissions in U.S. foreign policy programs.

It is significant that the cuts recommended by the Foreign Operations Subcommittee are not based on a fundamental dislike for particular programs. Nor are they driven by a belief that one or two foreign aid programs are unnecessary. Rather, the subcommittee's recommendation of $100 million in general reductions to programs within its jurisdiction reflects the laudable belief that deficit reduction can be achieved in a manner which minimizes harm to all programs.

Over the next few weeks, as my colleagues on the Appropriations Committee take this bill to conference with the House, I urge them to remain firmly committed to the subcommittee's goal of making equitable rescissions in foreign policy programs. More specifically, I urge them to resist House efforts to target and cut vital population and development programs.

Under the House-passed bill, population and development programs would disproportionately bear the burden of foreign policy rescissions. Development assistance would be cut by $45.5 million and population assistance would be targeted for $9 million in cuts. In my view, these cuts are extremely shortsighted. In the long-term, they could end up costing the United States far more than we would save in fiscal year 1995. The Senate should remain firm in its commitment to making foreign policy rescissions that are rationale and fair, and the House rescissions should be rejected in conference.

From my perspective, attention to global population issues and support for worldwide development is critical to our future successes here in the United States. Because I so strongly believe this, I joined with Senator SIMPSON—and Congressman BEILENSON and Congresswoman MORELLA—to introduce legislation called the International Population Stabilization and Reproductive Health Care Act, S. 1096, in the 103d Congress. Our bill, which we are revising for reintroduction in this Congress, would have focused U.S. foreign policy on a coordinated strategy to help achieve world population stabilization; encourage global economic development and self-determination; and improve the health and well-being of women and their children.

I believe these three objectives are inextricably tied to one another. The way I see it, all U.S. efforts to help develop economies and promote democracy around the world will be futile if we do not first address the staggering rate of global population growth. How can we expect under-developed countries to pull themselves up when the world's population is growing at a rate of more than 10,000 people per hour? When the women and men who make up a nation's workforce pool do not even have the right to plan their families? And when millions of women around the world do not have access to basic—and lifesaving—reproductive health care or educational opportunities?

Fortunately, national and international awareness of two fundamental concepts is growing: (1) population, poverty, patterns of production and consumption, and the environment are so closely interconnected that none can be considered in isolation; and (2) sustained economic growth, sustainable development and population are fundamentally dependent on advances in the education, economic status and empowerment of women.

Tonight, we in the Senate are re-affirming these principles, and we are rejecting the House's attempt to drag U.S. foreign policy backwards. I sincerely hope the Senate conferees carry this message into Conference. I urge them not to waiver from the Senate's position on this issue.

AMENDMENT NO. 445

Ms. MOSELEY-BRAUN. Mr. President, I rise today in strong support of the amendment proposed by the minority leader that would restore funding for several important programs that address the needs of our Nation's children.

Mr. President, the bill we are debating here today, H.R. 1158, would rescind $13.4 billion in previously appropriated funds—including $600 million appropriated last year for Federal education programs.

Needless to say, I am vehemently opposed to taking this kind of giant leap backward. In my view, it would be unconscionable for Congress to reduce the Federal Government's share of public education funding which has already fallen from 9.1 percent during the 1980–1981 school year to 5.6 percent during the 1993–1994 school year.

It is vital to the interest of our Nation that we maintain quality public education for everyone. Education is not just a private benefit but a public good. It is the cornerstone of a healthy democracy and, as a society, we all benefit from a well educated-citizenry.

We are currently experiencing a new era in economic competition. All over the world, barriers to trade between nations are falling. We are witnessing the development of a truly global marketplace. I believe that America can

lead the way in this marketplace. But if we are to succeed, if we are to retain our competitiveness into the 21st century, there must be a renewed commitment to education in this country.

Several international institutions recognized the increasing importance of education just a few weeks ago at the United Nations summit on social development when they urged developing nations to invest in education rather than on defense.

In fact, for the first time in history, over 130 world leaders also agreed to a non-binding goal known as the 20–20 proposal which recognizes that economic and social problems have global consequences by creating immigration problems, epidemics, markets too poor to buy exports, and economies too risky for investors.

This proposal encourages all donor nations and international institutions to earmark 20 percent of their foreign aid for basic social needs including education and health care. It also encourages developing nations to allocate 20 percent of their expenditures to the same underfinanced sectors.

Nonetheless, while leaders from around the world were recognizing the increasing importance of education, Members of the U.S. House of Representatives were busy passing H.R. 1158. If enacted, H.R. 1158 would rescind $17 billion—including $1.7 billion in education funding for our Nation's children and $2.3 billion in job training funding for our Nation's unemployed youth.

In fact, this legislation would also withdraw funding for all new education initiatives—including the education infrastructure act which I introduced last April to help local school boards ensure the health and safety of their students.

Mr. President, I simply do not understand why some of my colleagues are so determined to slash funding for programs that increase economic, social, and educational opportunities for our Nation's children. According to the Children's Defense Fund, every day in America: 3 children die from child abuse; 15 children die from guns; 27 children die from poverty; 95 children before their first birthday; 564 babies are born to women who had little or no prenatal care; 2,217 teenagers drop out of school; 2,350 children are in adult jails; 100,000 children are homeless; and 135,000 children bring guns to school.

Although S. 617 would reduce our investment in our Nation's children by less than H.R. 1158, it still asks them to bear too much of the pain created by this effort to pay for emergency spending.

The Daschle amendment would improve the bill by restoring $1.3 billion for some of the most important and successful education and job training programs in this country. More specifically, the Daschle amendment would provide: $42 million for the Head Start Program which has successfully given hundreds of thousands of pre-schoolers the chance to start school ready to learn; $100 million for the Safe and Drug Free Schools Program which is helping local school districts keep drugs and guns out of our Nation's $72 million for the Chapter 1 Program which has helped States and local school districts meet the educational needs of economically disadvantaged children for 30 years; $69.6 million for the goals 2000 program which is helping States create coherent frameworks for education reform founded on the national education goals; $30 million for the school-to-work program which helps States and local school districts improve the educational and employment opportunities of our Nation's high school students who do not plan to attend college; $8.8 million for the immigrant education program which helps local school districts meet the educational needs of recently arrived immigrant children; $16.3 million for the impact aid program which compensates local school districts for revenue losses incurred due to removal of Federal property from local tax rolls; $35 million for the WIC Program which provides important nutrition supplements to 6.5 million women, infants, and children everyday—including more than 3 million children under 5; $100 million for the Youth Training Program which helps States prepare youth and young adults for high skill, high wage careers; and $210 million for the Americorps Program which provides a $4,725 scholarship to individuals who serve the educational, environmental, public safety, and human needs of our communities.

By providing this needed and long overdue support, the Daschle amendment will begin to address our failure to adequately engage resources in behalf of preparing our children for competition in the emerging global economy. It will help our children to succeed—to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace. This is in our children's interest; this is in our national interest.

Mr. President, I would like to conclude my remarks by urging my colleagues to support these investments in our Nation's children by voting for the Daschle amendment.

Mr. KERRY. Mr. President, while there are a number of features of the Daschle amendment which significantly improve this legislation, I would like to draw particular attention to two provisions that reinstate funding the original bill intended to rescind—$14.7 million for the Substance Abuse and Mental Health Services Administration [SAMHSA] and $100 million for the Safe and Drug-Free Schools Program—because it was my intention prior to their inclusion in the Daschle amendment to offer amendments to restore these funds and to offset the consequent additional costs by rescinding funds from programs less vital to our Nation and its people.

SAMHSA funds both Substance Abuse Block Grants and the Children's Mental Health Program. Substance Abuse Treatment Block Grants are the most important vehicle of support for substance abuse treatment efforts in this country. Funding for these grants cannot be compromised if we are to succeed in our efforts to reform welfare, reduce crime, and contain health care costs. The grants account for over one-third of the funding for public substance abuse treatment nationwide.

The California Drug and Alcohol Treatment Assessment, July 1994 [CALDATA], found that each day of substance abuse treatment pays for itself on the day it is received, primarily through reductions in crime. The Rand Corporation reports that drug treatment is the most cost-effective form of drug intervention, compared with other potential drug strategy program options, such as interdiction or imprisonment.

Mr. President, every $1 invested in drug treatment saves taxpayers $7 dollars. There are several sources for this figure, including CALDATA and the National Institute on Drug Abuse.

The heavy toll drug use exacts on the United States is most easily measured by the criminal and medical costs imposed on and paid for by the Nation's taxpaying citizens. One major study, conducted by Dorothy Rice at the Institute for Health and Aging at the University of California at San Francisco, concluded that drug abuse costs taxpayers $67 billion, alcohol abuse costs $99 billion, for a total cost to the Federal Government of $166 billion per year. "The impact of substance abuse and addiction on Federal entitlements is equivalent to more than 40 percent of the Federal deficit for 1995," states Joe Califano, former HEW Secretary and President of the Center on Addiction and Substance Abuse (CASA) at Columbia University. Ninety-two percent of the funds spent by health care entitlement programs as a result of substance abuse are used to pay for treatment of the consequences of such abuse; only 8 percent is spent to reduce dependency.

The costs to the Federal Government do not begin to account for the higher costs substance abuse wreak on the private economy. Every man, woman, and child in America pays nearly $1,000 annually to cover the costs of unnecessary health care, extra law enforcement, auto accidents, crime, and lost productivity resulting from substance abuse, according to a Brandeis University study.

The impact of substance abuse on crime is staggering. Substance abuse is

linked to between one-quarter and one-third of all suicides, according to the Public Health Service, and the Alcohol, Drug Abuse, and Mental Health Administration. Substance abuse is linked to half of all homicides, rapes, spousal abuse, and traffic fatalities. Substance abuse is linked to two-thirds of all cases of manslaughter, drownings, burglaries, robberies, thefts, and assaults.

According to a study by the National Association of State Alcohol and Drug Abuse Directors [NASADAD], approximately 1 million people—40 percent of those in need—want and pursue substance abuse treatment at this moment but do not get it: instead of helping them to help themselves, the Government leaves them sitting on waiting lists across the country.

These individuals—the vast majority of which are mothers, workers, or professionals—are willing and eager to improve their lives and the lives of those around them, but the government fails to extend a helping hand. Not only taxpayers, but society at large, foots the bill for this neglect.

SAMHSA also funds the Children's Mental Health Program, which provides services for children with very serious emotional disturbances [SED]. This program is targeted at the 1 million children with SED—out of 7.5 million nationwide—who are in State-administered systems encompassing child welfare, juvenile justice, and special education programs. This amendment restores $1.3 million to this program that the bill would have rescinded. This money goes to 22 service sites that will not survive without the funds. The future of these children is at stake.

Even in the face of all these facts, Mr. President, the rescissions bill—prior to the Daschle amendment—would have taken a random, unexplained, unjustifiable slice out of the budget for SAMHSA.

At the same time, it would have taken $100 million out of the Safe and Drug Free Schools—Safe Schools—program.

Mr. President, on this subject, I would like to take a few moments to talk about a reality that is very separate from the one in which my colleagues and I live.

Someone who lives in this reality, Mr. President, wakes up worried that today he could very well be killed. He realistically expects that someone he knows might be shot this week, or stabbed, or beaten. He goes through his day fearing everyone who passes by, constantly alert for trouble and danger, always keeping an eye on the nearest exit or hiding place. He might carry a weapon, purely for protection, and hide it on his person—a crude knife hidden in his sleeve, a length of pipe tucked into his boot, a makeshift handgun in his pocket, a box-cutter taped to his stomach. One hand is probably always on this weapon, this small piece of security. If he makes it back to bed at the end of the day, he will be thankful, relieved, and certainly a little surprised.

This reality is not a war, and the people who inhabit this world are not soldiers. This reality is only blocks away from this Chamber, and is mirrored in towns across our country. And the participants in this reality are not adults, they are children, they are as young as 5 and 6 years old, and rarely over the age of 18. I am talking about the reality found in many elementary and secondary schools across the United States, where 150,000 students bring a gun every day; where shootings and stabbings are commonplace; where gangs are in control; and where 3 million violent crimes are committed each year. I am talking about a national disgrace, a monumental embarrassment, a failure on the part of all who care about the future of this country and the quality of life of our children.

I am talking about a state of events that we cannot tolerate, that we cannot allow to endure.

In the Steven Speilberg film "Schindler's List," a Nazi soldier stands on the balcony of his home overlooking the busy center square of a Jewish concentration camp. Calm and precise, he aims his powerful rifle at random Jews passing through the crowded streets below, and effortlessly pulls the trigger. His aim is never faulty, and he always succeeds in ending a life. The people near the murder recoil in fright only momentarily, then continue on their way, perhaps a little quicker, perhaps a little slower, thankful for the moment that the gun was not trained on them, fearful that the next shot will terminate their existence. The bullet has struck them, too, and changed them permanently, leaving them forever horrified, forever damaged, forever in shock.

This sequence is brutally painful for so many reasons. The only relief I expected to feel when I watched this sequence was the lack of any connection between the events on the screen and present day reality in America. But such a connection is exactly what I felt. Violence in portions of our country has become so rampant and so deadly that almost all of us live in a collective state of fear and acceptance. Our cities and schools have become infested with random violence and bloodshed and criminals with no conscience and no check on their destructive impulses. And when this state of affairs has infected our Nation's schools, then we know that our children are going to be conditioned to accept this disease as normal. Not only are some of our children dying in our Nation's schools, but the ones who survive are learning that murder and violence are simply a part of life—in fact, the most important part. Mr. President, we are permitting our Nation's youth to grow up emotionally scarred, terminally frightened, and permanently embittered.

Mr. President, the Safe Schools Program is a necessity if this systemic child abuse and neglect is to cease.

A study examining the effects of the first 2 years of funding for the Safe Schools Program showed increases in the number of school districts with formal drug and violence prevention programs in every State and territory in the United States.

The same study also showed increases in school-community collaboration on drug prevention issues in 50 States and territories; increases in parent involvement in drug education efforts in 49 States and territories; increases in the degree of community involvement in prevention programs for youth in 46 States and territories; and increases in the number of high-risk youth served in drug education programs in 38 States and territories.

Prior to the Daschle amendment, the rescission would reduce or eliminate violence and drug prevention programs serving approximately 39 million students attending the schools operated by 94 percent of local educational agencies in the Nation.

Also at risk would be every State Governor's drug and violence prevention programs designed for youth not served by local educational agencies. So would be the development and distribution of publications on school violence and drug/alcohol prevention, which have been the cornerstone of nationwide efforts to provide schools with information on models and effective practices. The Parent's Guide on Drug Prevention alone has been requested by over 30 million persons.

The original rescission would have eliminated assistance and model development in the area of alternatives to expulsion. With expulsion rates increasing dramatically in several regions, it is essential to provide leadership in this area, or more and more kids will go straight from the schoolhouse to the courthouse.

Consequently I commend the Democratic leader for his leadership and his sensitivity to the importance of these issues. I appreciate the opportunity to work with him to gain the inclusion of these important provisions in his amendment. And I am pleased that the ultimate goals of the amendments I intended to offer were realized. Since the House version of the rescissions bill rescinded no funds from SAMHSA, fiscal year 1995 funds for SAMHSA are now secure. I wish I could say the same about Safe Schools funds. The House bill eliminated Safe Schools funds altogether. I urge the conferees to the rescissions bill to protect Safe School funds. We owe the children and the future of this Nation nothing less.

AMENDMENT NO. 448

Mr. BRADLEY. Mr. President, I rise this afternoon to express my wholehearted support for the sense of the Senate resolution proposed as an amendment today by Senator KENNEDY. As a member of the Finance Committee, I offered an amendment to H.R. 831 that would have closed a loophole that allows wealthy citizens who renounce their American citizenships to avoid U.S. taxes. My amendment would have dedicated all of the savings from closing this loophole to deficit reduction. According to estimates of the Joint Committee on Taxation, my amendment would have reduced the deficit by approximately $3.6 billion over the next 10 years.

Unfortunately, although the Finance Committee adopted this amendment on an undivided voice vote and the Senate approved it as part of H.R. 831, the joint House-Senate conference committee reopened this loophole. Senator KENNEDY's resolution simply expresses the sense of the Senate that in the interest of tax equity and in the face of ongoing Federal deficits, we must close this loophole.

Mr. President, the amendment that I proposed was fundamentally about fairness. Not only is it fair to those who enjoyed the benefits of U.S. citizenship to make billions and are now attempting to avoid paying tax on such gain, it is also fair to those Americans who stay behind to shoulder the burdens of citizenship. All my amendment would have done is treat those who renounce their citizenship on par with Americans who stay and pay their share of the tax burden.

While U.S. citizenship confers tremendous benefit, it also requires responsibility. Although we may not always be happy about the amount, most of us willingly pay our fair share of the tax burden. However, for many Americans it becomes just too much when they have to pay not only their share of taxes, but also an additional share for those few, wealthy individuals who made their money in this country, but are now trying to skip town without paying their portion of the tab.

Significantly, my amendment would have excluded pension income, real estate assets, and the first $600,000 in gain. As a result, of the roughly 850 U.S. citizens who renounced their citizenships in 1994, only a handful would be affected by the closing of this loophole. In fact, representatives from the Treasury Department testified that the amendment would have affected only 24 Americans each year.

Mr. President, significant deficit reduction will be necessary to put our country back on the right track. However, until we close these special-interest tax loopholes for the few, we cannot ask for the shared sacrifice from the many that will be necessary to reduce the deficit. Therefore, I urge all of our colleagues to support the Kennedy sense of the Senate amendment.

AMENDMENT NO. 470—RENEWABLE ENERGY

Mr. JEFFORDS. Mr. President, the rescissions bill we are discussing today, H.R. 1158, cuts $35 million from the Department of Energy's solar, wind and renewables research and development budget. The amendment I offer today will limit to $25 million the amount to be rescinded from this account, thereby protecting vital renewable energy programs. I offer this amendment on behalf of myself, Senator WELLSTONE, Senator CHAFEE, Senator DASCHLE, Senator ROTH, Senator CAMPBELL, Senator HARKIN, Senator LEAHY, Senator Kerry, Senator PELL, Senator KOHL, Senator KENNEDY, Senator MURRAY, and Senator FEINGOLD.

Mr. President, this amendment is about creating jobs, reducing our foreign debt, reducing our reliance on imported oil, making American business more competitive, maintaining our commitment to these small energy companies and continuing on the path of developing clean, cheap, efficient energy.

Mr. President, we are proposing to restore $10 million to the Department of Energy's solar, wind and renewables R&D budget. This money is primarily used for research, joint ventures with small U.S. companies, market development and commercialization. Federal support for renewable energy research and development has been a major success story. Costs have declined, reliability has improved and a domestic industry has been born. More work still needs to be done in basic research at our national labs and applied development to bring down costs and work with industry.

The $10 million we restore to renewables will come from the $1 billion Army Corps of Engineer's construction account.

Mr. President, I hope my colleagues will vote for clean domestic energy, domestic jobs, reduced trade deficit and a stronger economy. I would like to thank the managers of this bill for their support.

Mr. WELLSTONE. Mr. President, I just want to express my appreciation to the Senators from Oregon, West Virginia, New Mexico, and Louisiana for their help in allowing this amendment to go forward. The amendment decreases the recission from renewable energy research and development by $10 million, paying for it by increasing the recission for the Army Corps' general construction activities by the same amount.

This amendment reflects the growing recognition that funding for research and development of renewable energy technologies is money well-spent. The recission provided in the committee substitute was just too high.

There is a nationwide movement toward funding only R&D that is going to lead to commercially viable, economically realistic technology in the relatively short-term. Renewable energy R&D fits that description. Renewable energy R&D has been and continues to be a major success story. Costs have declined, reliability has improved, and a domestic industry has been born. While the United States is currently the world leader in renewable energy technologies, other nations are investing heavily in this area. Given that many utilities are averse to investing in new technologies, the continued strength of DOE's programs is necessary to protect our position in the world market.

The American people agree that renewable energy R&D ought to be a priority for Federal R&D funding. According to a December 1994 survey by RSM Inc., when asked what energy source should be highest priority for R&D spending, Americans overwhelmingly supported renewables. The top finisher was renewable energy, receiving 42 percent of the vote.

Again, I appreciate the help of my colleagues in making acceptance of this amendment possible. It is time that our federal energy R&D dollars reflect the public's funding priorities.

AMENDMENT NO. 490

Mr. PELL. Mr. President, I offer this amendment on behalf of myself, Senator FEINSTEIN, Senator FEINGOLD, and Senator SIMON.

The amendment will insure continued funding for the National Center for Research in Vocational Education. The Center is a consortium of institutions of higher education in California, Wisconsin, Illinois, New York, and Virginia. The Center is widely recognized for the important research work it does in vocational education, and it would be very unfortunate, indeed, if funding to permit it to continue its work were curtailed.

As my colleagues know, we will soon be considering reauthorization of the Vocational Education Act. The work of the Center has provided the authorizing committee invaluable information to help guide and facilitate our work. But even more critical, their research efforts are vital to improving the quality of vocational education throughout our Nation.

I view the amendment as an important placeholder so that when the Senate and House conferees meet on this legislation, they will have the opportunity to give this matter full and complete consideration. I am very hopeful they will ultimately decide to retain funding for the Center, but without this amendment there will be no chance whatsoever to provide continued funding for the Center and the important work it does.

CITIZENSHIP TRAINING AND NATURALIZATION SERVICES

Mr. SIMON. Mr. President, I and my colleagues from California and Illinois,

Senators FEINSTEIN and MOSELEY-BRAUN, had intended to offer an amendment restoring $6 million dollars for citizenship training and naturalization services that had been rescinded in the Senate, but not in the House.

Although naturalization has been identified as a priority by the administration in its immigration policy, naturalization services have been chronically underfunded and naturalization backlogs begin to grow. It is my believe—and I belief that of my colleagues—that these funds are essential to the important goal of providing those who want to naturalize with an opportunity to do so. Admittedly, $6 million dollars is a small amount of money, but the program rescinded in the Senate is crucial to the continued health of those providing citizenship training.

In discussing my intention with the Honorable Chairman of the Labor/HHS Appropriations Subcommittee, Senator SPECTER, I was impressed with his willingness to attempt to resolve this problem in conference with the House of Representatives, which, as I mentioned before, did not rescind the $6 million in citizenship training money. I would like to ask the Honorable Chairman if it is in fact his desire to take a second look at the $6 million citizenship money in conference.

Mr. SPECTER. I thank the Senator from Illinois. The committee's intent, in recommending this rescission, was to revisit funding once authorizing legislation has been enacted through the regular process of Judiciary Committee consideration. There is some concern that adding this responsibility to the Office of Refugee Resettlement in the Department of Health and Human Services could increase pressure on already underfunded domestic resettlement activities, as opposed to placing responsibility under the Immigration and Naturalization Service. I believe this is an issue the authorizing committees need to address. Nevertheless, it is indeed my intention to resolve this matter in conference to the satisfaction of all those who—like myself—value legal immigration and recognize the importance to our immigration policies of an effective naturalization process. I look forward to working with the distinguished Senate Appropriations Committee Chairman, Mr. HATFIELD; my counterpart in the House, Congressman PORTER, chairman of the House Labor/HHS Appropriations Subcommittee; and the other conferees to address this issue, and I thank Senator SIMON, Senator FEINSTEIN, and Senator MOSELEY-BRAUN for their attention to this important matter.

Mr. SIMON. I thank the Senator from Pennsylvania. His concern for issues of legal immigration and naturalization has long been recognized, and I am gratified that he will undertake to review seriously, and hopefully restore, the $6 million Senate rescission with our colleagues in the House.

THE MILDGAS PROCESS UNIT

Ms. MOSELEY-BRAUN. Mr. President, this amendment has a simple purpose—to restore $4.8 million in fiscal year 1995 fossil energy research and development funds to help complete a small coal technology testing facility, the Mildgas Process Unit.

I am joined in this amendment by my distinguished senior Illinois colleague, my good friend, Senator SIMON.

The Mildgas Process Unit is a facility that will test a technology known as mild gasification, a process where lower-grade domestic coals are heated at moderate temperatures and pressures to produce a variety of gaseous fuels, liquid hydrocarbons, and a solid product known as char.

Char, the primary product of the Mildgas facility, can be briquetted into form coke, creating a new alternative to conventional coke now used by American steel firms and foundries. This is particularly important because the Clean Air Act Amendments of 1990 imposed strong restrictions on the emissions from coke ovens.

Those are two major reasons why my amendment is important, Mr. President. For a modest investment today, the Mildgas experiment promises hundreds of millions of dollars in new uses tomorrow for Illinois Basin and Appalachian high-sulfur coals. And those new uses solve a significant economic and environmental problem of our Nation's iron and steel industries.

However, I am concerned that the decision to cut funds for the Mildgas Process Unit has been based principally on deficit reduction, and on a belief that this technology is unwanted and unneeded.

This year, overall Federal spending will be in excess of $1½ trillion, and it will take $1.2 trillion in deficit reduction to achieve a balanced budget by the year 2002. Laid along figures of that size, the $4.8 million we seek for the Mildgas project may seem to be a small matter.

That is not to say that its relatively small size should not immunize the Mildgas project from review. After all, to paraphrase a famous Illinoisan who preceded me in the Senate, the Senate Republican leader of his day, Everett Dirksen, "A few dollars here, a few dollars there, and pretty soon you're talking about serious money." What that means, it seems to me, is that nothing can be off limits—not small items, not large items, not any item.

I therefore agree that review of Federal support for mild gasification technology demonstrations is both necessary and appropriate. It is because my own review of the facts convinces me that going forward is the right decision, the prudent decision, and the right budgetary decision, that I am offering this amendment to restore funding toward completing the Mildgas project.

It is worth noting, in this era of concern about earmarks and pork-barrel spending, that this project did not originate with the Congress. The Department of Energy originally selected this project in 1991 in a competitive solicitation. The Mildgas project had to compete with a number of other proposals.

In the years since the Mildgas project won that competition, over $7.5 million has been provided by Congress—half of the Federal share. The State of Illinois has funding that amounts to 20 percent of the total cost. A team of participants, which includes Kerr McGee Coal Corp., Southern Illinois University, and the Institute of Gas Technology in Chicago, has broken ground at the Coal Development Park in Carterville, IL, in preparation to test this technology.

The contracts are now in place to turn this demonstration into reality. Construction of the facility will end late 1995, followed by 1 year of testing, after which the project will be shut down.

I am well aware that there are several similar projects currently being funded by the Department of Energy. But, success cannot be defined as simply demonstrating one example of a broad class of mild gasification technologies. The spectrum of mild gasification techniques is quite broad. There are different types of coals used, products produced, and markets served.

That is why the Mildgas process unit is important. It does not reinvent the wheel. It does not duplicate other mild gasification technologies. It is unique.

Mildgas can use many types of coals. The Encoal clean coal demonstration project in Wyoming, a project often compared to Mildgas, utilizes only Western coal. Mildgas technology makes use of Illinois, Wyoming, and West Virginia coals.

And although Encoal's primary product is a value-added fuel, its market is still only a boiler fuel. Mildgas's product, char, creates an entirely new market for high-sulfur and lower-grade coals, and solves an environmental problem for the Nation's steel industry. And as aging coke ovens are shut down and not replaced, Mildgas can provide American steel industries with a domestically produced alternative to importing coke from the same countries that are our steel-making competitors.

Encoal and the other mild gasification technologies have been, and I hope will continue to be, successful, but their success will not address the Illinois Basin and Appalachian coals that Mildgas will use, nor meet the environmental needs of the steel industry like Mildgas will.

Mr. President, the Mildgas Process Unit is based upon years of detailed planning, investment, and careful research by industry and scientists in

close cooperation with the Department of Energy. It deserves to continue.

Mildgas does not break the bank. For a minor investment today, Mildgas can open hundreds of millions of dollars in markets tomorrow.

Mildgas can help the coal industry, by exploring a way to shift high-sulfur coals from markets reduced by the Clean Air Act, to markets opened.

And, Mildgas is unique. Mildgas uses coals, produces products, and serves markets that other mild gasification technologies simply do not. I think it is worth investing a few more years to complete this experiment.

I strongly urge my colleague, the distinguished Senator from Washington, to give every consideration in conference to providing the necessary funds to complete the Mildgas Process Unit.

Mr. GORTON. I thank the Senator from Illinois for her comments regarding the mild gasification facility planned for southern Illinois. As I am sure the Senator knows, given the budget constraints that the committee was forced to confront, we were simply unable to include the funds needed to initiate construction of the Mildgas Process Unit. I can assure the distinguished Senator, however, that I will give appropriate consideration to this project within the budget limitations that we will continue to face in conference.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. PRESSLER. Mr. President, I rise at this time to voice my concerns with apparent inconsistencies in the administration of disaster recommendations by the Federal Emergency Management Agency [FEMA].

As my colleagues well know, H.R. 1158, the fiscal year 1995 Disaster Supplemental/Rescissions Bill, contains $1.9 billion for outstanding expenses accrued from previous disasters in 39 States, including recent flooding in southern California.

I am sure all of us have seen news footage of the raging winter storms that have wreaked havoc across virtually the entire State of California. The devastation families have endured is terrible. As a result, the President—acting on recommendations made by FEMA—declared many California counties disaster areas. This includes Ventura County, which is located along the southern California coast north of Los Angeles.

There is one particular area of Ventura County I would like to call to the attention of my colleagues. Homes located on a hillside in La Conchita, CA recently sustained considerable damage. Because of the President's declaration, private and public property damaged by the disaster is eligible for four different kinds of FEMA assistance. These homeowners rightfully have the hope of relief.

My concern is not with the fact that relief is being made available to those affected by the La Conchita mudslide. Rather, I am concerned with what I believe could very well be an inconsistent approach to disaster recommendations made by FEMA.

Permit me to explain. Mr. President, geologists have known for several decades that the La Conchita hillside has been moving for 23,000 years. In other words, La Conchita was a potential disaster waiting to happen. Thus, FEMA is making relief available in response to a disaster resulting from a preexisting condition. This is a policy vastly different from one FEMA applied last July.

I see my colleague, the chairman of Appropriations Committee, is now on the floor. I ask the Senator if he is familiar with a similar situation that occurred in Lead, SD.

Mr. HATFIELD. No, I am not familiar with the situation. Could the Senator from South Dakota please explain.

Mr. PRESSLER. I thank the Senator from Oregon for inquiring.

Last May, a slow moving landslide damaged homes, businesses, and infrastructure. This landslide was exacerbated by excessive precipitation. Despite a request by the Governor of South Dakota and the urging of the State's congressional delegation, FEMA recommended that the President deny South Dakota's relief request for the Lead landslide. According to FEMA, the landslide resulted from a preexisting condition and did not pose "an immediate threat to public health, safety, and improved property."

The Lead landslide forced the community's only grocery store, pharmacy, and discount store to close. Some of the stores were forced to relocate to the community hall and church basement.

Clearly, the people of Lead suffered a great deal. This isolated community has yet to reopen the only grocery store in the area. Although the Economic Development Administration has offered a grant to help mitigate the slide, the city will have to sacrifice vital repairs to streets, gas lines, and water lines.

By contrast, the residents of the La Conchita hillside in Ventura County will have access to expedited FEMA assistance. This lack of consistency concerns me.

I would like to verify with the Senator from Oregon that moneys provided in H.R. 1158 will be used, in part, to assist the victims of this winter's storms in California. Is this correct?

Mr. HATFIELD. The Senator from South Dakota is correct. The bill, in its current form, provides $1.9 billion to FEMA for disaster relief functions including expenses resulting from disasters in 39 States. Report language accompanying this bill acknowledges that these funds may be used to ensure unforeseen expenses associated with the recent disaster in California resulting from winter storms.

Mr. PRESSLER. I also understand my concerns regarding the consistency of disaster declarations are shared by others. As chairman of the committee, I am sure the Senator from Oregon is very familiar with questions regarding disaster declaration criteria. Does the Senator from Oregon agree this is a common concern?

Mr. HATFIELD. Yes, I do agree with the senior Senator from South Dakota. As he well knows, the General Accounting Office, the Congressional Research Service, and the Congressional Budget Office recently released a comprehensive study of the entire relief process.

Mr. PRESSLER. Will the distinguished Senator from Oregon agree that it is imperative that FEMA apply its declaration criteria consistently, regardless of where the disaster is taking place?

Mr. HATFIELD. I could not agree more with my friend from South Dakota. Consistency in the disaster declaration process should be a reasonable expectation of all Americans.

Mr. PRESSLER. I think it is clear, Mr. President, that FEMA needs to take a close look at its current declaration policies.

The similarities surrounding the landslides in Lead and Ventura County are striking. For the residents of Ventura County, FEMA's response is reassuring. For the people of Lead, the response from FEMA is disconcerting. I must stress a point I have made on this very floor in the past: Disasters occurring in isolated rural areas do not seem to capture the attention of the national media, Federal agencies, or the President. Lead, SD, does not compare to Southern California glamour, and it certainly is not near a major media outlet.

However, as we all know, the size of a community or its media outlets should not dictate whether or not Federal relief is granted or how fast the assistance gets to those in need.

I believe the time has come for FEMA take a close look at its policies. In the meantime, I have asked GAO to examine FEMA's responsiveness to urban and rural disasters. I hope Congress will be able to maintain an oversight role. If there is an inconsistency we should not hesitate to consider legislation to ensure emergency assistance is provided consistently and judiciously.

In fact, I believe it would be appropriate for the conferees of this bill to include language in the accompanying report to direct FEMA to report to Congress on how it found that disaster assistance could be provided in response to the identified preexisting condition in Ventura County, but came to a different conclusion with the preexisting condition in Lead. I believe this instruction is an appropriate first

step in what I hope will be a comprehensive review by FEMA of its current declaration policies and criteria.

Would the distinguished chairman of the committee agree that this review is necessary?

Mr. HATFIELD. I agree with the Senator from South Dakota that a review of the disaster declaration process may be appropriate. His concerns have merit. The people of Lead, SD, deserve to be assured that they are being treated fairly by the Federal Government. The Senator from South Dakota is to be commended for his diligent attention to the needs of his constituents. The Senator can be assured I will deliver this message to the conferees and will do my best to include a directive to FEMA regarding its declaration policies and criteria in the conference report to this bill.

Mr. PRESSLER. I thank my good friend the Senator from Oregon and thank him for his leadership. I yield the floor.

HEALTH CARE FINANCING RESEARCH AND DEMO PROJECTS

Mr. HARKIN. Mr. President, I would like to clarify the situation with respect to funding of research and demonstration projects by the Health Care Financing Administration. The Senate recommendation calls for a rescission of $11 million, which would reduce fiscal year appropriations to $45.1 million for research and demonstration projects. This is an increase of nearly $2 million over the amount needed to fund continuations of on-going activities, so that even if the entire Senate rescission is enacted into law, the Health Care Financing Administration should be able to fund about $2 million of new projects. I would ask Senator SPECTER, the chairman of the Labor, Health and Human Services, and Education Subcommittee, is that his understanding.

Mr. SPECTER. Yes, based on information supplied to me by the Department of Health and Human Services, there would still be about $2 million available for new research and demonstration projects by the Health Care Financing Administration, even after the Senate recommended rescission.

ESSENTIAL AIR SERVICE

Mr. PRESSLER. Mr. President, I am very concerned about a section in chapter IX of this legislation that in my view could have an adverse impact on the future of the Essential Air Service (EAS) Program. Specifically, I am very concerned about the language affecting "Payments to Air Carriers," otherwise referred to as EAS subsidies.

I see the distinguished chairman of the Appropriations Committee on the floor. Would the chairman be willing to enter into a short colloquy on this issue and explain the intent of this section of the bill?

Mr. HATFIELD. Certainly. I understand the chairman of the Senate Committee on Commerce, Science, and Transportation has always supported EAS. Therefore, I would be pleased to explain the intent of these provisions and answer any questions posed by the Senator from South Dakota.

Mr. PRESSLER. I thank my friend from Oregon. First, I understand this legislation would rescind $5.3 million in "Payments to Air Carriers." What is the impact of this rescission?

Mr. HATFIELD. This rescission should have no real impact on the program. The Appropriations Committee was informed sufficient funding would remain available to continue the EAS program through the end of this fiscal year. In other words, all communities currently provided air service with EAS assistance will continue to be served through this fiscal year.

Mr. PRESSLER. I understand about 79 cities rely on EAS to remain linked to the national air transportation system. I am pleased the chairman of the Appropriations Committee will continue to uphold our commitment to these small communities.

Now, as my friend from Oregon knows, there are EAS agreements in at least 13 States that will expire before September 30 of this year. The committee amendment to the bill before us includes a provision to prohibit the Secretary of the Department of Transportation [DOT] from entering into any new EAS agreements beyond September 30, 1995. I am concerned about the purpose of this restriction. In my view, it implies congressional support for EAS ends September 30, 1995—the end of the current fiscal year. My support for EAS will not end on that date. Would the chairman explain the purpose of this specific provision?

Mr. HATFIELD. Yes. First, let me assure the Senator from South Dakota this provision should not be read by any Member of Congress as an attempt to jeopardize future congressional support for EAS. This provision applies only to fiscal year 1995. Further, as the chairman of the Appropriations Subcommittee on Transportation, I intend to work with my friend from South Dakota on an appropriate level of EAS funding for fiscal year 1996.

Mr. PRESSLER. I am very pleased to know my friend from Oregon does not view the provision in question as a threat to the future of EAS. However, I still have strong concerns about the language in this bill. Specifically, I remain concerned the most economic continuation of EAS may be hindered by this provision. Permit me to explain.

As my friend from Oregon knows, when an EAS agreement is about to expire, current law requires the Department of Transportation to invite and consider competing proposals from any interested air carriers. The objective of that policy is to maximize the carriers' incentives to be efficient, to control costs effectively and to develop demand in the EAS market. This process yields two primary benefits: subsidy burdens are minimized and service to the community is often enhanced. That process has served the EAS program very well.

As I mentioned, EAS agreements will expire in 13 States before September 30th. Several already have expired. The practical reality of the proposed restriction to limit contract commitments would result in very short contracts at much higher costs in order to continue air service to those 13 States for the remainder of this fiscal year.

I am concerned efficiencies will be jeopardized if the DOT is prohibited from entering into any agreements beyond September 30. I do not believe new carriers would seek to serve any of these 13 States for such a limited time period. In turn, those EAS carriers serving the 13 States will almost assuredly demand higher subsidies if they are held into those markets through the end of the fiscal year.

Further, DOT already issues notification to carriers that subsidy payments under EAS agreements are subject to the availability of funds in future fiscal years. Therefore, EAS carriers already know their subsidies are contingent on the annual approval of the Congress.

In my view, competition could be eliminated by this provision. In turn, subsidy rates will go up. What is the view of the Chairman?

Mr. HATFIELD. This language simply forces the EAS office to have EAS contracts conform to the Federal fiscal year. The office has had almost 20 years to make this adjustment. When the Appropriations Committee tries to get data from this office it often does not comport to the fiscal year basis that the committee must consider in its deliberations.

Mr. PRESSLER. As the Chairman knows, I am prepared to offer an amendment to strike all the language after the rescission provision. I am willing to modify my amendment to further ensure the future of EAS is not jeopardized. Would the Manager of the bill be willing to accept my amendment?

Mr. HATFIELD. I would be happy to accept the Senator's amendment which would strike lines 1 through 3 on page 42. As he knows, the language which was provided by the Department had the effect of totally canceling the EAS program which was not the committee's intent.

Mr. PRESSLER. I thank the Chairman. I very much appreciate his support for EAS and his leadership on this overall legislation. I also thank him for his support of my amendment and urge its adoption.

COLLOQUY ON SMITHSONIAN INSTITUTION FUNDING

Mr. HELMS. Mr. President, when debate began on the House rescissions

bill I intended to offer an amendment prohibiting the Smithsonian Institution from using appropriated funds to develop, plan, or build any new museum before congressional authorization had been obtained.

After speaking with the distinguished chairman of the Interior Appropriations Subcommittee, Senator GORTON, I chose to forgo proposing the amendment. Senator GORTON assured me that the Smithsonian has no intention of beginning any new museum without first seeking the appropriate authorization from Congress.

Mr. President, as a member of the Senate Rules Committee, which is the authorizing committee with jurisdiction over the Smithsonian, I have seen the Smithsonian initiate a new project without congressional authorization and then come to Congress to authorize the project bemoaning the waste of funds already spent should the project not be authorized.

It is important to stress that any new project requesting taxpayer funds, should first go to the committee that has authorizing authority and then, if and only if, the project has been authorized should the request go to the Appropriations Committee for funding.

The Smithsonian must not ignore this process.

Mr. GORTON. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I welcome comments from the able Senator from the State of Washington.

Mr. GORTON. Mr. President, I appreciate the decision of the Senator from North Carolina, Senator HELMS, not to offer his amendment so we can speed up debate on this important bill.

The issue that Senator HELMS has brought to our attention is a serious one that deserves emphasis. I am confident through my conversations with the current Secretary of the Smithsonian, Mr. Heyman, that the Smithsonian intends properly to fulfill its obligations as steward of this public trust. Secretary Heyman agrees that no Federal appropriation will be used for projects that have not yet been authorized by Congress.

Mr. HELMS. Will the Senator yield for a point of clarification?

Mr. GORTON. I yield.

Mr. HELMS. Senator GORTON, I am not sure that all of our colleagues realize that 72 percent of Smithsonian operating funds are public, taxpayer funds.

Mr. GORTON. Mr. President, Senator HELMS is correct.

Therefore, it is important for the Smithsonian, like all other entities that receive taxpayer dollars, to take note of the budgetary constraints under which we are working. It is a time for fiscal responsibility and the careful allocation of increasingly scarce resources.

I have been assured in all conversations I have had with Secretary Heyman that he is aware of his institution's role and its attendant responsibilities. The Secretary has underscored the importance of prioritizing projects during his tenure.

Mr. HELMS. Will the distinguished subcommittee chairman yield for a moment?

Mr. GORTON. Certainly. I yield the floor to the Senator from North Carolina.

Mr. HELMS. I sincerely appreciate the work the Senator from Washington has done in this area. The Senate Rules Committee has yet to meet with the current Secretary of the Smithsonian, Mr. Heyman, but I have been assured we will soon be given that opportunity. I will welcome that important hearing.

NATIONAL BIOLOGICAL SURVEY'S 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 S. 617 on the National Biological Survey's Great Lakes Science Center in Ann Arbor, MI. The committee's report accompanying S. 617 recommends rescinding $4.136 million less than was included in the House-passed recission bill, H.R. 1158. That is almost exactly the amount appropriated in fiscal year 1995 to maintain operations at the Great Lakes Science Center. If the Senate approves the committee's recommended recissions from funds already appropriated for NBS research, will this center remain in business in fiscal year 1995?

Mr. GORTON. Yes. While there is not a correlation between the funding levels rescinded by the House and by the Senate and the fiscal year 1995 appropriations level necessary for keeping the Great Lakes Center open, it is the committee's intent to provide sufficient funds for NBS research so that the Great Lakes Center and other NBS centers can continue to operate in fiscal year 1995.

Mr. ABRAHAM. Mr. President, if the subcommittee chairman would answer an additional question, I would like to know whether he will continue to support funding to keep the Great Lakes Center open in fiscal year 1995, during the conference on S. 617 and H.R. 1158?

Mr. GORTON. I am aware that both of my colleagues from Michigan and from elsewhere in the Great Lakes region strongly support the work being done by the NBS Great Lakes Science Center. Hopefully, in conference, we can arrive at a compromise which will prevent cuts in the NBS research budget that would close or hamper operations at NBS centers and cooperative units.

Mr. ABRAHAM. I thank the Senator from Washington for his responsiveness to our concerns. As he may know, the Great Lakes Center conducts fishery stock assessments that are relied upon by States, tribes, and Canada. And effective management of fish stocks in the Great Lakes is important to the $4 billion fishing industry in the region.

Mr. LEVIN. I would also like to thank my colleague from Washington for his assistance in this matter. As my colleague from Michigan has indicated, the Great Lakes Center has important duties. Besides the fishery stock management element of its activities, the center conducts invaluable scientific research on preventing, controlling and mitigating the impacts on 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.

WIC

Mr. LEAHY. I am very worried that the House Republican welfare reform bill ultimately could throw millions of pregnant women, infants, and children off the WIC Program [the Supplemental Nutrition Program for Women, Infants and Children].

That part of the Contract With America guts strong competitive bidding requirements which have put millions of pregnant women, infants, and children on the WIC Program at no cost to taxpayers in recent years.

These are provisions which I and my Senate colleagues from both sides of the aisle included in child nutrition legislation in 1987 and in 1989 and which the Senate Appropriations Committee mandated in 1988 with strong bipartisan support.

I am concerned that this victory is eliminated by the House bill.

These efforts on the House side raise serious concerns about why House members want to provide millions of dollars to the four huge corporations that manufacture infant formula.

The details of this tragedy are set forth in articles in the Wall Street Journal "Four Drug Firms Could Gain $1 Billion Under GOP Nutrition-Program Revision," Hilary Stout, February 28, 1995; the New York Times "Formula for Tragedy," Bob Herbert Op Ed, March 25, 1995; and the Washington Post "Food Program Defender Becomes a Dismantler," David Maraniss and Michael Weisskopf, April 4, 1995.

WIC serves children at some of the most critical times of their lives. It feeds mothers when they are pregnant or breastfeeding. And it feeds children during their important, early development years.

WIC is a proven success story. A 1991 USDA study showed that for every WIC dollar spent on a pregnant woman, between $2.98 and $4.75 was saved in Medicaid costs for the newborn during the first 60 days after birth.

Thus competitive bidding saves taxpayers doubly—first, it puts 1.5 million more eligible women, infants and children on the program at no costs to taxpayers, and it saves millions in Medicaid and other Federal costs, in addition

to saving millions of dollars in family, local, and State medical costs.

The details of this system are easy to explain. At retail stores, WIC participants exchange special vouchers for infant formula. The recipients pay nothing; the State reimburses the store for the full retail cost of the formula. The infant formula manufacturers then rebate a portion of the retail price to the State. The States are required to use the rebates to serve more persons who are eligible for WIC.

Under current law States are required to use competitive bidding, with certain exceptions, to buy infant formula for the WIC Program. USDA has calculated that this provision now saves $1.1 billion a year and thus puts 1.5 million more women, infants and children on WIC at no extra cost to taxpayers.

That provision is eliminated by the Contract With America. That contract should be renamed the "Contract To Increase Profits of Drug Companies."

That part of the contract is a sham. It contains an extremely weak cost containment provision which will allow infant formula manufacturers to make a killing off the WIC Program while allowing them to pretend to help WIC.

It will let drug giants donate small amounts of formula to State WIC programs, in front of their cameras, while making hundreds of millions of dollars in increased profits.

How have they been able to get this done in this Republican Congress? The Washington Post article that I referred to earlier, "Food Program Defender Becomes a Dismantler," explains the influence of large corporations on the House. A short history lesson is in order.

Some years ago these drug giants hired the former Republican ranking member of the House Agriculture Committee and a former Republican Assistant Secretary of USDA who was in charge of WIC to fight competitive bidding at the State level.

Unfortunately, actions of the infant formula and infant cereals manufacturers have made such mandatory competitive bidding language necessary and demonstrate why the House bill will be an invitation to drug companies and cereal companies to siphon millions out of WIC.

As reported in Senate Hearing 101-979, "Competitive Issues in Infant Formula Pricing," May 29, 1990, efforts were made by two major manufacturers Ross Laboratories—a division of Abbott Laboratories—and Mead-Johnson—a division of Bristol-Myers Squibb—to prevent individual States from using competitive bidding procedures. In 1985 three States—Tennessee, Oregon, and South Carolina—announced plans to institute a competitive bidding system for the purchase of infant formula for WIC.

A group called the Infant Formula Council, an association of formula manufacturers, immediately opposed these cost containment ideas. The IFC sent letters to USDA and State officials opposing the plans and testified against this approach.

The council retained a Washington law firm to raise legal concerns with such attempts by States to buy formula more cheaply. The IFC argued that State efforts to buy formula through competitive bidding would disrupt commercial channels of distribution of infant formula.

Tennessee went ahead anyway and set a deadline for bids from the companies to supply formula to WIC participants. However, not a single company submitted a bid.

That is why I, and many of my Senate colleagues, are very worried. Under the House Republican bill any State could fall prey to these same practices today as already discussed in the April 4, 1995, Washington Post article.

The former ranking Republican member of the House Agriculture Committee, Congressman Wampler, was hired to oppose these State voluntary efforts to use competitive bidding. Congressman Wampler was one of several well-connected lobbyists hired by Mead Johnson and Ross Laboratories to persuade USDA either directly, or indirectly through congressional intervention, to prevent States from moving ahead with plans to institute competitive bidding. Senate Hearing 101-979.

Mead-Johnson also hired the former Republican Assistant Secretary, Mary Jarrett, to help make sure that States did not use competitive bidding.

The new plan of attack by the companies was to only offer paltry cost containment deals to States. This would include giving States some free formula, or modest cash rebates, or free coupons instead of participating in competitive bidding.

I am very worried that smaller States such as my home State of Vermont could be easily victimized by the drug companies under the House bill.

The lawyers hired by the formula manufacturers then raised legal objections at the State and Federal level to competitive bidding. They also tried to convince States not to use competitive bidding but to instead offer States formula at discounted prices under a system then called open bidding which is fully described in that report.

A full description of the efforts of Republican lobbyists and the drug companies to promote cost containment instead of competitive bidding is detailed in Joint Hearing Report 102-135—Pricing and Promotion of Infant Formula, March 14, 1991.

Also, on Mach 6, 1990, Mead-Johnson sent letters to the other formula manufacturers advising them that Mead would only provide a 75-cent rebate for each can of formula purchased through WIC. Ross Laboratories and Wyeth-Ayerst Laboratories—a division of American Home Products Corporation—followed suit and put in much lower rebate bids at or around 75 cents.

During the next 8 months, Mead submitted 75-cent rebate bids to 12 different States. In several States, Ross and Wyeth followed Mead's lead. Ross bid 75 cents 9 times, and 75.7 cents once.

When one company bids a rebate of $0.75 and soon after another bids $0.757, as Mead and Ross did in Wisconsin and Montana in early 1990, it does not take a genius to see how this could frustrate competitive bidding.

A very unusual development also took place which tipped off Federal investigators with the Federal Trade Commission. The same companies offered a better bid under what was called an open market system—whereby all companies matching a discounted price could sell formula to WIC in that State.

This higher rebate bid of $1 made no economic sense since the companies would have made more money off the exclusive competitive bid of 75 cents rather than the open market bid. This apparently was done to discourage States from using competitive bidding since it signaled States that the companies would bid $1.00 in an open market setting but only around 75 cents for a competitive bidding system. The chronology of infant formula rebate bids for 1990 shows this point.

I asked the FTC to investigate allegations of price fixing and bid rigging in the WIC program and the efforts to discourage States from using the best system for purchasing infant formula. The Federal Trade Commission found merit to the charges and filed actions against the three companies. Also, several States filed actions against formula companies for anti-trade activities which have been well detailed in the press.

In June, 1992, the Federal Trade Commission found that three pharmaceutical companies tried to fix prices of infant formula they supply to the WIC program.

The FTC also concluded that competition was reduced because Mead Johnson announced in advance the amounts to be submitted in sealed bids to provide formula to the WIC program. Also, it was alleged by the FTC that Mead Johnson sought to limit advertising to the public and provided information to competitors signaling bidding preferences.

Two of the drug companies consented to having a Federal court issue relief against them. The companies—Mead Johnson and American Home Products—were ordered to provide formula to the WIC program free of charge as partial restitution.

The Center for Budget and Policy Priorities analyzed the harm to States from the advance price signaling in 1990. It concluded that after the Mead-

Johnson letter announcing what it would bid in the future that States were harmed by over $14 million by increases in annual infant formula costs including the following: Indiana, $3.7 million cost increase; Minnesota, $1,811,000 increase; Mississippi, $1.7 million increase; Oklahoma, $1.4 million increase; Kentucky, $868,000 increase; Oregon, $867,000 increase; Colorado, $820,000 increase; West Virginia, $650,000 increase; Iowa, $539,000 increase; and Montana, with a $324,000 cost increase.

I am very worried, as are many of my Senate colleagues, that allowing these companies the opportunity to take more than one million participants off the program so the drug companies can make more profits is outrageous. The fact that the House cut $25 million out of the WIC budget for fiscal year 1995 also raises some concern. We will work to see that no one is taken off the WIC rolls in fiscal year 1995 because of funding limitations.

Senator BUMPERS also took the lead in supporting and defending these competitive bidding requirements. What are the views of the Senator from Arkansas on this matter?

Mr. BUMPERS. I am also worried and concerned about the provisions in the House bill that eliminate the current WIC competitive bidding requirements. I have supported these efforts right from the beginning and will strongly oppose efforts to eliminate competitive bidding.

I share Senator LEAHY's concern that the new plan of attack by the companies will be to only offer paltry cost containment deals to States. This would include giving States some free formula, or modest cash rebates, or free coupons instead of participating in competitive bidding. This could mean that millions of infants, women and children would be forced off WIC.

Senator PRYOR has been a leader regarding child nutrition programs and I would like his views on this issue.

Mr. PRYOR. As I said at an Agriculture Committee hearing, I am also very troubled by the House efforts to cut child nutrition programs. The worst aspect of their bill relates to efforts to give these drug companies the opportunity to increase their profits at a high cost to poor pregnant women and children.

The Senate reports show the efforts drug companies have exerted over the years to sell formula at a high cost to WIC. Since WIC is 100 percent federally funded, the Federal Government should insist that it get the best return on each dollar spent.

Competitive bidding, which is used by the Federal Government for much of its procurement, should be required as under current law. Clever efforts to hide profiteering under the cloak of weakened, so-called cost-containment measures, will hurt the WIC program in my State, and throughout the Nation. I know the drug companies may already be celebrating, but the Senate took the lead in the past in standing up to these corporate interests. I believe that despite all the money spent by the drug companies to influence opinion, the Senate will do the right thing.

Mr. DASCHLE. I fully agree with the views expressed by my fellow Democratic colleagues. We cannot give the WIC program to the drug companies and allow them to turn WIC into a formula for profit.

WIC is one of America's most effective child nutrition programs and I intend to fight any efforts of the House to repeal the WIC program. Senator HARKIN led the fight against the practices of one infant formula company that sold powdered formula to third-world countries. Low-income families would mix the formula with contaminated water and the formula would do more harm than good. I ask Senator HARKIN what are his views on competitive bidding?

Mr. HARKIN. I was very proud of my role in leading the fight against companies that tried to push formula in the third-world. While I am a very strong supporter of breastfeeding I recognize the formula does play an important role in the WIC program.

I agree fully with the remarks that Senator LEAHY has made about the importance of competitive bidding for WIC infant formula, and the comments of my colleagues on the subject, and I commend Senator LEAHY for his work on this issue as chairman of the Committee on Agriculture, Nutrition, and Forestry and now as ranking member.

To get the best deal for taxpayers I believe it is essential that we require that competitive bidding be used for WIC infant formula so that we can ensure that the States are not subjected to the kinds of pressure tactics to eliminate competitive bidding that have been so thoroughly documented. We owe it to taxpayers and to over a million and a half additional people who are served each month with the savings from competitive bidding. I do not want this provision watered down so that companies can increase their profit margins at the expense of WIC participants and taxpayers.

I have had a long involvement in the efforts to implement competitive bidding for WIC infant formula. As chairman of the Subcommittee on Nutrition and Investigations, I worked to include the provision in the 1987 Commodity Distribution Reform Act that allowed States to keep a portion of savings they achieved through competitive bidding in order to cover the increased administrative expenses of bringing additional participants into WIC.

Without that provision, the States could not have used the savings from WIC cost containment to serve more people in the WIC program. Unbelievably, the Republican Deputy Secretary of Agriculture wrote a letter to Chairman LEAHY officially opposing that provision in the bill.

I also requested the study by the General Accounting Office that was issued in October of 1987 demonstrating the savings that could be achieved through competitive bidding for infant formula.

And in 1989, as chairman of the Nutrition and Investigations Subcommittee, I introduced the Child Nutrition and WIC Reauthorization Act of 1989, which included the provision requiring the use of competitive bidding or equally effective cost containment measures for WIC infant formula. Again, it was my privilege to work with Senator LEAHY, as chairman of the Agriculture Committee, in getting this provision enacted into law.

The benefits of competitive bidding are simply too large to give up. The national benefits have already been described. In Iowa, as of late last year our State was gaining approximately $630,000 a month for its WIC program through infant formula rebates, which allows approximately 12,000 additional Iowa women, infants and children to be served each month without increasing spending.

WIC is one of our Nation's most successful and cost-effective efforts. Competitive bidding makes WIC remarkably more cost-effective. We hear a lot about the importance of letting States have more freedom in administering programs. WIC already involves a partnership between the Federal Government and the States—it is already administered by the States, but it is funded entirely with Federal money. This proposal to do away with the competitive bidding requirement stands the idea of State flexibility on its head. It basically says that if the States want to squander Federal taxpayer dollars by lining the pockets of the infant formula companies, that is just fine, have at it.

All I can say is that we have made too much progress and there is far too much at stake for this Senator to stand by and watch a proven and practical tool like competitive bidding be thrown out the window for the sake of some half-baked, radical theory. Not without a fight, not without a huge fight.

Finally, I am also concerned, as are my colleagues, about the ramifications of the $35 million cut in WIC in this rescissions bill. The Congress should be fully funding WIC as per the President's proposals and should be very cautious about cutting the funding available for carrying out WIC efforts in the States. I, too, will work to see that no one is taken off the WIC rolls in fiscal year 1995 because of funding limitations.

I understand Senator BOXER also has concerns about the WIC Program.

Mrs. BOXER. I also am very concerned about the Contract With America and how it will seriously hurt the WIC Program. I am very proud to support the WIC Program, and it is important to ensure that the competitive bidding process stays in place so that the largest number of women and children possible can be effectively served by this enormously successful program.

STUDENT AID

Mr. LEAHY. Mr. President, students on college campuses throughout Vermont have mobilized against cuts in student aid. The strong opposition around the country to these cuts has prevented most student aid programs from being included in the rescission bill we are debating today. The next step will be to make sure that students do not get short-changed in next year's budget.

On Monday, I had the pleasure of meeting with 19 exceptional college students in my office in Burlington, VT. These students: John Boyle of Landmark College; Stephen O'Keefe and Sean Brown of Southern Vermont College; Terri Taylor of Lyndon State College; Eric Sorenberger and Marlene Rye of Sterling College; Cecily Muller of Woodbury College; Beth McDermott of the University of Vermont; Alison Maling of Trinity College; Courtney Ryan of St. Michael's College; Kevin Canney of Burlington College; Sue Jean Murray of Champlain College; Theresa Morris of Vermont Technical College; John Wyrocki and Laura Whitney of Green Mountain College; Jeff Albertson of Middlebury College; and Darryl Danaher, Ryan Carter, and Matthew Thornton of Norwich University shared with me how cuts in student aid would affect them and other Vermont students.

One student is the youngest of nine children and is holding two work study jobs. Another is a mother of two and on welfare. Her daughter also is in college. Another is the third child in her family to go to school. Her mother went back to school to get a better job to help pay her children's student loans. Another is the mother of four who had to leave an abusive marriage. She relies on work study to help her stay in school. She also will have loans to pay for her daughter's education. Another is returning to school after having to change her occupation due to major back surgery.

I could go on and on about what these students are going through to earn their college degree.

These students are working hard to learn. Now, some Members of Congress would like to pull the rug out from under them by cutting student aid.

Earlier this week, the House Economic and Educational Opportunities Chairman confirmed that Republicans are considering eliminating the in-school interest subsidy on Stafford college loans.

If House Republicans are successful, 20,000 Vermont students will be paying more for college. Individual student debt will increase by 15 to 50 percent, depending on the length of time spent in school. An undergraduate student who borrows the maximum amount for a four year college could owe an additional $3,407 in interest. This is an increase of about 20 percent, on top of debt that already is tough to manage.

There also has been talk about eliminating campus-based aid including Supplemental Educational Opportunity Grants, Perkins loans, and the work-study programs. Eliminating these need-based programs would cause hardship for students at 2 and 4-year colleges throughout the country. A student who receives an aid package that includes average awards from all three programs would stand to lose $3,152.

Increasing the financial burden to students and their families will discourage many students from attending college or enrolling in vocational or graduate programs.

As we encourage people, both young and old, to pursue higher education, we need to help them achieve this by providing realistic funding options.

These students are our future. All of us know just how difficult it is to pay for a college education these days. It is important that these students and their families do not see the dream of higher education slip beyond their grasp.

Decisions to cut student aid programs are based solely on shortsighted politics.

I am concerned that the debate over next year's budget is going to occur over the summer when many students are not on campus. I hope they will continue to work together to speak out against cuts in student aid.

RESTORATION OF DEFENSE CLEANUP FUNDS

Mr. PRYOR. Mr. President, I rise today in support of restoring $104.2 million to the Department of Defense accounts that are used to fund the cleanup and redevelop of closing military bases. These funds were authorized and appropriated by Congress last year and they now are subject to a possible rescission.

Mr. President, less than a month ago the Secretary of Defense announced the 1995 hit list of military base closings. This list recommended closing 25 major bases. Communities with bases on this list are currently working to convince the independent Base Closure Commission to remove their hometown bases from the list and to spare them the economic trauma of a base closing.

Unfortunately, many of these communities will be unsuccessful in their efforts to save the base. In the first three base closure rounds, in 1988, 1991, and 1993, the Commission approved the closing of approximately 85 percent of the recommended bases.

These first three base closure rounds produced the closing of 75 major military installations and over 200 smaller installations nationwide. Each of these communities are now focusing on beating swords into plowshares. And to its credit, the U.S. military is trying to do its part to quickly cleanup these bases and prepare them for civilian use.

Mr. President, many have argued in the past that the Federal Government should not help beat swords into plowshares—that we do not have a responsibility to help the workers and communities that proudly supported our bases for decades. However, we cannot and must not turn a cold shoulder to those who helped us win the cold war.

To be certain, base closings hurt. Communities that lose a base lose much more than just the daily sights and sounds of the military's presence. They lose the heart and soul of their local economy. In many cases, the military is the largest employer in the region. As my colleagues know, closing military bases causes an immediate economic trauma in these communities.

But some good news is beginning to arise in a few of the towns that lost bases in the early rounds. Lost military jobs are slowly being replaced by civilian employment. The private sector is moving in and jobs are being created at many old bases.

The local communities that are experiencing an economic revival have told us that their successful efforts to beat swords to plowshares were made possible only because the Federal Government, specifically the U.S. military, decided to become a partner in this worthy effort.

In helping communities rebound, the military services are focused on quickly cleaning up contaminated portions of the closing bases so private sector businesses can move in and begin creating jobs.

In order to quickly prepare closing bases for redevelopment, the DOD's base closure accounts, or BRAC accounts, must be fully funded.

It would be shortsighted to rescind funds for closing bases, especially given that the Base Closure Commission is currently preparing to add more bases to the closure list.

Cutting funds from the DOD base closure account will slow down the process of returning these bases back to the communities. By doing so, we would substantially damage the economic development efforts of base closure communities nationwide.

I urge my colleagues in the Senate, especially those on the Senate Appropriations Committee, to restore $104.2 million to the DOD BRAC accounts.

AMENDMENT NO. 577

Mr. HATFIELD. Mr. President, if there had been a rollcall vote on the Dole-Daschle amendment, I would have voted "no." As my colleagues know, I support many, if not all, of the programs that would benefit from the

funding restorations of the amendment. They are worthwhile, meritorious programs that address important national needs.

But as I said at the outset of this debate, Mr. President, many of the Appropriations Committee's recommended rescissions were reductions in the rate of funding increases, not reductions in actual funding below the previous year's level. I see no reason to add more money now to simply increase the increase. The Appropriations Committee made a considered judgment on these matters, and we found our recommended rescissions to be reasonable. Further, we found them to be urgently needed for the task of deficit reduction.

On that point, Mr. President, I believe this amendment is a serious mistake. We do not have CBO scoring of this amendment as yet, but it would appear to me that the recommended "offsets" of this amendment reduce significant amounts of budget authority but very little in outlays. The reductions are primarily drawn from accounts with annual outlay rates as low as 1 percent, while the funding restorations occur in accounts with outlay rates as high as 80 percent. In short, Mr. President, it appears to me that this amendment may actually increase the deficit. The bill that I brought to the floor on behalf of the Appropriations Committee was a first step in the long march toward a balanced budget. This amendment is a step backward.

FUNDING FOR ACIR'S MANDATES STUDIES

Mr. DORGAN. Mr. President, I rise to take note of an aspect of the managers' amendment to H.R. 1158, the supplemental appropriations and rescissions bill.

As my colleagues know, I helped write the Unfunded Mandates Reform Act of 1995, which just became law. This law passed the Senate on January 27 by an 86–10 vote. Part of this law requires the Advisory Commission on Intergovernmental Relations to conduct studies on unfunded mandates issues. The Senate passed my amendment giving these studies to ACIR by a vote of 88–0.

The law requires ACIR to make recommendations to the President and Congress about simplifying, consolidating, suspending or terminating Federal mandates. It also requires ACIR to examine the measurement and definition issues involved in calculating the costs and benefits of unfunded Federal mandates.

The law requires ACIR to do these studies very quickly. It must issue proposed and final criteria for its studies, hold hearings, and publish a preliminary and a final report, all by March 22, 1995. The conferees on the mandates bill recognized that ACIR needed further funding in this fiscal year in order to do the studies. The conferees therefore authorized an appropriation of $500,000 for fiscal year 1995.

The managers' amendment contains a provision that would appropriate this money. I am glad that the senior Senators from Oregon and West Virginia, Senators HATFIELD and BYRD, have funded the mandate on ACIR.

I would like to thank them for accommodating the Senator from Idaho, Senator KEMPTHORNE, and the Senator from Florida, Senator GRAHAM, and myself on this issue. And I look forward to helping ACIR carry out this mission.

Mr. PELL. Mr. President, I am supporting the Dole-Daschle compromise and the final passage of the supplemental appropriations and rescissions bill because I believe, on balance, the bill does take a significant step toward fiscal control and economy in Government.

I am particularly pleased that the compromise restores nearly $1 billion in House rescissions that would have jeopardized programs that benefit children and education.

Head Start, Title I Education, Impact Aid, WIC, Goals 2000, School to Work, and Drug Free Schools are all programs that constitute investments in our national future, and restoration of funding for them lends balance and merit to the bill.

I am very pleased that the Senate bill restores funding for the LIHEAP program and housing modernization, two programs that are important to my State.

And finally I would note that the Senate bill would restore more than half of what the House bill would cut from our foreign aid programs—not a perfect outcome, but certainly far preferable to the House version.

Mr. President, none of us are going to be completely satisfied with the painful compromises that must be made in the current season of downsizing of government. But this bill does what had to be done with less pain than might otherwise have been inflicted. I commend the managers and give the bill my support.

Mr. WARNER. Mr. President, I am pleased to commend the majority leader, Senator DOLE, and the Democratic leader, Senator DASCHLE, for the successful completion of the managers rescission amendment package to H.R. 1158, the fiscal year 1995 supplemental appropriations bill for disaster assistance and rescissions. I am particularly gratified that the leadership has steadfastly retained, through a myriad of negotiations, the restoration of section 8002 of the Federal Impact Aid Program.

With funding of only $16.29 million, nearly 200 school districts directly benefit from section 8002 payments in lieu of taxes for Federal properties. As federally owned lands, these properties are tax exempt and contribute nothing to local tax revenues. These moneys are made available under strict criteria to help compensate local school districts for revenues they might otherwise be receiving.

The impact aid section 8002 program has been authorized since the inception of impact aid in 1950. For 45 years, the Congress has recognized its responsibilities to compensate local schools for tax-exempt Federal personnel and properties.

Furthermore, the entire impact aid program was just reauthorized last year as a part of the Elementary and Secondary Education Act. This is no time to retreat from our longstanding commitment which is so vital to federally impacted school districts.

I am supporting that impact aid restoration because the York County School Division in the historic Hampton Roads region of Virginia is the largest recipient of section 8002 funding in the Nation. I commend the York County School Division finance director, Mr. Dennis Jarrett, as well as superintendent Steven Staples for their careful work in bringing this urgent matter to my attention.

This year alone, more than $1 million of the York County School District budget is at risk because of the proposed rescission. I am confident that my colleagues on the Appropriations Committee had no intention for the budget cutting axe to fall so heavily on only 1 of some 200 school districts.

The restoration of the $16.29 million for impact aid will symbolize our support of the communities across the Nation which house and serve the U.S. Armed Services and their families.

Mr. President, I thank the Chair and commend this small measure to the support of my colleagues.

Mr. PRESSLER. Mr. President, I am pleased to rise today in support of the agreement offered today on H.R. 1158, the rescissions bill. The leadership can be commended for their hard work on this compromise. This rescissions bill has been a drawn-out and difficult process. But this hard-fought agreement represents good news for many South Dakotans: it contains my amendment that would restore funds for section 8002 of the Impact Aid Program, otherwise known as section 2. The inclusion of my amendment to save this important program is a significant reason why I offer my wholehearted support for this agreement.

The Impact Aid Program is not aid in the traditional sense. It is called Impact Aid because the presence of the Federal Government is having an adverse impact on nearby school districts. The adverse impact is the loss of tax revenue to the schools, and the Impact Aid Program is designed to compensate schools for that lost tax base.

In short, impact aid is an ongoing Federal responsibility. Impact aid does not represent extra dollars for special programs. Impact aid provides support payments for basic day-to-day operations. It is neither a wasteful nor

ideologically driven program—these funds go directly to a school district's operating budget. Impact aid represents fairness—to the schools and the parents and children they serve.

Section 2 of the Impact Aid Program is the lifeblood of many schools across the Nation. This program provides support payments to school districts for Federal land. Across the country, schools in 27 States rely on Section 2 payments. It would be most unfair to federally impacted districts and the children they serve if the Federal Government opts to deny them both a tax base and Federal support.

If Section 2 payments had been terminated, the Pollock School district in northern South Dakota would have closed, forcing potentially displaced students to travel up to 50 miles in order to receive an education. Pollock and similarly situated school districts would have been forced into this drastic course of action because no other revenue options are available.

Mr. President, federally impacted schools already have taken their share of cuts. The Impact Aid Program suffered a $70 million cut last year. If we were to add to this cut the elimination of Section 2 payments, federally impacted schools would be left without the assistance they had planned on to pay teachers, buy textbooks, or as in the case of Pollock, to even function.

Like my colleagues, I am committed to reducing wasteful government spending. My voting record consistently has been in favor of a balanced budget. I also appreciate fully the difficult nature of the Appropriations Committee's job this year. We are all in the difficult position of needing to cut bureaucracy and federal spending. However, our leadership can be commended for realizing where our priorities must lie.

Impact aid is a program that enjoys support on both sides of the aisle. However, I especially would like to thank my distinguished friends from New York and Virginia, Senators D'AMATO and WARNER, for their leadership on this issue. These Senators and others on both sides of the aisle were prepared to support my amendment to restore the Section 2 payments. It is because of this bipartisan commitment to education that the leadership has restored this important program. I appreciate their help and support.

I hope this bipartisan support for impact aid will send a clear signal to our colleagues and especially to the administration. Impact aid is vital to our schools and it should continue to be fully funded. It is my hope that we will not have to fight this battle again during the budget negotiations for fiscal year 1996. President Clinton has requested a $109 million cut in the Impact Aid Program for next fiscal year. I hope it has been made clear that such a cut would be unacceptable.

I would be happy to work with my colleagues to demonstrate why impact aid is critical to so many school children. I also look forward to working with my colleagues on the budget and appropriations committees to maintain the vitality of the Impact Aid Program for many years to come.

RESTORE FUNDING FOR THE CDFI FUND

Ms. MOSELEY-BRAUN. Mr. President, one of the provisions in the amendment the distinguished majority and minority leaders have offered, would partially restore funding for the Community Development Financial Institutions [CDFI] Fund. The full House and Senate Appropriations Committee have both rescinded $124 million of the $125 million appropriated for this bill in fiscal year 1995.

Although it is not clear when the Senate will have the opportunity to vote on this amendment. I want to take a few moments to discuss why the funding for the CDFI Fund is needed.

Clearly, the $36 million included in the Daschle amendment is an insufficient amount compared to the $125 million appropriated last year—but, this start up money will help the CDFI Fund get off the ground. The importance of this Fund is its profound affect on the lives of people who want to make their lives better and improve their neighborhoods.

The CDFI Fund is bipartisan initiative passed in the Riegle Community Development and Regulatory Improvement Act of 1994. I was proud to be a cosponsor, along with many of my colleagues, of this legislation.

The Fund will support and expand existing Community Development Banks and Financial Institutions [CDBFI] across the country. The CDFI Fund is based on the simple proposition—helping the private sector to help communities grow from the bottom up.

Over the last two decades, a diverse range of community development financial institutions have emerged to provide new opportunities for neglected communities. In urban, reservation-based and rural settings, more than 300 CDFIs are providing credit, investments and comprehensive development services. These institutions—working in 45 States—manage more than $1 billion in primarily private sector capital. These institutions have loaned more than $3 billion with a loan loss rates comparable to some of the best banks in this country.

Mr. President, across the country, many rural and urban communities are starved for affordable credit, capital and basic banking services. The lack of jobs is a critical issue for any community. The lack of jobs is also the crux of an important issue for the welfare reform debate that the Senate will soon be considering.

What the Fund is all about is creating jobs in communities that desperately needs jobs. What this amendment is all about is providing a very, very modest amount of Federal money to spur entrepreneurship, and assist small and microbusinesses in low-income communities to help create those jobs.

Job creation is so important to the many critical issues that come before Congress. It is also the crux of the welfare reform debate now before Congress.

Almost everyone agrees that our welfare system needs major reform, and almost everyone agrees that welfare recipients who can work ought to be required to work. The question that remains is simple—where are those jobs supposed to come from?

The basic truth that must be faced is that there simply aren't enough jobs now in many communities where the poor are concentrated, are dropping. My own home town of Chicago illustrates the problem.

Between 1972 and 1990, the City of Chicago lost over 146,000 jobs. Between 1979 and 1990, the city lost over one-third of its manufacturing jobs. Over the same period, the central business district actually gained jobs over that period, which means that the impact of the declining job base fell most heavily on Chicago's neighborhoods, and particularly its poorest neighborhoods. In the decade of 1980's alone, the south and west side Chicago neighborhoods—where many of the City's low-income residents reside—lost over 82,000 jobs.

This results in a declining population in the city, and high unemployment rates for those who want to stay, or who can't leave. For residents in public housing in the inner cities, jobs are almost non-existent. Of the households in the Robert Taylor Homes—the country's largest public housing complex located on Chicago's southside—an approximate 4 percent report any wage income at all.

The fact of the matter is—there is not enough economic opportunity in poor communities. It's no secret that what is needed to create jobs in any community is capital. However, poor communities, simply do not have the access they need to our capital market. What this means is that prospective homebuyers, oftentimes have difficulty getting mortgage money. What it also means is that people who want to start businesses—or expand businesses—in poor communities where all too often cannot get access to the money they need. The creation of the CDFI FUND is a crucial first step in helping low-income communities help themselves.

The CDFI Fund will invest in community development banks and other community development financial institutions which have a primary mission of community development, lending and equity investment and loan counseling services in distressed, underserved communities.

This capital assistance will serve only as seed capital that must be

matched by private funds. All types of new and existing CDFIs will be eligible for assistance, including community development banks, credit unions, micro-enterprise and revolving loan funds, minority-owned banks and community development corporations.

One of the exciting aspects of the Fund is the Bank Enterprise program will catalyze new community lending and investment activities by conventional financial institutions—complementing community reinvestment efforts by lenders.

Mr. President, the Fund will have an extraordinary impact on many of this country's low-income neighborhoods. It will support financial and technical support for new community development banks—which will support thousands of new loans—which, in turn, can result in thousands of new full-time jobs in low-income communities.

I have seen first hand what an important role community development financial institutions can play in the economic development of distressed communities and provide jobs to those who have relied on public assistance.

South Shore Bank—the country's first community development bank in my home town of Chicago—has had a tremendous impact in the South Shore neighborhood of Chicago. Since 1973, the bank and its affiliated community development activities have invested $450 million in its target communities, financing the rehabilitation of 15,000 housing units and hundreds of businesses. South Shore was once a rapidly-deteriorating, inner city community abandoned by conventional lenders. Today it is a stable community with access to a range of sources of conventional credit.

Another example is the Women's Self Employment Project in Chicago which has lent more than $800,000 to low income women—many of whom relied on public assistance—to start and grow microenterprises. This successful program has a repayment rate of over 94 percent.

Mr. President, these are just two examples of how community development works. The list of success stories in community lending goes on and on: the Self-Help Credit Union in North Carolina; the Federation of Appalachian Housing Enterprises in North Carolina; The Coalition for Women's Economic Development in South Central Los Angeles.

Mr. President, as I said in my opening remarks, the $36 million included in this amendment is clearly not enough for the investment that is needed in low-income communities now. But it is a start to help the institutions I referred to, and many others throughout the country. They will be able to expand their capacity through modest federal investments provided by the CDFI Fund.

It is important to point out that the Fund does have an experienced and knowledgeable transition team to begin setting up operations and programs. While the Fund cannot issue regulations or take applicants until the administrator is confirmed, this team is making significant progress to ensure that the programs are up and running.

By using very little Federal money to leverage significant private dollars, the Fund's investments will build partnerships between banks, thrifts, credit unions, and CDFIs.

The results in every equity dollar invested in a community development bank or loan fund can leverage at least $10 in new private capital for development lending.

Community Development Banks and Financial Institutions provide capital where it is critically needed—and jump start a local economy. The CDFI Fund will support these institutions and represents an essential part of what's needed to build and strengthen the economies in many urban, reservation-based and rural communities.

In closing, let me add that the CDFI Fund, is a very good step in the right direction in creating jobs. If the federal government is going to succeed in reforming welfare, we must start by creating jobs and economic growth in impoverished communities where they are needed most.

Mr. President, I ask unanimous consent that the list of success stories be printed in the RECORD.

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

In North Carolina, the Self-Credit Union and its affiliated Self-Help Ventures Fund made a $50,000 loan in 1985 to a small, rural worker-owned sewing company threatened with closing because it could not obtain credit from its local banks. With Self-Help's technical assistance and a series of working capital loans, the business now employs 80 people, making it the second largest private employer in its county. By 1992, the company had almost tripled its sales, to $1.8 million.

In Chicago, the Women's Self Employment Project set up an entrepreneurial training and lending program to enable women receiving public assistance and with little or no asset to start their own income-producing enterprises. Seventy percent of the 20 women participating in the pilot program in 1987 were able to move off public assistance permanently as a result of their business activities. An expanded program now includes 150 women. WSEP's three lending programs have lent more than $500,000 to 350 low- and moderate-income women for micro business ventures.

In Central Appalachia, the Federation of Appalachian Housing Enterprises [FAHE] provides loans that make homeownership a reality for very low-income families, many of whom have previously lived in rented trailers without heat or running water. FAHE has lent $3.2 million for more than 172 housing units, including loans to borrowers with incomes as low as $5,000 a year.

The Coalition for Women's Economic Development in South Central Los Angeles operates a 12-week training program in Spanish and English, for low-income women seeking to operate their own enterprises.

Santa Cruz Community Credit Union in California, which has lent more than $27 million to small businesses, non-profits and cooperatives, supplements its credit union lending with a non-profit housing development subsidiary, Seascape Senior Housing. Seascape developed and owns an 80 unit low-income housing project.

The Quitman County Federal Credit Union in Mississippi is located in one of the ten poorest counties in the United States. As a community development credit union, the credit union has been able to supplement the small savings of its 600 members with more than $1 million in nonmember deposits, enabling the development of home improvement and minority small business lending programs.

For years, the Delaware Valley Community Loan Fund was one of the only lenders in Camden, New Jersey. Its successful lending has led to a 7 bank multimillion dollar loan pool for the disinvested area managed by the loan fund.

Mr. NUNN. Mr. President, I understand that an agreement has been worked out between the two sides on this legislation, but I want to set the record straight on a few issues which I believe to be of particular importance.

The initiative in question is the Corporation for National and Community Service. In the last few days, several of our colleagues have come to the floor and, for one reason or another, discussed this initiative in a way which has deviated substantially from the facts. I want to provide information for the record to eliminate some of the misconceptions which may have been formed about National Service.

First, I would like all of us to be clear on the facts. Contrary to what we have heard on the Senate floor in the last week, AmeriCorps does not cost the taxpayer outrageous sums. Counting all costs, the average annual cost per AmeriCorps member is $17,600. $4,725 of that amount is an education award which is not given until after the year of service is complete.

Additionally, the program has benefited the efforts of many private organizations which depend on volunteers for their work. Many charitable organizations, from Habitat for Humanity to the Red Cross have resoundingly rebutted the argument that National Service injures the ethic of voluntarism in this country. These groups have often stated that the presence of AmeriCorps members has made their efforts to attract traditional volunteers even more effective.

Charitable organizations are not the only ones who have seen sufficient worth in the program to give it their vocal support. Many businesses also have seen the value of AmeriCorps as an investment and given it their own dollars to supplement those provided by the federal government. These private partners range from Alcoa to Xerox, with many others in between. I request unanimous consent that this information regarding the cost per

AmeriCorps participant and the number of volunteers and business organizations supporting AmeriCorps be printed in the RECORD.

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

(See exhibit 1.)

Mr. NUNN. My second point is that National Service is successfully accomplishing its primary mission—performance of service. The anecdotal evidence on this score is abundant. From helping clean up after last year's floods in the Midwest to immunizing 105,000 children in Texas, to building 60 homes for poor people in Americus, Georgia, these youngsters are performing real work that is needed by our communities. The independent research firm of Aguirre, International provides confirmation. They did a study of 52 randomly selected AmeriCorps sites across the country, and the findings from the study confirm that the achievements of this program are many and varied. I ask consent that the Aguirre International study be also printed in the RECORD.

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

(See exhibit 2.)

Mr. NUNN. Mr. President, my final point is that this project should not be a partisan issue. The debate on the original authorization was not marred by the misinformation and partisan rancor that we have seen during the last week. Indeed, the 1993 bill passed with the support of a number of Republicans in both Houses. I would hope that we could return the debate to that higher plane in the future. To that end, I would hope that my colleagues, whether they agree or disagree with the program, would take the time over the upcoming recess to visit an AmeriCorps site in their states. To my colleagues who are willing to make this visit, if you still have concerns about the program after you have made this good-faith effort to see it in action, that will be useful to an open, straightforward debate on the upcoming reauthorization. I believe that the minds of my colleagues will be changed when they see the results of this program.

In conclusion, I appreciate the indulgence of my colleagues on this matter, and I hope that we can continue the debate in an objective fashion. I am fully aware of the funding constraints which face our Nation's Government, but I am confident that the program will be judged valuable to our Nation if judged on its true merits and true costs. I yield the floor.

EXHIBIT 1

AMERICORPS BUDGET AND MEMBERS

	1994	1995	1996
Budget	$376,000,000	$579,000,000	$828,000,000
[HUD/VA]	[$318,000,000]	[$516,000,000]	[$750,000,000]
Members	20,000	33,000	47,000
Average cost per Member	$18,800	$17,600	$17,600

Average total cost per member by category

Health/child care 7%	($1,200)
Grantee operations, planning, evaluation 23%	($4,075)
State Commissions 3%	($450)
Americorps' overhead 5%	($850)
(Represents 1995 Costs)	
Education Award 27%	($4,725)
Stipend 35%	($6,200)
Total	$17,600

EXHIBIT 2

AMERICORPS USA AT FIVE MONTHS

A SUMMARY OF ACCOMPLISHMENTS FROM 52 RANDOMLY SELECTED SITES

The following report aggregates and summarizes the bulk of the accomplishments of 1,654 AmeriCorps USA Members serving at 52 sites that were selected randomly from across the nation. Listed accomplishments represent the efforts of approximately 8% of AmeriCorps USA's operating sites during the first five months of operation—from September, 1994 through January, 1995.

The accomplishments are grouped within AmeriCorps USA's four issue areas: education, public safety, health and human needs, and environmental and neighborhood restoration. The list, while both long and diverse, is not exhaustive; not every accomplishment has been captured. Nevertheless, the list summarizes the major accomplishments of the selected sites.

EDUCATION

The AmeriCorps Members helped children and youth from impoverished urban and rural communities to succeed in school. They taught in classrooms, established new learning programs in and out of school, and prepared preschoolers for the demands of school. Specific accomplishments include the following:

Taught 1,430 and tutored 7,638 pre-school, elementary, and junior high school students in basic educational skills.

Conducted enriched learning programs and initiated new ones—such as computer-based reading instruction, peer tutoring, scientific experimentation, and programs for children with special needs—for 6,414 children.

Established after-school and vacation programs to reinforce the academic involvement of 4,656 children.

The AmeriCorps Members helped at-risk children succeed in school by assisting them and their families to develop their sense of civic and community responsibility and to become more stable, more self-sufficient, and more involved in the community. Specific accomplishments include the following:

Organized and supervised community service projects for 4,469 at-risk children and youth. Projects included neighborhood cleanups and providing food for elderly people.

Counseled, taught parenting skills, and/or provided problem solving assistance to 390 families, 183 teen parents, and the low-income families of 440 children at risk of failing in school.

Provide literacy or employment-related training for 694 adults.

Provided intensive educational support—including regular counseling—to 30 troubled teenagers living in group homes and 33 low-income children, including 22 homeless preschoolers.

PUBLIC SAFETY

The AmeriCorps Members started neighborhood safety programs, mobilized neighbors, and improved community/police relations, resulting in safer communities. Specific accomplishments include the following:

Escorted 8,500 children to school through safe corridors.

Started 258 neighborhood safety programs and patrolled 250 vacant buildings to prevent violence, drug-dealing and other illegal activities.

Initiated 2 programs to improve community/police relations, including assisting a police mobile unit.

The AmeriCorps Members worked to prevent violence in school by teaching mediation techniques, resulting in decreased incidence of violence and negative behavior. Specific accomplishments include the following:

Resolved 414 school conflicts that might otherwise have ended in violence or with students dropping out of school because of fear of violence.

Taught conflict resolution techniques to 8,119 school children.

Counseled and taught alternatives to violence to 1,350 potential or actual gang members and 54 parents of children at risk of becoming involved in gangs.

Initiated 3 programs to train school and community members to implement violence prevention activities.

Secured donated materials and created a memorial garden and mural in memory of 3 children slain in the streets.

The AmeriCorps Members worked to prevent violence and drug abuse in families and communities and provided direct assistance to victims of crime as well as referring them to needed services. Specific accomplishments include the following:

Conducted workshops for 220 at-risk individuals about family violence prevention.

Answered crisis hotline calls and made referrals for 878 victims of sexual and domestic violence.

Provided each of 470 victims of sexual and domestic violence with 30 days of counseling and assistance.

Counseled 35 elementary or high-school students in crisis as a result of rape, violence, or home difficulties.

Counseled 1,180 teenagers about alcohol and drug abuse.

Conducted home visits about drug or alcohol abuse prevention with 120 community residents.

HEALTH AND HUMAN NEEDS

The AmeriCorps Members made independent living easier for disabled, elderly, or hospitalized individuals by providing direct support service and by recruiting and organizing community volunteers. Specific accomplishments include the following:

Helped 123 elderly persons, 50 visually impaired adults, and 9 visually impaired children live independently.

Provided job-related training, independent living assistance and/or medical referrals for 135 mentally ill or developmentally disabled persons.

Organized weekly social activities for 400 elderly nursing home residents.

Constructed wheel-chair accessible trails, ramps, or sidewalks at 3 parks, 5 low-income homes, and 4 public buildings.

Obtained donated materials, trained 58 volunteers, and repair the homes of 296 elderly persons.

The AmeriCorps Members provided emergency medical services, as well as health training and education. Specific accomplishments include the following:

Trained 1,144 inner-city residents in CPR.

Provided emergency medical services to over 1,500 people.

Screened 1,100 low-income children for lead toxicity and other health risks.

Provided health counseling, education, or referrals and transportation to 220 low-income families and over 5,000 individuals.

Disseminated health care information to 4,567 individuals.

Distributed 150 children's car seats to low-income families.

Conducted immunization screenings—immunizing 158 individuals and notifying 500 others of their families' need to be immunized.

Administered 301 HIV tests and counseled patients regarding results.

Conducted workshops and distributed information on AIDS and tuberculosis to over 7,000 people.

The AmeriCorps Members helped meet the basic needs of low-income and homeless people for food and shelter. They improved low-income housing, fed the hungry, and improved the methods of service referral and delivery. Specific accomplishments include the following:

Renovated 238 inner-city housing units and 99 rural homes; began renovation of 121 more.

Refurbished 2 homeless shelters and began to renovate 3 buildings—one for seniors, one for battered women, and one for the formerly homeless.

Distributed food to more than 16,625 low-income people and packed 7,000 dinners and 32,000 breakfasts for the hungry.

Found shelter for 400 homeless families, and sorted and distributed clothes to 350 homeless individuals.

Secured hospice housing for 27 people with AIDS and helped feed (on a weekly basis) 1,250 people who have AIDS or who are HIV positive.

Provided housing information or counseling to over 500 low-income and homeless families.

Secured donated furniture, repaired it, and delivered it to 300 newly-housed families.

ENVIRONMENTAL AND NEIGHBORHOOD RESTORATION

The AmeriCorps Members responded to emergencies, including post-disaster environmental restorations, and worked to improve emergency responses capacity in parks and public lands. Specific accomplishments include the following:

Inspected and repaired 87 small dams, protecting 200 farms.

Provided disaster recovery assistance to 350 land owners recovering from a flood; activities included sand and soil deposit mapping, advice on pasture and hayland management, watershed mapping, and computer simulations to plan floodplain management.

Fought 2 major forest fires and saved 1 national park road from washing out.

Joined at least 5 search and rescue efforts.

The AmeriCorps Members restored and stabilized the natural environment and wildlife habitats. Specific accomplishments include the following:

Planted 212,500 trees.

Restored 320 acres of wild land areas by repairing fire and flood damage, re-planting to prevent erosion, and fencing off wetlands to prevent illegal dumping.

Restored or stabilized 27 miles of riverbed and stream banks to improve the habitat of salmon; fenced another 7 miles to keep cattle from destroying spawning grounds; repaired three aquaculture tanks with a capacity to rear 1,000,000 salmon fry per year.

Removed 2,000 lbs. of trash from an urban river.

Monitored water quality in 2 parkland areas.

Surveyed 5,700 acres of National Forest land as part of reforestation programs to monitor reforestation efforts; conducted biological inventories on 12,000 acres of wetland.

Built, restored, or maintained 311 campsites, 88 miles of parkland trails, 17 bridges, and 1 mile of forest service road.

Cleaned up storm debris and trash on 3 beaches, protected sand dunes on one beach, and built one wildlife observation platform and 3 duck blinds.

The AmeriCorps Members improved neighborhoods, parks, and recreation facilities by converting vacant lots, renovating buildings, repairing public facilities, and conducting recycling and conservation programs, resulting in a heightened sense of community ownership. Specific accomplishments include the following:

Renovated 11 community buildings, including an inner-city medical clinic, community centers, and public schools.

Converted 29 overgrown lots into green space; built 7 community gardens; planted trees along 30 city blocks.

Cleaned 27 miles of road, restored 1 community reservoir, removed illegally dumped garbage from one community; and unclogged more than 14,000 storm drains.

Created 4 playgrounds, designed 1 picnic area, and improved safety at 1 scenic overlook. Restored, repaired, or maintained 19 historical landmarks and a traditional tribal longhouse.

Completed 61 inner-city neighborhood clean-ups—including a city-wide graffiti removal.

Distributed 1,375 low flush toilets and 1,700 water conserving showerheads in low-income neighborhoods—along with over 1,400 water conservation guides.

Recycled 920 inefficient toilets and 1,120 inefficient showerheads.

AMERICORPS COMMUNITY PARTNERS

The following is a partial list of national and local volunteer, charitable and service organizations through which AmeriCorps is getting things done in over a thousand communities across the nation.

4-H, Albany Police Department, American Red Cross, Arctic Village Tribal Council, Arlington Police Department, ASPIRA, Audubon Society, Big Brothers/Big Sisters, Big Horn Police Department, Boy Scouts of America, Boys and Girls Clubs, Camp Fire Boys and Girls, Casper Police Department, Catholic Charities, Chambers of Commerce, City of Decatur of Police Department, Clearwater Police Department, Coalition of 100 Black Women.

Confederated Tribes and Bands of Yakima, Dallas Police Department, D.A.R.E., Ft. Worth Police Department, Girl Scouts of the USA, Girls, Inc., Goodwill Industries, Habitat For Humanity, Hart County Police Department, Head Start Programs, Humane Society, I Have a Dream Foundation, Independent Sector, Indianapolis Police Department, Jewish Family Services, Jubilee Housing, Junior League.

Kickpoo Tribe, Lincoln County Sheriffs Department, Lions Club, Literacy Volunteers of America, Knick Tribal Council, Meals on Wheels, Metropolitan Police Department of St. Louis, Mid-Atlantic Network of Youth and Family Services, Navajo Nations, National AIDS Fund, National Center for Family Literacy.

National Council of Churches of Christ in the USA, National Council of Educational Opportunity Associations, National Council of LaRaza, National Council of Non Profit Associations, National Endowment for the Arts, National Multiple Sclerosis Society, National Organization for Victim Assistance, Neighborhood Green Corps, New York University, NezPerce Tribe, Northeastern University, Ouzinkie Tribal Council, Parents Anonymous, Philadelphia Bar Association, Pinelas Sheriffs Department, Points of Light Foundation.

Pompano Beach Police, Public Allies, Public Education Fund Network, Rotary Club, Salvation Army, Seattle Police Department, Shoshone-Bannock Tribe, Sierra Club, St. Petersburg Police Department, Sunflower Girls, Teach for America, Tuntutulkia Traditional Council, United Cerebral Palsey, University of Texas, Austin, United Way of America.

Urban League, Visiting Nurses Association, Volunteer Centers, Volunteers of America, Westin County Sheriffs Department, YMCA of the USA, YWCA.

Dozens of colleges and universities, community health centers, police and sheriffs departments, and hundreds of elementary, junior and high schools.

AMERICORPS INVESTORS

The following is a partial list of corporate giving programs and corporate, independent and community foundations that are investing in community service organizations that are a part of the AmeriCorps National Service Network:

Alcoa, AlliedSignal, Allstate, Amelior Foundation, American Airlines, American Express, Ameritech, Anheuser-Bush, ARCO, Arizona Foundation, Arthur Anderson, Bank of Boston, Bank of New Hampshire, Bechtel, BellSouth, Booth Ferris Industries, Boston Foundation.

British Petroleum, Bullitt Foundation, Burnett-Tandy Foundation, Cabletron Systems, California Community Foundation, Capital Community Foundation, Capitol Cities/ABC, Carnegie Corporation of NY, Amon G. Carter Foundation, Chevron, Citizens Bank, Compaq, Cowell Foundation, Charles A. Dana Foundation.

Digital Equipment Corporation, Echoing Green Foundation, Enron, Entergy, Fannie Mae, First Deposit National Bank, Fleet Bank, Ford Foundation, The Gap, General Electric, General Mills.

Grand Rapids Foundation, Greater Cincinnati Foundation, GTE, E. & W. Haas Jr. Foundation, Hall Family Foundations, Healthsource, Hogg Foundation, The Home Depot, Houston Endowment, IBM, JCPenny, J.P. Morgan, James Irvine Foundation, Robert Wood Johnson Foundation, Johnson & Johnson, Kansas City Community Foundation.

Kauffman Foundation, W.K. Kellogg Foundation, Key Bank of NY, Knight Foundation, Luce Foundation, MacArthur Foundation, MBNA, McKesson, Meadows Foundation, Mellon Bank, R.K. Mellon Foundation, Microsoft.

Millipore, Mobil, Monsanto, Morgan Stanley, Charles S. Mott Foundation, NationsBank, NH Charitable Foundation, Nike, NYNEX, Packard Foundation, Panhandle Eastern.

Patagonia, Pew Charitable Trust, Philip Morris, PNC Bank, Polariod, Prince Charitable Trust, Proctor and Gamble, Providian Bank, Prudential Insurance, Reebok, RI Hospital Trust Bank, Winthrop Rockfeller Foundation, The Rouse Company, Safeco Insurance, Sallie Mae, Joseph E. Seagram & Sons, Shell Oil.

Skillman Foundation, Sony Corporation of America, Sprint, Steelcase, Surdna Foundation, Tenneco, Texaco, Timberland, Time Warner, Toyota, Union Pacific, United Way of America.

UPS, U.S. Health Corporation, Waste Management, Western Resources, Lola Wright Foundation, Xerox.

The PRESIDING OFFICER. The question is on agreeing to the Dole-Daschle amendment No. 577.

The amendment (No. 577) was agreed to.

AMENDMENT NO. 420

The PRESIDING OFFICER. The question is on agreeing to the Hatfield substitute.

The amendment (No. 420) was agreed to.

Mrs. BOXER. Mr. President, I will vote yes on final passage of this supplemental Appropriations/Rescission bill, but I do so with reservations.

This bill provides $6.7 billion for disaster assistance, more than 70 percent of which will go to California earthquake and flood victims. This is an urgent and necessary response to the heartbreaking disasters California has faced.

I regret that Republicans have played politics with disaster assistance—for the first time in history—by using it as a hook for their agenda to slash programs that benefit children, education, working families, and the poor.

If the Senate were considering the House passed version of this legislation, I would vote no, because that is a bad bill for both my State and my country.

But the Senate bill is different in two significant ways:

First, the Senate Appropriations Committee added back funds in critical education and housing programs.

Second, Senate Democrats were successful on the floor in restoring funds for Head Start, Child Nutrition, Safe and Drug Free Schools, Housing, and other programs that are so important to the well-being of our children.

So I will vote to send this bill to conference with the House. But I reserve the right to vote no on the conference agreement if it comes back looking like the mean-spirited House bill. I cannot support any bill that does not maintain funds for our children at the Senate-passed level or higher.

Mr. BRADLEY. Mr. President, the Senate is about to finish consideration of a rescissions bill that reduces the Operation and Maintenance Account of the Bureau of Reclamation by $10 million. This amount is identical to the sum rescinded by the House, and I support it. As the former chairman and current ranking member of the subcommittee with authorizing jurisdiction over the Bureau, I have seen opportunities for the Bureau of Reclamation to reduce spending. I have no doubt that this cut can be absorbed, given the streamlining that is now occurring within the Bureau.

I note, however, that the Senate has wisely avoided commenting on particular operations. This has two benefits. First, it gives the Bureau the flexibility to deal with this cut in the most effective and appropriate manner. It won't be easy to cut this account, given that the fiscal year is half over. The project managers need to be creative and do not need legislative handcuffs.

Second, the House report suggests that one way to balance this account is to stop a study of the San Joaquin River that was established in law through the Central Valley Project Improvement Act. This language is notably absent from the Senate report.

As the author of this landmark CVPIA law, I am surprised at the House report language. This San Joaquin study is specifically ordered in this public law and, in fact, has a statutory deadline for action by the Bureau. Clearly, this statute is unaffected by any committee report language, and the law remains binding on the Bureau.

Additionally, I am puzzled by this suggested target, since cutting the San Joaquin River Comprehensive Plan, either directly or through report language if possible, would not save the taxpayer any money. Indeed, the study is not even funded out of the Bureau's Operating Account. The plan was established in the statute and financed through a surcharge on the sales of water from the Central Valley project. In fact, if these funds are not spent on this plan, the law still requires that the full amount be spent on other fish and wildlife restoration efforts. There can be and will be no deficit reduction from stopping this plan.

Mr. President, in summary, I'm pleased with the Senate action. Spending cuts will occur, as agreed with the House. And the San Joaquin study will continue, as specifically directed in public law. The restoration of the San Joaquin River would bring benefits throughout California. We need to know if this restoration can occur and how it would be achieved.

Mr. ABRAHAM. Mr. President, I will vote for this rescission bill because I believe it will greatly benefit the citizens of Michigan by reducing the burden of Government spending and deficits on the economy. Each dollar that Washington does not spend on Government programs means $1 more that Americans can spend for their families.

While I did fight to restore funding for a few specific programs slated for rescission because of their critical importance to Michigan—such things as the Low-Income Heating Energy Assistance Program and the Center for Ecology Research and Training slated to be located in Bay City, MI—I do believe that this rescission package is a win for the people of Michigan because it is the first down-payment toward reducing the size and scope of Government.

Specifically, this bill will reduce Government spending by $15 billion. That represents a reduction of 1 percent of the entire Federal budget of $1.5 trillion this year—hardly a draconian reduction in Government spending as some special interest groups have claimed.

Nonetheless, these spending reductions are crucial to our Nation, and to Michigan in particular. This bill will help my State by reducing the deficit, freeing up economic resources for the economy, and job creation in particular. Moreover, American taxpayers send 25 percent of their paychecks to Washington.

Furthermore, it is clear that we need to take immediate action to reduce Government spending because projected deficits are getting larger, not smaller, under President Clinton's budget policies.

Contrary to conventional wisdom, President Clinton's budget policies have had almost nothing to do with the slight improvement in the size of the budget deficit that has occurred in recent years. According to the CATO Institute, almost all of the deficit reduction since 1992 is attributable to three main factors: No. 1, the one-time sale of assets and properties acquired by the Federal Government during the savings and loan bailout of the late 1980's—which alone has accounted for about $75 billion in deficit reduction in recent years; No. 2, reductions in defense spending resulting from the end of the cold war; and No. 3, the cyclical economic recovery that began well before President Clinton took the oath of office.

Federal spending continues to spiral out of control. Under President Clinton, the level of Federal spending as a share of the national income is about 23 percent, near historic levels. According to the nonpartisan Congressional Budget Office, unless we take action to halt the growth of Government spending, it will automatically rise from $1.531 trillion this year to $2.202 trillion by 2002.

Under the President's budget plan, deficit spending would continue to explode. The CBO reports that the annual deficit will rise from $170 billion this year to over $200 billion next year and to almost $300 billion a year over the next 4 years. Under President Clinton's policies, $1.4 trillion dollars will be added to the national debt, thereby increasing interest payments, crowding out private sector investment, and reducing the economic well-being of America's children.

I am particularly concerned about the budget crisis occurring in the Housing and Urban Development's subsidized housing program. The CBO projects that the future obligations to renew the expiring section 8 contracts will add $20 billion to the budget by the year 2000. This $15 billion rescission package would partially offset these added budget costs.

Mr. President, this rescission package is only a small example of the kind of reductions in the growth rate of

Government spending that will be required to balance the budget. According to the CBO projections, if we simply limit annual spending increases to 2.9 percent between now and 2002, we can balance the budget. In other words, achieving a balanced budget requires not absolute cuts in Government spending, but rather reductions in the rate of growth of Government spending.

Mr. President, the best thing I can do for the citizens of Michigan is to reduce the burden of Government and let them keep more of what they earn. By reducing the growth rate of Government spending and cutting taxes, we can strengthen America's and Michigan's families, businesses, and voluntary organizations. This rescission bill is an important first step in achieving the electorate's desire for smaller Government. I yield the floor.

Mr. DOLE. Mr. President, with all the rhetoric spoken over the last few days, some of us seem to have forgotten why we are here—to cut unnecessary spending. Yes, there will always be differences of opinion as to priorities, but the fundamental commitment to reassess every Federal program and reduce Federal expenditures must be paramount.

I am pleased the Democratic leader and I have reached agreement, supported by our colleagues, that will enable us to help keep our promise to the American people. In the amendment, a very limited number of programs which Members on both sides of the aisle support, have received smaller reductions in their rate of increase. At the same time, the amendment also contains a number of items that will result in additional savings being achieved. Most important to this Senator, overall the amendment will result in additional deficit reduction.

As a result of this amendment, the package we will send to the conference will contain approximately $16 billion in savings. I repeat, $16 billion—that's not over 2 years or 5 years, that's this year.

For all those who supported a balanced budget—rest assured we are committed to achieving that goal even if it means making some tough choices. Of course, the real hard decisions have yet to be made. And, we will not be deterred by the hue and cry of the last few days about all the so-called terrible things the Republicans have proposed. This bill is certainly progress, but we still have a long way to go. While I am pleased we were finally able to reach consensus—I caution everyone that the real hard choices are yet to come.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the 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 the third time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, if I could have my colleagues' attention.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. DOLE. It is my understanding there will be no requests for a vote on either side on the defense supplemental bill, no request for a vote on the contract board, the District of Columbia, no request for a record vote on child pornography, and the paperwork simplification conference report is done, and other wrap-up material with only minor changes in the Constitution.

But I just say for my colleagues, it will be our intention at 1 o'clock on Monday, April 24, to begin consideration of H.R. 956, the product liability bill, and following disposition of product liability it will be my intention to proceed to S. 652, the telecommunications bill. Votes could occur during Monday's session of the Senate but will not occur prior to the hour of 3 p.m. on Monday, April 24.

Mr. CHAFEE. How about tonight?

Mr. DOLE. This will be the last vote until hopefully April 24, after 3 p.m. There could be votes after 3 p.m. If we should decide in the interim there will be no votes, we will try to notify you the earliest possible time before you are in the air.

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 bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce [Ms. MIKULSKI] as necessarily absent.

I further announce that if present and voting, [Ms. MIKULSKI] would vote "yea."

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall vote No. 132 Leg.]

YEAS—99

Abraham	Brown	Coverdell
Akaka	Bryan	Craig
Ashcroft	Bumpers	D'Amato
Baucus	Burns	Daschle
Bennett	Byrd	DeWine
Biden	Campbell	Dodd
Bingaman	Chafee	Dole
Bond	Coats	Domenici
Boxer	Cochran	Dorgan
Bradley	Cohen	Exon
Breaux	Conrad	Faircloth
Feingold	Kassebaum	Packwood
Feinstein	Kempthorne	Pell
Ford	Kennedy	Pressler
Frist	Kerrey	Pryor
Glenn	Kerry	Reid
Gorton	Kohl	Robb
Graham	Kyl	Rockefeller
Gramm	Lautenberg	Roth
Grams	Leahy	Santorum
Grassley	Levin	Sarbanes
Gregg	Lieberman	Shelby
Harkin	Lott	Simon
Hatch	Lugar	Simpson
Hatfield	Mack	Smith
Heflin	McCain	Snowe
Helms	McConnell	Specter
Hollings	Moseley-Braun	Stevens
Hutchison	Moynihan	Thomas
Inhofe	Murkowski	Thompson
Inouye	Murray	Thurmond
Jeffords	Nickles	Warner
Johnston	Nunn	Wellstone

NOT VOTING—1

Mikulski

So the bill (H.R. 1158), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill passed, and 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 the enrolling clerk, in making technical and clerical corrections to the bill, may insert all amendments that have been adopted to the committee substitute at appropriate places in the Senate amendment to the House bill.

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

Mr. HATFIELD. I move that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ASHCROFT) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. GRAMM, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, Mr. BURNS, Mr. SHELBY, Mr. JEFFORDS, Mr. GREGG, Mr. BENNETT, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Mrs. MIKULSKI, Mr. REID, Mr. KERREY, Mr. KOHL, and Mrs. MURRAY.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators to the Commission on Security and Cooperation in Europe: the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], and the Senator from Florida [Mr. GRAHAM].

The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 99-151, appoints the Senator from Iowa [Mr. GRASSLEY] as a

member and Chairman of the U.S. Senate Caucus on International Narcotics Control.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the Senator from Iowa [Mr. GRASSLEY], vice the Senator from Ohio [Mr. METZENBAUM], to the U.S. Holocaust Memorial Council.

The Chair, on behalf of the President pro tempore, in accordance with Public Law 99–498, section 1505(a)(1)(B)(ii), appoints the Senator from Hawaii [Mr. INOUYE] to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

The Chair, on behalf of the President pro tempore, in accordance with Public Law 99–498, section 1505(a)(1)(B)(ii), appoints the Senator from New Mexico [Mr. DOMENICI] to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 5 minutes each.

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

THE HOUSE CONTRACT

Mr. PELL. Mr. President, 2 years ago, when President Clinton marked his 100th day in office, I said the occasion "should not be regarded as a magical threshold for defining achievement or failure."

The same thought applies now. This is a logical time to take stock, but the real measure of success can't be taken for many months—not until the rest of the democratic process, namely the Senate and the President, bring their perspectives to bear.

I give the new House leadership credit for lots of energy and activity in the flush of electoral victory, but this should not be mistaken for definitive accomplishment.

The fact is the Contract With America is a contract made by Republican candidates for the House of Representatives. It is not a contract made by the Senate and certainly not one made by Senate Democrats nor by the President of the United States.

Since the contract seems to be the product of pollsters and campaign consultants, it is not surprising that nearly everyone can agree with at least several of its objectives. But when we look at the fine print of some of them and when we get down to the hard job of deciding on the means for achieving those objectives, there are bound to be vast philosophical disagreements.

I certainly agree with the objectives of fiscal responsibility, welfare reform, continued action on crime control, job creation, fairness for senior citizens, and promotion of family values.

And I even agree with some of the means proposed, such as unfunded mandate reform and capital gains tax relief to create jobs, child support enforcement to advance family values and an increase in the Social Security earnings limit for the benefit of senior citizens.

But I find myself in profound disagreement with several of the major objectives as well as the means to implement them. These include:

The balanced budget amendment, which I opposed because it would have cut too much too soon.

The line-item veto, which I opposed because it yields too much congressional power to the President and because it is administratively unwieldly.

Term limitations.

Increased defense spending.

Reinstatement of the death penalty and cuts in spending on social programs, such as midnight basketball, to control crime.

Tax cuts without deficit reduction.

Welfare reforms without compassion.

Reduced support for the United Nations.

Any reduction in support for education or elimination of support for the arts and humanities.

So, Mr. President, it is far too early to tally up score cards on a contract made by one party in one House of the legislative branch. Many of us simply don't subscribe to substantial parts of it and don't believe that implementation of it in toto would be good for the country.

The streamroller needs to be slowed down and the contract needs to be pruned, modified, and in some cases excised. This is the role that the Senate is so admirably equipped to do. And only when it has done so will the revised elements of the contract be candidates for Presidential consideration. Then and only then, when the executive branch has concurred, can the final score be tallied.

As I said 2 years ago, the true measure of success should be taken over the extended timeframe of this whole process, without drawing hasty conclusions here and now; 100 days is only the first milestone of a long journey.

CONGRATULATING THE UCONN HUSKIES ON THEIR NCAA NATIONAL CHAMPIONSHIP VICTORY

Mr. DODD. Mr. President, on Sunday, April 2, the University of Connecticut Huskies made history by becoming the second women's basketball team ever to finish an NCAA season undefeated and win a national championship. The Huskies' dramatic 70–64 come-from-behind defeat of the Tennessee Volunteers brought their final season record to 35–0, the best finish by any team—men's or women's—in the history of NCAA basketball.

On behalf of the citizen's of Connecticut, I rise to congratulate and thank this remarkable group of young women.

Those who watched the game on Sunday afternoon may recall that as the Huskies celebrated their victory, the UConn pep band played Aretha Franklin's hit song, "Respect." Mr. President, there simply could not have been a more appropriate accompaniment for this long-awaited celebration. Perhaps as much as any sports team in recent memory, the UConn women's basketball team has generated the respect and admiration of all who have had the privilege of watching them play. In so doing, they have reminded the citizens of Connecticut, as well as people throughout the country, what college athletics is all about.

The Huskies' list of accomplishments on the court is nothing short of amazing. On their way to the NCAA title, they broke 14 NCAA records, including most victories, longest winning streak, most points, most points in a game and largest margin of victory. In addition, four Connecticut players—Rebecca Lobo, Jen Rizzotti, Kara Walters, and Jamelle Elliott—were named to the all-tournament team. That is the first time in history that four players from the same team have received this honor.

No less impressive than their basketball heroics are the Huskies' accomplishments off the court. Rebecca Lobo, winner of numerous individual basketball honors awarded by the NCAA and the Big East Conference this year, has maintained a near-perfect grade point average as a political science major and was a finalist for the prestigious Rhodes Scholarship. Last semester, seven of the 12 Husky players were named to the University's dean's list.

What has touched basketball fans throughout the country more than anything else, however, are those qualities exhibited by the Huskies that cannot be measured by grade point averages, records or point tallies. Anyone who saw the team play this year was struck by their tremendous enthusiasm for the game of basketball, their unwavering commitment to fair play and good sportsmanship and their obvious dedication to and respect for one another and their coaches.

In this era of season-ending strikes, multi-million dollar contract disputes, recruiting scandals and low athlete graduation rates, this group of women has reminded us that the term, "student-athlete", is not just a catch-

phrase for college brochures. It is an attainable ideal to which all college athletes should aspire, and it is what makes collegiate athletics so special.

Mr. President, it is also important to recognize what this remarkable group of young women has done for women's college athletics. This year, on average, roughly 8,000 people attended the women's home games at Gampel Pavilion, which represents a 485 percent increase over the average crowd size during their 1991 Final Four season. Young girls, with their hair braided like Rebecca Lobo or wearing replicas of Jen Rizzotti's number 21 jersey, watched the team play on national television. Autograph seekers mobbed the players before and after games, and the players' mailboxes were literally flooded with letters from fans and well-wishers.

People of all ages in Connecticut and throughout the nation caught wind of "Husky-mania" and demonstrated that women's athletics could generate every bit as much enthusiasm and spectator support as men's. Nationwide, total attendance for women's college basketball games has skyrocketed from 1.3 million in 1984 to 3.6 million in 1995.

As we look back on this spectacular season of women's college basketball, it is important that we note just how far collegiate athletic programs for women have come. Once little more than small, poorly-funded intramural organizations, women's collegiate athletic teams have begun to enjoy the same status as the men's teams. This is due in part to Title IX of the Equal Education Amendment Act, the 1972 legislation that guarantees women equal opportunity in all scholastic pursuits—including sports—at schools that receive federal funding.

Although disparities and inequities between men's and women's programs persist, it is clear that this law has forced colleges and universities to reexamine how they allocate resources. The law has helped ensure that scholarship money is available for women like Rebecca Lobo, Pam Webber, Kara Wolters or Jamelle Elliott and that the coaching and facilities provided to female athletes allow them to develop their talents to the fullest.

While it is true that we may look upon the Huskies' success as positive evidence of Title IX at work, it is also true that their accomplishments underscore the need for further progress in this area. Not all schools have made efforts to improve their women's athletic programs, and many of those that have made significant progress have yet to fully comply with Title IX.

What is clear, however, is that the American people, as evidenced by the immense popularity of the UConn women's basketball team, are ready and willing to lend their enthusiastic support to women's collegiate athletics.

Mr. President, when the Huskies traveled to Washington earlier this year, they waited in line outside a White House gate only to be told that a scheduling mistake made it impossible for them to get inside. On Sunday, after having won the national championship, Head Coach Geno Auriemma spoke with President Clinton on the phone and pointed out that perhaps the next time his team traveled to Washington, his players could enter the White House through the front door.

The President has honored his request.

Mr. President, when the Huskies walk through the front door of the White House, they will not only experience a great honor, but will also help ensure that the door remains open for future generations of female athletes.

In closing, Mr. President, I want to mention the names of all the UConn players and coaches who contributed to the 1995 undefeated title campaign: Geno Auriemma (Head Coach), Chris Dailey (Assistant Coach), Tonya Cardoza (Assistant Coach), Meghan Pattyson (Assistant Coach), Carla Berube, Kim Better, Jamelle Elliott, Jill Gelfenbien, Kelley Hunt, Rebecca Lobo, Brenda Marquis, Jen Rizzotti, Missy Rose, Nykesha Sales, Pam Webber and Kara Wolters.

I also ask unanimous consent to have printed in the RECORD an article by Owen Canfield that recently appeared in the Hartford Courant, as well as a 1992 editorial by Greg Garber, Lori Riley and Woody Anderson that was also printed in the Hartford Courant.

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

[From the Hartford Courant, Apr. 3, 1995]

THE BEST: IT'S PURE AND SIMPLE

(By Owen Canfield)

MINNEAPOLIS—Glory. Really. What a brave bunch, this UConn women's basketball team, and a fighting bunch.

The NCAA Division I women's college basketball championship flag will fly over the state university in Storrs. They should haul it down and have it dry-cleaned every day just to preserve the purity of the memorable season that ended with a surging, 70–64 victory over Tennessee at the Target Center.

The Huskies wound up 35–0. That's pure.

Hey, Connecticut, let's have a parade. Bet you already have started planning back there? Wait for us, we who traveled here to watch. We'll be home today.

UConn won all the easy ones this year, and then it won the toughest game imaginable, under the most trying, challenging conditions.

This was the time for it. Put it down as one of the more dramatic and gutty performances in the state's sports history.

"No way they can do it now," a pessimist said after Rebecca Lobo picked up her third personal foul and had to go to the bench to sit out more than 11 minutes of the first half. Then it was Jen Rizzotti, then Nykesha Sales with three personals. And Kara Wolters with two before the half ended. UConn had to alter its game and its personnel. Emboldened, the Volunteers went up by one, by three, by five, by six.

"No way," Joe Pessimist said. "It's over."

It wasn't over. It hadn't even started, friends. But you know that. You saw it, right?

Say it slowly and savor it: Connecticut is the national champion in women's basketball.

"More wins [35]," said Nykesha Sales, the 18-year-old freshman who scored 10 points, "than I won in my whole [Bloomfield] high school career. Gosh. A perfect season."

Yes sir. A perfect season. The last word.

Players on both teams cried at the end. It always happens. There are winners' tears and losers' tears. But these winners' tears were different because . . . well, can you picture Jamelle Elliott crying over anything? She is the toughest person on the team, maybe the toughest in all of women's basketball while the game is in progress. But when this game ended, while Rebecca Lobo ran in a wide semicircle with her hand in the air and the ultimate triumph on her lips, Elliott stood flatfooted in one spot on the court and did a little public bawling.

Well, this was the time for it. There were no more games to win, no more criticism to answer and no more people to fling doubts.

Win one like this and the job is finished. Time now to be human and celebrate not only with cheers and hugs and high-fives, but celebrate within yourself. That's what Elliott was doing, having a happy, moving little private party inside. Expressing love for her teammates is what she was doing.

She was celebrating the perfect season the perfect way.

The losers' tears were not bitter ones, though this was a bitter loss for Tennessee because, as Carla Berube said, "We gave them everything they could have wanted. Maybe we wanted it more."

Berube, the wiry reserve who, like Sales, simply had to make the plays this day because at times there was no one else, wore a cap that said "National Champions" in bold blue across the front. She sat in a chair in the locker room, cool as ice, but her eyes were dancing.

"You are not as big as those Tennessee kids," a man said. "Tiffani Johnson, Vonda Ward, Abby Conklin, Dana Johnson . . . they're a lot bigger. And they're athletes. But you got some rebounds [three] and you played some defense. You were tough."

"I'd better be tough," Berube said. "I practice against Rebecca Lobo and Jamelle Elliott every day. I'd better be."

Referee Dee Kantner is said to be one of the best in the business, but it appeared to Connecticut people she was calling them a little too close. UConn does not have the depth of Tennessee, and coach Geno Auriemma had to improvise as never before after Lobo, Wolters and Rizzotti all got in first-half foul trouble. At time all three were on the bench, which meant that the responsibility fell to Berube, the soph, and Sales, the frosh.

Did you say tough?

"I think I got rid of my nervousness in the last game," Sales said. She didn't have to mention it. She did amazing things with the ball, made some astonishing championship moves to the hoop, and played 33 minutes because the team needed her.

"Today I started off well and that's always good," Sales said. "Coach hasn't said anything to me [after a weak showing against Stanford]. He never puts the pressure on me."

There was pressure enough in this game to buckle an old colonel going under fire for the

thousandth time. But these UConn women didn't budge.

So, you go ahead and arrange the parade. The whole state will come. And let's have Rebecca ride in the lead limousine and be governor for a day. She's a straight-A political science major, you know.

But wait for us, will you?

Glory, what a story.

[From the Hartford Courant, May 24, 1992]

WOMEN'S PROGRESS IN COLLEGE ATHLETICS

(By Greg Garber, Lori Riley and Woody Anderson)

When Jaymie Hyde arrived at the University of New Hampshire four years ago, she looked past the cracked public tennis courts, the 15-year-old uniforms that didn't fit, and the lack of scholarships. She was just happy to play tennis.

Then, last July, New Hampshire took that away, too.

After the shock of the program's elimination wore off, Hyde did something about it. Like so many young female athletes, Hyde, 21 of Essex, had never heard of Title IX of the Equal Education Amendment Act, the law that gave women equal opportunity in all scholastic pursuits, including sports, at schools that receive federal funds.

She learned quickly.

Led by Hyde and her mother, the 11 women's tennis team members hired Washington attorney Arthur Bryant and threatened to sue the Durham University. After all, the school's budget cuts didn't affect the men's tennis team.

The university capitulated. The two parties reached an out-of-court settlement March 12. New Hampshire reinstated the team and agreed to implement a five-year plan to upgrade its women's athletic program.

"I hope from this whole thing that everybody else realizes that you don't have to sit around and let it happen," Hyde said. "We didn't know about Title IX, which is kind of funny. I sort of felt stupid."

Title IX marks its 20th anniversary next month. With regard to sports, the law insists that the ratio of male and female athletes be proportional to that of the student body.

Though some progress has been made, women in college athletics are still struggling for equality nationally and in Connecticut. And with many colleges now hard-pressed economically, women's programs seem unlikely to expand in the '90s.

"In the '70s and '80s, women's athletics expanded and left us with extravagant expectations," said Judith A. Davidson, athletic director at Central Connecticut State University in New Britain. "Now we're in retrenchment."

And yet, women are curiously quiet. Although men outnumber women in collegiate athletics by about 2-to-1 in Connecticut, the federal agency responsible for enforcing Title IX has received no complaints about the state's schools in the last two years. Nationally, in two years, the agency has received only 20 college complaints.

Many in college athletics do not understand their rights. And many are not as willing as Jaymie Hyde to fight for them. Some fear reprisals from those in charge.

Nationally, women collegiate athletes are also outnumbered 2-to-1. Some say that is not because of a lack of opportunity, but a lack of interest.

"I think every male and female athlete on campus should have the same opportunities," said Carolyn Vanacore, a former physical education department chairwoman and professor emeritus at Southern Connecticut State University in New Haven. "But there do not appear to be as many women interested in sports as men."

Others argue that lack of women doesn't necessarily mean lack of interest.

"For years, athletic departments have contended that women just don't want to play sports in the numbers that men do," said Lyn St. James, the president of the New York-based Women's Sports Foundation, a non-profit organization dedicated to promoting and enhancing sports for girls and women.

"They say, because of football, there will be more men playing sports than women. Perhaps there may always be a few more male athletes than females, but the kind of disparity that we now see—a 70-30 ratio in Division I schools—is due to a denial of opportunities rather than a lack of interest."

What happened at Washington State University supports the point. After the school was found in violation of Title IX, it added women's soccer and crew teams. As a result, the percentage of women athletes increased from 29 to 44.

"If the opportunities are there," St. James says, "women will play."

In compliance or not? Title IX is so complex and unwieldy—there are 14 major criteria to judge whether a school is in compliance—that it took 16 years of debate and lawsuits to define the law so it could be enforced. The Office of Civil Rights (OCR) is responsible for enforcing Title IX, and there is sharp disagreement over whether it has done its job.

"We had a chance to move into a period of permanent equity," said Jeff Orleans, who helped write Title IX as a lawyer in the Civil Rights Division of the U.S. General Counsel's Office. "But there was no federal leadership for the colleges. It was disappointing that there wasn't [OCR] enforcement."

Most of Connecticut's colleges and universities say they think they are in compliance with the law, but no one is sure.

At the state's 18 four-year colleges, male athletes outnumber female athletes almost two to one, 3,975 to 2,089. Yet full-time female undergradutes outnumber males by almost 2,500.

At only two Connecticut schools—the University of Bridgeport and the U.S. Coast Guard Academy in New London—is the number of women athletes in proportion to the number of students.

In the state's worst case, female students outnumber males at Sacred Heart University in Fairfield. Yet, its 40 female athletes are outnumbered by male athletes by more than 5-to-1.

Double standards? Clearly, there are disparities large and small.

At the University of Connecticut, male athletes always have been given jockstraps as a matter of courses. Not until 1990 were female athletes given sports bras. At most other Connecticut schools, men are given jockstraps, but women buy their own athletic bras.

At Quinnipiac College in Hamden, the men's basketball coach is a full-time employee; the women's basketball coach is part time. It is the same with the track program at Central Connecticut State University.

At Yale University's ancient Payne Whitney Gymnasium, women athletes still walk into women's bathrooms and see urinals, leftovers from Yale's pre-coed days.

This year at Central, the football and men's basketball teams traveled to games in buses with hired drivers, while coaches drove all other sports teams in vans.

These slights hint at larger imbalances.

A recent National Collegiate Athletic Association (NCAA) study shows that:

The average Division I school spends $849,000 on scholarships for male athletes and only $373,000 for women.

Division I schools spend nearly five times more recruiting male athletes than women athletes. Much of the spending is for recruiters' and recruits' travel.

Division I schools spent nearly 3½ times more on men's sports than on women's.

Closing the gap? "Gender equity: It's the hot topic of the 90s," UConn athletic director Lew Perkins said. "Everybody's just beginning to talk about it. I'll be honest, like many schools we don't fully understand it. That's why we're studying it. We need to find out where we are."

Even armed with the thick title IX manual and a battery of lawyers, schools have found that is not easy.

For example, if numbers are awry, but a university determines by studies and surveys that there is no interest in a particular sport on campus, then the school may still be in compliance.

About seven years ago, a women's softball club was formed at Connecticut College. Last spring, the 30-member club petitioned for varsity status. The proposal was approved by the student advisory board but was turned down by the administration. Athletic director Charles Luce said lack of space on campus for a softball field was the main reason. The club pays to play at a public field in Groton.

Luce, who is retiring this summer, said the school does not discriminate against women athletes. There are more women's teams (12) than men's (11), but 18 fewer women athletes than men, and 240 more women students than men overall.

Does this put Connecticut College out of compliance with Title IX? Luce, who wasn't sure what the participation numbers were, doesn't think so. "We try to bend over backward to make sure we don't" discriminate.

Under Title IX, lack of facilities or money are not acceptable reasons for not adding a women's sport when there is interest and women are underrepresented.

Kathryn Reith, director of communications and advocacy at the Women's Sports Foundation, said the school's decision on softball "could be a violation." Reith recently produced a Title IX guide, "Playing Fair," for high school and college sports. "They have more than enough players, a demonstrated interest. The school should add the team."

Terry Perreault, a junior softball captain, didn't understand how Title IX could help her club become a varsity sport. Her coach, Deana Kiefer, doesn't want to challenge Connecticut College's administration.

"I think if we keep petitioning, we'll get it sooner or later," Kiefer said. "I'm not going to go sue for it; what are my chances of being the varsity coach if I did?" What is compliance? There are other factors by which compliance is measured, including the amount and quality of equipment, locker rooms, practice facilities and playing fields.

When assessing compliance, an overall comparison must be made between men's and women's programs. For example, if an assistant coach is provided for the men's basketball team and not the women's, a school could still be in compliance if another men's team did not have an assistant coach.

At the team level, comparisons of similar sports, such as baseball and softball, are also valid, even if the program is balanced overall. So, if the baseball team travels by airplane and the softball team uses a van, that

could be a violation, depending on the distance traveled.

When University of New Hampshire administrators eliminated women's tennis, they believed they were still in compliance because they also cut men's wrestling. But when the tennis team threatened to sue, the OCR informed the school that they were out of compliance. Since women were already underrepresented in athletics, cutting one sport for each sex maintained the disparity.

At Yale, 36.3 percent of all athletes are women, based on the team rosters, while 44.2 percent of Yale's undergraduates are women.

Yet Barbara Chesler, Yale's associate athletic director, said her sports program would have been in compliance even if women's ice hockey had been cut, as was rumored last spring.

Members of the ice hockey team's alumni association and parent support groups contemplated suing the university if their team was eliminated. After consulting with the OCR, Yale cut men's water polo and wrestling instead.

College administrators often say, "If you don't count football, we're fairly equitable." Before Title IX took effect, the NCAA unsuccessfully tried to exclude football from the legislation.

Title IX makes no distinction between revenue-producing sports, such as basketball and football, and non-revenue sports such as cross country and swimming.

But if football is removed, more men than women still participate in sports at most schools. The University of New Haven, for example has 147 male athletes and only 46 female athletes even when the football team isn't counted.

That means men athletes would outnumber women athletes by 3-to-1 although they outnumber women only 2-to-1 in the student body.

"If we're out of whack there, we're out of whack in the other areas," said Debbie Chin, New Haven's associate athletic director. "I take the blame for this."

Glass ceiling drops while women are underrepresented as athletes, the situation with coaches and athletic program administrators is worse. While about one of every three college athletes is a woman, less than one of every four college coaches is a woman. And only one of every 17 athletic directors is a woman.

Title IX does not say anything about the hiring of women coaches or administrators; ironically, it has led to a decrease in the number of women in coaching. Only 65 of 139 women's teams in the state are coached by women. Nearly all women's teams were coached by women before Title IX. But when the visibility and pay increased, so did men's interest in applying for the jobs.

Fifteen of the state's 18 schools have male athletic directors. Nationally, there are only 57 women directors among the 860 coed college athletic departments.

"The glass ceiling in the gymnasium appears to be even lower than in the nation's business office," said Brooklyn College physical education professor Vivian Acosta, a leading authority on women in sports. "In athletics, it appears that women are being carved out of the work force."

Six years ago, UConn associate athletic director Pat Meiser-McKnett found herself discussing the vacant athletic director's job at Virginia Commonwealth University in Richmond with the school's president at the NCAA convention. The conversation took place in a hotel lobby and lasted less than 30 minutes. Meiser-McKnett submitted a three-page letter to VCU, but was not formally interviewed.

Months later, Meiser-McKnett was stunned to read in The Courant that she was one of three finalists for the job.

"I was furious," Meiser-McKnett said. "It was so absurd. They were suing me to fill the slot—I was the token female."

VCU officials say they did not release Meiser-McKnett's name as a finalist. However, John Packett, a reporter at the Richmond Times-Dispatch, says he got his information from a university source.

It was, Meiser-McKnett says, the Old-Boy network at work. According to a 1988 Brooklyn College study by Acosta and fellow professor Linda Jean Carpenter, the Old-Boy network—made up of males in power who aren't willing to recognize women as equals—is the main reason women don't get hired by athletic departments. As a rule, men have been in power longer and there are vastly more of them.

"Who do they look [to hire]?" said Linda Wooster, director of women's athletics at Quinnipiac. "People not posing a threat, people they're comfortable with. It's frustrating sometimes."

In the Ivy League, all eight athletic directors are men. Meanwhile, 13 of the 28 associate athletic directors are women. Recently, Columbia University in New York had the chance to break up the male monopoly.

"I was approached last year by a search firm about the AD's job at Columbia," said Davidson, Central's athletic director. "The four finalists were two women [including Davidson] and two minority men. And then, they decided to reopen the search.

"They hired a white male who fits the traditional image of an AD. You can't tell me of those four people there wasn't one qualified. I just don't think the Ivy League is ready for a woman AD."

Fred Knubel, director of public information at Columbia, said "Davidson's inference is incorrect.

"The search for an athletic director was continuous until a consensus was reached," he said, reading from a statement. "Special efforts were made to seek out minorities and women. Along the way, a number of strong candidates withdrew, including one woman who did so for personal reasons at the last moment."

Often, there is a smaller pool of qualified female applicants than male for each open position. There is also a feeling among some women in athletic administration that women are less willing to work through the low-paying low-status coaching and administrative positions.

"Men, for whatever reasons, are more willing to take those entry-level jobs," Davidson said. "They will do anything they have to to succeed. I think part of it has to do with the opportunities that are opening up for women. There are more women lawyers, doctors. It leaves the women's athletic pool smaller."

UConn women's basketball coach Geno Auriemma bristles when people say men are intruding on the women's game.

"People see me in this big beautiful office inside Gampel Pavilion and say, 'How does he get that?' This is my 17th year of coaching. Those five years I coached high schools, I spent working three jobs trying to do that."

The early years as difficult as things seem for women in athletics today, it used to be worse.

In 1979, a patch of grass between two dormitories passed for the varsity softball field at Eastern Connecticut State University in Willimantic. When coach Clyde Washburne hit balls in practice, he had to compete with errant Frisbees and footballs.

Meanwhile, the baseball team enjoyed a state-of-the-art facility. The baseball coach was athletic director Bill Holowaty. "I told the athletic director, I told the president, that it wasn't fair to my players safety-wise or to me as a teacher," Washburn said. "By the time practice began, you were angry. It was hard to not take it out on the players."

Washburne, who would win four national Division III softball titles before retiring in 1988, took it out on Eastern Connecticut instead—by way of the Boston OCR. After the OCR descended on Eastern and tied up the athletic director's and president's office for several weeks with paperwork, the money for a new fenced-in field and dugouts suddenly appeared.

Said Holowaty: "When softball saw what we [baseball] had, they had to have it, too. I said to Clyde, 'Fine. I agree with you.' But people forgot how many years it took us to get our field, and we did it with private money. It took us 11 years to get lights. You don't do it overnight and you don't tear down a successful program to build something else. They got a softball field a lot quicker than we got our field."

After they framed the dugout roofs, Washburne told the OCR he was satisfied and its investigators returned to Boston.

But when the complex was built, the softball players would look up through the skeleton of the dugout frame at the dark sky and say, "Isn't this a great place to get in out of the rain?" It was two years before roofs were added.

At some colleges, the scramble to accommodate women led to controversy.

Fred Barakat, the former Fairfield University men's basketball coach, was furious to discover one day, in the mid-1970s, that his office was literally cut in half to make room for the women's basketball coach.

"There was no warning. I was shocked by it," said Barakat, now the assistant commissioner of the Atlantic Coast Conference.

"I was on the brink of something good. I wanted to show recruits what other Division I programs were showing recruits, like a nice office. None of us were ready for it. Coaches didn't understand it."

Now, Barakat says of equal opportunity for women: "It's here to stay and we'd better dance with it."

In 1975, UConn offered 12 sports for men, eight for women. Women's soccer, a fledgling sport nationwide, was not one of them.

Felice Duffy grew up in Storrs as part of a large soccer-playing family. When she went to UConn and found no team, she lobbied for one. She said the administration told her and the 78 members of her women's soccer club they would have to wait eight years for a varsity program.

Duffy didn't have eight years.

Realizing athletic opportunities for men outnumbered those for women at the school, she contacted lawyers and then-U.S. Rep. Christopher Dodd, D-Conn., and finally filed a Title IX complaint. After a year of club status and a year of "trial varsity" status, Duffy got her varsity team and became an All-American.

Duffy now coaches the Yale women's soccer team, which loses to UConn's nationally ranked program every year.

In the early 70s, most women were simply content to play sports for the first time. Whatever accompanied that new-found privilege—scholarships, practice uniforms, new

equipment—was more than most expected. At Trinity, for instance, coach Robin Sheppard's field hockey team happily accepted castoff football jerseys as their first uniforms in 1974.

Originally, colleges and secondary schools were given six years, until 1978, to comply with the 1972 law, but progress was slow. Then, Title IX lost most of its punch in 1984, when the Supreme Court ruled that the law's protection extended only to programs directly receiving federal funding, not to the institution as a whole.

It wasn't until 1988 that the Civil Rights Restoration Act, spearheaded by then-U.S. Sen. Lowell P. Weicker Jr., R-Conn., and fellow Sen. Edward Kennedy, D-Mass., put the teeth back into Title IX.

An awakening Before this year, school officials would get their hands slapped for discriminating against women.

But this past February, the Supreme Court sent a strong message to schools who practice discrimination. For the first time, the justices agreed to permit a plaintiff to recover monetary damages in a Title IX case. A young woman from Georgia said she was forced into a sexual relationship by a male athletic coach and economics teacher while she was a high school student. A lower court had refused to allow her to seek damages.

Many believe this decision will encourage more women to file Title IX complaints.

"Now," said Donna Lopiano, executive director of the Women's Sports Foundation and a Southern Connecticut graduate, "all the major civil rights issues are at the beginning of a new cycle. People are trying again to get homosexual, racism, sexism issues on the table. I see that as a national trend."

To upgrade the women's program at Temple University in Philadelphia, athletes pursued a Title IX lawsuit through the courts for almost a decade. Female basketball players at the College of William & Mary in Williamsburg, Va., and the University of Oklahoma in Norman threatened lawsuits to keep their teams from being cut.

Like New Hampshire's Hyde, they took matters into their own hands. Still, women like Hyde remain in the minority.

"I had one athlete say the other night, 'Title 19, or whatever . . .' It makes me sad," said Quinnipiac's Wooster. "Kids in this day and age expect these opportunities."

TRIBUTE TO COLLEGE BASKETBALL STAR, REBECCA LOBO

Mr. DODD. Mr. President, I rise to pay tribute to Rebecca Lobo, who this year led the University of Connecticut women's basketball team to an undefeated season and a national championship. I have already spoken at length about the team's accomplishments—its 35 to 0 perfect record and its dramatic come-from-behind national championship victory. I want to take this opportunity, however, to focus on Rebecca Lobo, whose tremendous athletic skill and personal character have captured the imagination of people throughout the Nation.

Mr. President, contemporary writers, pundits, and philosophers have long bemoaned the absence of leadership figures worthy of our emulation and adoration. Young Americans are frustrated by athletic heroes who fail to lead exemplary lives off the playing field, politicians who seem focused solely on their re-election prospects or movie stars whose real-life personas pale in comparison to those of the characters they portray on screen. In Rebecca Lobo, however, America has found a role model that not only meets our expectations, but exceeds them.

Ms. Lobo's accomplishments on the basketball court are well known. On her way to leading the Huskies to an undefeated season and national championship, Lobo averaged 17 points, 10 rebounds, 3.5 blocked shots and 3.7 assists per game. She was named a first team All-American and the national player of the year, and, despite having to sit out much of the first half with three fouls, sparked the dramatic second half come-from-behind victory over Tennessee in the NCAA championship game.

Her accomplishments in the classroom are equally impressive. As a political science major, Ms. Lobo has maintained a 3.63-grade point average and was a nominee for the prestigious Rhodes scholarship. She was also named a first team Academic All-American both this season and last.

Yet what sets this talented young athlete apart is not just her athletic or academic accomplishments, but her care for and commitment to her teammates and her fans.

As Connecticut head coach, Geno Auriemma is quick to point out, Rebecca's greatest weakness as a player is that she is too unselfish and too unwilling to grab the spotlight. Foremost in her mind is her connection and responsibility to her team, a trait which is shared by all her fellow Huskies and which is undoubtedly the source of their great success.

Mr. President, beyond Rebecca Lobo's athletic and academic accomplishments lies her ability and willingness to reach out to her numerous fans and admirers. Along with her teammates, Rebecca made it a point to chat with fans and sign autographs for an hour after each game. Despite being overwhelmed by letters, she has devoted hours of her time to personally answering each and every piece of correspondence she has received, and she has been a regular at summer basketball camps and clinics, where she has patiently worked with aspiring basketball stars of all ages.

Mr. President, Rebecca Lobo has reminded people of what being an athlete, a student, and a human being is all about. She has struck a balance and a harmony between her goals and those of the people around her. In this day and age, when millionaire athletes defiantly proclaim on television commercials that they are not role models, Rebecca Lobo reminds us that being a role model is not a blight but a privilege. It is a privilege for her to be afforded the opportunity to showcase her array of talents, and it is a privilege for us watch her and urge others to follow her lead.

In closing, Mr. President, I ask unanimous consent that an article written by Ira Berkow that was printed in the New York Times be printed in the RECORD.

[From the New York Times, Mar. 3, 1995]

UCONN CAN COUNT ON LOBO

(By Ira Berkow)

MINNEAPOLIS.—Rebecca Lobo's parents hadn't spoken with her before the game, the game yesterday afternoon that would decide the N.C.A.A. women's national basketball championship between Connecticut and Tennessee.

"We rarely do talk with her beforehand," said her mother RuthAnn, in section 129 of the Target Center arena. "But we can guess how she's feeling: anxious."

A couple of hours later, with 28.9 seconds left in the game, RuthAnn and her husband, Dennis, were the obviously anxious ones, as they leaned forward in their seats. Becca, as they call her, was stepping to the free-throw line. It was perhaps the single most important moment in their daughter's brilliant athletic career—no, her brilliant college career.

After all, Rebecca Lobo, the 6-foot-4-inch senior forward with the French braid and the determined demeanor, the player who sparked a 70–64 victory in the championship game to complete an undefeated season, is Connecticut's basketball version of Frank Merriwell, Eleanor Roosevelt and Larry Bird all rolled into one. For the last two seasons, she has been first-team all-American. In her spare time, the political science major has been a candidate for a Rhodes scholarship.

She epitomizes the women's game, because for the most part the women are truly scholar-athletes, not just jocks majoring in eligibility with dreams only of slam-dunk highlights in the pros.

And she is part of a game that is substantially different from the men's game, one in which egos seem to meld into the concept of the team, and which makes the game so satisfying for a basketball fan.

And this moment on the free-throw line was what one dreams about, or sweats over. Lobo's Huskies were up by 3 points, 65–62. She has a one-and-one: if she makes the first she gets a second.

If she misses either, Tennessee is still in the game.

Now, Lobo bounces the ball and looks up at the rim.

It had been a long, long day for Lobo, a day in which she quickly picked up three fouls and played just eight of the 20 minutes in the first half, scoring just 3 points.

And when undefeated Connecticut went into the locker room at halftime, the team was losing by 38–32. It was only the second time this season that UConn was behind at the half, the first being last week in the East regional final, when it came back from a 7-point deficit to beat Virginia.

Could the Huskies do it again?

Lobo returned to the lineup for the start of the second half, though she still seemed away from the action, affected by her fouls. But her teammates were keeping the team in the game: Jen Rizzotti, the guard who was aptly described as being all ponytail and knee guards, stole a pass, hit a drive; Jamelle Elliott, the junior from Washington's inner city whom Coach Geno Auriemma calls their rock, battled for rebounds and banked in a shot, and Nykesha Sales, the smooth but sometimes nervous freshman, hit a key 3-pointer.

Then Lobo struck, again and again: she hit a spin shot, threw in a drive, sank a jumper from the left side, and then another from the right side, and Connecticut was back in the ball game, 3 points off the lead, with seven minutes to go.

"When the game is on the line," said Pat Summitt, the Tennessee coach, "you naturally go to your all-American."

One recalled the time last year when Rebecca learned that her mother had breast cancer, and she broke down in tears. Her mother said, "You do what you have to do, and I'll take care of my end."

RuthAnn's cancer is in remission, and she never misses a game, because Becca says she always wants her there.

And so it seemed not unusual for Rebecca to be taking responsibility, on or off the court. RuthAnn remembers a significant moment, when Rebecca was 6 years old, and had taken an eraser from the home of Mrs. Lukasik, a neighbor in Southwick, Mass.

"I told Rebecca that the eraser wasn't hers, and she had to return it," RuthAnn said. "And I watched as she walked, sobbing, to Mrs. Lukasik's house. It broke my heart to see it, but I think it helped her understand right from wrong. And to think about other people."

If there was one criticism Coach Auriemma had of Lobo, it is that she has sometimes thought too much about other people. He had wished her at times to be more selfish, to shoot more. But the blend was there in this game.

And now on the free-throw line she had a chance to ice the proceedings. Lobo made her first free throw and with that her teammates on the floor mobbed her. RuthAnn, in section 129 and seated beside Dennis, clasped her hands in anticipation of the second free throw.

Rebecca bent, perched the ball near her ear, and let it go. It sailed right through the hoop, giving Connecticut the lead, at 67-62, that they would not relinquish.

Shortly after the victory, it was announced that Lobo had been named the outstanding player in the Final Four.

It was a hugely satisfying comeback for the Huskies, for a couple sitting in section 129 and for Becca Lobo. The fans cheered, the band blasted, and the team zealously cut down the nets.

As for Mrs. Lukasik, one imagines that she still has her eraser and the memory of a little girl who grew up to become a national champion.

IN RECOGNITION OF THE ONE-HUNDREDTH BIRTHDAY OF FREDERICK BENSON OF BLOCK ISLAND, RI

Mr. CHAFEE. Mr. President, it is my honor and privilege to pay tribute to Mr. Frederick Benson of Block Island, RI, in recognition of his one-hundredth birthday on April 14, 1995.

In the 92 years Fred has lived on Block Island, since arriving as an orphan in 1903, he has immersed himself in almost every level of community activity on this small, close-knit island. His impressive list of efforts on behalf of the community include service as the island civil defense director for 12 years, police commissioner, first captain of the local rescue squad, and president of the Chamber of Commerce five times. In recognition of his selfless devotion he was chosen as Block Island's Man of the Year by the Chamber of Commerce in 1972.

But it is the children of this picturesque wind-swept island, 11 miles off the Rhode Island coast, that have benefited the most from Fred's unbounded generosity. After winning the lottery in 1976, Fred announced the money would go into a scholarship fund for worthy Block Island students. Since 1977, scores of Block Island High School graduates have been awarded Fred Benson scholarships.

Many Block Islanders have fond memories of Fred from their school days. Beginning as the island's high school baseball coach, Fred went on to teach auto shop, carpentry, machine repair, and driver instruction until he retired at the age of 69. His contributions to the youth of Block Island have extended to many generations, and the island is richer for it.

I commend Mr. Benson for his years of selfless community service and wish all the best to him and his many island friends. Mr. Benson is a truly remarkable man and a distinguished educator. I am proud to honor him on this joyous occasion.

TRIBUTE TO MARTHA HANSON KILPATRICK

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of the best teachers I ever had, Martha Kilpatrick. She taught me at Colbert County High School and has kept in touch over the years by attending my town meetings in Reform, AL, her hometown, and by sending me letters and news clippings from time to time. She is a dear friend to me, and I know she had a great deal to do with guiding me at an early age and pointing me in the right direction. Her wisdom, advice, and encouragement were helpful to me not only as a student long ago, but also throughout the several stages of my career.

It might surprise my colleagues to learn that I still have former teachers who are alive and well, but Martha is indeed among them. On April 25, she will turn 80, and Reform is planning a gala celebration of this milestone in her life, to take place on the 22d at the Methodist Church there. She will be surrounded by many friends and family members, each of whom have been influenced by Martha in special and unique ways.

Martha Hanson was born in Columbus, MS, and as a baby moved with her family to Carrollton, AL, where she spent her formative years. Her family later moved to Reform, where she graduated high school. That same year, she entered Alabama College at Montevallo, now the University of Montevallo, where she majored in education. Her entire career was spent as a teacher in Alabama and Georgia. Her husband, Wilbur Kilpatrick, was born and raised in Reform, and although they lived in a variety of places during their married life, Reform was always home to them.

Martha continued her own education in Atlanta, earning her masters degree and teaching in that school system for many years. When their children, Kay and Joe, were grown, Martha and Wilbur retired and moved back to the quiet peace of their roots in Reform, where she remains today. She has three grandchildren and four great-grandchildren.

Her home is a virtual museum of the things she has collected over the years—bottles, stamps, salt and pepper shakers, antique Christmas ornaments, pictures, linens, glassware, and books. Her husband has passed away, and Martha lives alone in the large, comfortable museum of her life. She stays busy doing things for others, as she has always done.

One of Martha's great characteristics is making and keeping friends. She is perhaps her local post office's best private customer, keeping an active correspondence with friends and family all over the world, including myself. She never forgets birthdays, anniversaries, special holidays, and her cards saying "Get well soon" or "With deepest sympathy" are always the first to arrive when a crisis hits.

Martha Hanson Kilpatrick has been one of the true treasures of my life and the lives of many others. I am proud to commend her on an outstanding life, one that has been lived out in the best American tradition, her nurturing of young minds, and her sincere love for family and friends, whom she counts as her most valuable collection of all. As she turns 80 later this month, I trust those many family members and friends will reflect on the outstanding qualities this extraordinary lady has exhibited throughout her life. We can all learn from her.

ALABAMA BUSINESS CONNECTIONS 1995

Mr. HEFLIN. Mr. President, each year, the Alabama Minority Supplier Development Council holds a major event known as Alabama Business Connections. This year, it will be held in Birmingham June 27-29, when more than 5,000 individuals and businesses will be actively participating.

During Alabama Business Connections, suppliers and purchasing personnel from majority and government organizations network and exchange information in order to develop mutually-beneficial business opportunities. This important event also furthers the year-round efforts of the Alabama Minority Supplier Development Council. The council is dedicated to providing economic and educational opportunities for certified suppliers and corporate-government members.

I am proud to call the attention of my Senate colleagues to the vital work accomplished each year during Alabama Business Connections, and wish the Alabama Minority Supplier Development Council all the best for a successful event this summer. They are to be commended for their outstanding work toward the cause of furthering business opportunities for minority suppliers.

REINVENTING PUBLIC BROADCASTING

Mr. PRESSLER. Mr. President, another thoughtful voice has joined the debate in favor of reinventing public broadcasting. Jack Kemp has written an article, published in today's Wall Street Journal, making the case that public broadcasting can be reinvented and become self-funding. This would be a win-win proposition for taxpayers, for television and radio audiences, and for the public broadcasting industry.

Secretary Kemp's analysis is timely, because through the rescission bill Congress has an opportunity to begin an orderly and reasonable phasing out of Federal subsidies for public broadcasting. I support the approach of the House of Representatives, to begin phasing out the subsidies in a significant measure, now.

Secretary Kemp just this week has been named chairman of the new National Commission on Economic Growth and Tax Reform. This is by appointment of Majority Leader DOLE and Speaker GINGRICH. Secretary Kemp is superbly qualified for this position. I offer Secretary Kemp my hearty congratulations.

Mr. President, I ask unanimous consent to have printed in the RECORD Secretary Kemp's article, entitled "Privatizing PBS Doesn't Mean Killing Big Bird," from today's Wall Street Journal.

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

[From the Wall Street Journal, April 5, 1995]

PRIVATIZING PBS DOESN'T MEAN KILLING BIG BIRD

(By Jack F. Kemp)

Politics doesn't have to be a zero-sum game, even when it comes to budget cutting—and especially when it comes to as contentious an issue as cutting the public television budget. I believe it's possible to find a compromise where both sides of this debate emerge winners and happy.

First, let's look at the impasse we seem to have reached in Congress. On the one hand, we have a new generation of Republicans who are absolutely serious when they talk about limiting the size, scope and power of the federal government. For these "neo-Federalists," it isn't enough that a program have some positive benefits or a committed political constituency (almost all programs do); there must be a compelling reason why the federal government, as opposed to state and local governments, or the private sector, is involved. As they have said, no domestic program, except Social Security, will be exempt from scrutiny.

Energizing the neo-federalists is a budget deficit that they have claimed they could get under control, when no one else could—and to a great extent, they realize that their political legitimacy rides on making good on their promise. The almost $300 million yearly subsidy to the Corporation for Public Broadcasting (CPB) will add up to almost a billion dollars over the next three years. That's not chicken feed, even for Big Bird.

On the other hand, there are large numbers of people inside and outside Congress who value public broadcasting. Leaving aside for a moment questions of political bias, they have for many years found on the PBS stations quality programming that is hard to find elsewhere. those with young children especially value what I would call the "trust factor," the fact that one can leave one's children watching PBS without having to constantly monitor the TV for fear that they will be exposed to the kind of mind-numbing violence so common on the other stations. For adults, the "MacNeil-Lehrer Newshour" provides a similar respite from "sound-bite" news programs.

What is the solution? It lies, as it so often does, in a growing, technologically expanding private sector—in a future that is bigger than the present, where one person doesn't have to lose for another to gain. Where both sides can be winners.

The following is a brief sketch of how the CPB can be privatized in such a way that it emerges stronger, healthier and in a better position to continue the kinds of quality programs that many admire it for.

It must first be stressed that "privatization" does not mean "extinction." Far from it. Look at Britain's experience: British Airways, British Telecom and British Petroleum are good examples. In our own country, Conrail has benefited from privatization. Privatization is the new rage in our nation's cities and towns because local governments have found that services are often delivered better when they are transferred back to the private sector.

The fact is, as many on the side of public broadcasting concede, the CPB, like most government-funded agencies, has its share of waste and redundancy. An analysis by the Twentieth Century Fund found that 75% of its budget went to overhead (including inflated executive salaries). The most expensive, and least necessary, expenses are the number of stations that carry its programming. ABC, the largest network, has 221 stations. NBC has 213. CBS and Fox have 208 and 201 stations, with sometimes as many as four or five signals serving essentially the same market.

As part of any privatization scheme, CPB should be asked to choose a core group of, say, 160 stations that would cover the entire country. All other stations would have the opportunity to "merge" into the core station that served their market. PBS could shift the licenses of the "non-core" stations to commercial usage and auction them off to the highest bidder. The proceeds would go to a National Programming Endowment that would be administered by PBS and used to make the network self-sustaining.

Pro-PBSers should realize that spectrum auctions are no small potatoes. Even with the current technology, PBS could garner some $2 billion from auctioning off its redundant stations. But the technology is changing, making each one of these station's signals potentially many times more valuable. Meanwhile, the market is getting more competitive as the newly created networks of United Paramount and Warner Bros. scramble to pick up affiliates—and that pushes value up, too.

A conservatively estimated endowment of $2 billion would eliminate PBS's need for federal subsidies. CPB—which currently administers government subsidies to PBS—would no longer need to exist, eliminating an expensive layer of bureaucracy. Certainly, PBS's cushy executive salaries would have to be trimmed to be more in line with the private sector, but each core station would receive increased membership contributions (from the redundant "non-core" stations that have been eliminated), as well as corporate and foundation grants. Meanwhile, PBS would, by dint of necessity, become entrepreneurial by developing and owning shows that it would sell around the world, as well as merchandising rights to its children's productions (an area of funding that officials admit they have not taken proper advantage of).

Will there be resistance to this plan? Yes, by those who distrust the private sector, no matter what. And by those politicians who like having a PBS station in their district that is required to carry local school board or city council meetings, giving incumbents a free platform. But for those who honestly want to cut the budget deficit, and for those who care about the future of PBS, this is a plan that makes everyone a winner.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredible Federal debt which long ago soared into the stratosphere is in about the same category as the weather—everybody talks about it but almost nobody had undertaken the responsibility of trying to do anything about it until immediately following the elections last November.

When the 104th Congress convened in January, the U.S. House of Representatives approved a balanced budget amendment. In the Senate all but one of the 54 Republicans supported the balanced budget amendment but only 13 Democrats supported it. Thus, the balanced budget amendment failed by just one vote—there will be another vote later this year or next year.

As of the close of business yesterday, Wednesday, April 5, the Federal debt stood—down to the penny—at exactly $4,878,158,190,719.92.

REED LARSON'S 40 YEARS: TIRELESS DEFENSE OF FREEDOM

Mr. HELMS. Mr. President, a little over 40 years ago—January 28, 1955—the Nation's pre-eminent defender of workers' freedom was founded in the basement of Washington's Mayflower Hotel.

It was named the National Right to Work Committee, and it was organized by a small group of railroad workers and small businessmen. The Right to Work Committee has grown into a proud home for freedom-loving Americans who believe that while workers

may have the right to unionize, no American worker should ever be compelled to join, or even support, a labor union.

Mr. President, upon the founding of the committee, its first president, Congressman Fred A. Hartley, Jr., of New Jersey, declared, "[We] will not shrink because of attacks which may be made against us. We intend to do everything possible to educate the American people to the perils of compulsory unionism and to encourage them to resist it."

Three years later, in 1958, after piloting the successful fight for Kansas' right-to-work law, a dedicated American named Reed Larson left his job as an engineer in Kansas to lead the right-to-work movement in America.

At the time, the power of the Big Labor bosses was virtually unchecked. By 1965, the unions had rolled up what appeared to be a filibuster-proof majority in the U.S. Senate favoring legislation to obliterate the one obstacle in their path to total dominance of the American work force: State right-to-work laws.

Such legislation was Big Labor's No. 1 priority. The bosses were backed by President Lyndon Johnson and the congressional leadership.

But, Mr. President, Reed Larson and the committee's members refused to be intimidated by the power arrayed against them. With the help of legendary Senate Republican Leader Everett Dirksen and after a fierce 2-year struggle, the committee defeated the enemies of worker freedom.

The fight to preserve State right-to-work laws marked the coming of age of the National Right to Work Committee. From that moment on, the Big Labor bosses realized that someone was finally going to stand up to their ceaseless demand for power over the lives of American working men and women.

As further protection for working Americans, Larson in 1968 founded the National Right to Work Legal Defense Foundation to aid workers in legal confrontations with union-boss despots.

In the 27 years since, the foundation has been a leader in protecting the legal rights of workers and has won several significant Supreme Court cases—including the landmark 1988 Beck case which declared that forced union dues for politics was unconstitutional.

During the 1970's the committee battled attempts by Big Labor and its congressional allies to throw the net of compulsory unionism over the American construction industry with the common situs picketing scheme.

Big Labor steamrolled this legislation through both the House and Senate amid President Ford's Labor Secretary John Dunlop's assurances of Presidential approval.

Against all odds, Reed Larson launched what was at the time the largest grassroots mobilization in American history, flooding the White House with over 700,000 cards and letters of protest.

Despite the pleas of his own Labor Secretary—who resigned shortly afterwards—President Ford vetoed the bill.

When the common situs picketing bill returned in 1977, Larson rallied the same grassroots coalition he had so painstakingly assembled the year before and did battle with a seemingly stronger Big Labor political machine.

However, Mr. President, in one of the most stunning upsets in American political history, right-to-work forces emerged victorious in the House of Representatives by a slim 217 to 205 vote.

As Reed stated after the vote, "The history and death of the coercive piece of legislation should serve as a very important lesson to powerful union officials * * * seemingly limitless doses of money and muscle are no match for the will of the American people."

In 1978, Big Labor was razor close to enacting a so-called labor law reform bill which would have given union organizers tremendous powers to blackmail employers into granting forced-dues contracts.

Reed Larson mobilized the majority of Americans opposed to compulsory unionism through a massive mail, media, and lobbying campaign which generated over 4 million cards and letters to the Senate during the course of the fight.

Mr. President, after a marathon of six separate cloture votes in the Senate, the labor bosses gave up.

Throughout the 1980's, Larson and the Committee kept up their campaign to bring the benefits to workers freedom to more and more Americans. That campaign resulted in the successful 1986 referendum making Idaho the Nation's 21st right-to-work State.

But the decade of the 1990's opened with yet another big labor power grab.

This time it was the pushbutton strike bill, or the so-called anti-striker replacement bill. And once again, Reed and the committee cranked up their grassroots network of freedom-loving Americans to put the heat on Congress.

This bill would have handed union czars new strike powers so they could blackmail employers into signing contracts forcing their workers to pay union dues.

In response to Larson's letters and phone calls, the Senate was flooded with nearly 2 million cards, letters, faxes, and phone calls.

After 3 long years—and four more cloture votes—Larson and the committee emerged victorious once again.

Today, the National Right to Work Committee, 1.9 million members strong and growing, stands on the vanguard for worker freedom and has compiled an outstanding record of commitment to principle and effective action.

So, Mr. President, I proudly salute the members of the National Right to Work Committee—and especially my good friend, Reed Larson, upon his 35th anniversary as president of the committee for their unswerving dedication and tireless action on behalf of every American's birthright not to be forced to join a labor union to get or keep a job.

COMMERCE COMMITTEE ACTION ON S. 565, PRODUCT LIABILITY

Mr. PRESSLER. Mr. President, the Committee on Commerce, Science, and Transportation met in executive session this morning and voted 13-6 to report favorably S. 565, the Product Liability Fairness Act of 1995, with an amendment. The amendment, a Chairman's mark, is an amendment in the nature of a substitute for S. 565. However, it did not replace the bill's original content. Rather, it built upon the good work of Senators GORTON and ROCKEFELLER.

I want to have the amendment printed in the RECORD so that my colleagues have the opportunity to review the legislation over the recess period we are about to begin. I understand the leadership intends to take up S. 565 when we return from the recess and I want all Senators to have ample time to understand its provisions.

In addition to the original provisions contained in S. 565, the Chairman's mark incorporates the entirety of S. 303, the Biomaterials Access Assurance Act of 1995. Senators LIEBERMAN and MCCAIN introduced S. 303 on January 31, 1995 and the bill was referred to the Commerce Committee. I am proud to be a co-sponsor of S. 303. The biomaterials provisions are found in Title II of the chairman's mark.

The chairman's mark made two other notable changes to S. 565. Modifications were made to address the vicarious liability of rental car companies and of equipment lessors. Such entities would be treated as "product sellers" under the mark.

Another exception was added to the statute of repose for durable and capital goods used in the workplace. Now, when there is an express warranty in writing as to the safety of the product involved, and the warranty period is longer than the 20-year-statue of repose, a product liability action is timely for the duration of the warranty.

Mr. President, beyond these changes made by the chairman's mark, Senators will find S. 565 remains much as introduced several weeks ago. In other words, it remains very much a product liability reform bill. The committee did not act to expand the legislation beyond its jurisdiction—tort reform connected to injuries caused by products in the stream of commerce.

I ask unanimous consent that the chairman's mark to S. 565, which the

Commerce Committee voted to report this morning, be printed in the RECORD.

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

S.565

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 "Product Liability Fairness Act of 1995".

TITLE I—PRODUCT LIABILITY

SEC. 101. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—The term "claimant" means any person who brings a product liability action and any person on whose behalf such an action is brought. If an action is brought through or on behalf of—

(A) an estate, the term includes the decedent; or

(B) a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) CLAIMANT'S BENEFITS.—The term "claimant's benefits" means an amount equal to the sum of—

(A) the amount paid to an employee as workers' compensation benefits; and

(B) the present value of all workers' compensation benefits to which the employee is or would be entitled at the time of the determination of the claimant's benefits, as determined by the appropriate workers' compensation authority for harm caused to an employee by a product.

(3) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—Subject to subparagraph (A), the term "clear and convincing evidence" is that measure of degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term "commercial loss" means any loss or damage to a product itself, loss relating to a dispute over its value, or consequential pecuniary loss not including harm.

(5) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which has a normal life expectancy of 3 or more years or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including any medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent that recovery for the loss is permitted under applicable State law.

(7) HARM.—The term "harm" means any physical injury, illness, disease, or death, or damage to property, caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(8) INSURER.—The term "insurer" means the employer of a claimant, if the employer is self-insured, or the workers' compensation insurer of an employer.

(9) MANUFACTURER.—The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product), and who designs or formulates the product (or component part of the product), or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, constructs, designs, or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another person; or

(C) any product seller that is not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(10) NONECONOMIC LOSS.—The term "noneconomic loss"—

(A) means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; and

(B) does not include economic loss.

(11) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(12) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; and

(ii) electricity, water delivered by a utility, natural gas, or steam.

(13) PRODUCT LIABILITY ACTION.—The term "product liability action" means a civil action brought on any theory for harm caused by a product.

(14) PRODUCT SELLER.—

(A) IN GENERAL.—The term "product seller" means a person who—

(i) in the course of a business conducted for that purpose, sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(15) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(16) TIME OF DELIVERY.—The term "time of delivery" means the time when a product is delivered to the first purchaser or lessee of the product that was not involved in manufacturing or selling the product, or using the product as a component part of another product to be sold.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) ACTIONS COVERED.—Subject to paragraph (2), this title applies to any product liability action commenced on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR DAMAGE TO PRODUCT OR COMMERCIAL LOSS.—A civil action brought for loss or damage to a product itself or for commercial loss, shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable commercial or contract law.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this title governing product liability actions, but shall be subject to any applicable State law.

(b) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes a State law only to the extent that State law applies to an issue covered under this title.

(2) ISSUES NOT COVERED UNDER THIS ACT.—Any issue that is not covered under this title, including any standard of liability applicable to a manufacturer, shall not be subject to this title, but shall be subject to applicable Federal or State law.

(c) STATUTORY CONSTRUCTION.—Nothing in this title may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil

damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601(8)) or the threat of such contamination or pollution.

(d) CONSTRUCTION.—To promote uniformity of law in the various jurisdictions, this title shall be construed and applied after consideration of its legislative history.

(e) EFFECT OF COURT OF APPEALS DECISIONS.—Notwithstanding any other provision of law, any decision of a circuit court of appeals interpreting a provision of this title (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 103. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) IN GENERAL.—

(1) SERVICE OF OFFER.—A claimant or a defendant in a product liability action that is subject to this title may, not later than 60 days after the service of the initial complaint of the claimant or the applicable deadline for a responsive pleading (whichever is later), serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(2) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in paragraph (3), not later than 10 days after the service of an offer to proceed under paragraph (1), an offeree shall file a written notice of acceptance or rejection of the offer.

(3) EXTENSION.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in paragraph (2), extend the period for filing a written notice under such paragraph for a period of not more than 60 days after the date of expiration of the period specified in paragraph (2). Discovery may be permitted during such period.

(b) DEFENDANT'S PENALTY FOR UNREASONABLE REFUSAL.—

(1) IN GENERAL.—The court shall assess reasonable attorney's fees (calculated in accordance with paragraph (2)) and costs against the offeree, incurred by the offeror during trial if—

(A) a defendant as an offeree refuses to proceed pursuant to the alternative dispute resolution procedure referred to in subsection (a)(1);

(B) final judgment is entered against the defendant for harm caused by the product that is the subject of the action; and

(C) the refusal by the defendant to proceed pursuant to such alternative dispute resolution was unreasonable or not made in good faith.

(2) REASONABLE ATTORNEY'S FEES.—For purposes of this subsection, a reasonable attorney's fee shall be calculated on the basis of an hourly rate, which shall not exceed the hourly rate that is considered acceptable in the community in which the attorney practices law, taking into consideration the qualifications and experience of the attorney and the complexity of the case.

(c) GOOD FAITH REFUSAL.—In determining whether the refusal of an offeree to proceed pursuant to the alternative dispute procedure referred to in subsection (a)(1) was unreasonable or not made in good faith, the court shall consider—

(1) whether the case involves potentially complicated questions of fact;

(2) whether the case involves potentially dispositive issues of law;

(3) the potential expense faced by the offeree in retaining counsel for both the alternative dispute resolution procedure and to litigate the matter for trial;

(4) the professional capacity of available mediators within the applicable geographic area; and

(5) such other factors as the court considers appropriate.

SEC. 104. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this title filed by a claimant for harm caused by a product, a product seller other than a manufacturer shall be liable to a claimant, only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant; or

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect a product if the product seller had no reasonable opportunity to inspect the product that allegedly caused harm to the claimant.

(b) SPECIAL RULE.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) Notwithstanding any other provision of law, any person, other than a product seller, engaged in the business of renting or leasing a product shall be subject to liability in a product liability action under subsection (a), but shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.

(2) For purposes of paragraph (1), and for determining the applicability of this title to any person subject to paragraph (1), the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

SEC. 105. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, a defendant in a product liability action that is subject to this title shall have a complete defense in the action if the defendant proves that—

(1) the claimant was under the influence of intoxicating alcohol or any drug that may not lawfully be sold over-the-counter without a prescription, and was not prescribed by a physician for use by the claimant; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for the accident or event which resulted in the harm to the claimant.

(b) CONSTRUCTION.—For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

SEC. 106. REDUCTION FOR MISUSE OR ALTERATION OF PRODUCT.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as provided in subsection (c), in a product liability action that is subject to this title, the damages for which a defendant is otherwise liable under applicable State law shall be reduced by the percentage of responsibility for the harm to the claimant attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, the express warnings or instructions of the defendant if the warnings or instructions are determined to be adequate pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this title, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) STATE LAW.—Notwithstanding section 3(b), subsection (a) of this section shall supersede State law concerning misuse or alteration of a product only to the extent that State law is inconsistent with such subsection.

(c) WORKPLACE INJURY.—Notwithstanding subsection (a), the amount of damages for which a defendant is otherwise liable under State law shall not be reduced by the application of this section with respect to the conduct of any employer or coemployee of the plaintiff who is, under applicable State law concerning workplace injuries, immune from being subject to an action by the claimant.

SEC. 107. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this title if the claimant establishes by clear

and convincing evidence that the harm that is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

(b) LIMITATION ON AMOUNT.—The amount of punitive damages that may be awarded to a claimant in any product liability action that is subject to this title shall not exceed 3 times the amount awarded to the claimant for the economic injury on which the claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(c) BIFURCATION AT REQUEST OF EITHER PARTY.—

(1) IN GENERAL.—At the request of either party, the trier of fact in a product liability action that is subject to this title shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) ADMISSIBLE EVIDENCE.—

(A) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If either party requests a separate proceeding under paragraph (1), in any proceeding to determine whether the claimant may be awarded compensatory damages, any evidence that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

(B) PROCEEDING WITH RESPECT TO PUNITIVE DAMAGES.—Evidence that is admissible in the separate proceeding under paragraph (1)—

(i) may include evidence of the profits of the defendant, if any, from the alleged wrongdoing; and

(ii) shall not include evidence of the overall assets of the defendant.

SEC. 108. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), a product liability action that is subject to this title may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(2) EXCEPTIONS.—

(A) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this title not later than 2 years after the date on which the person ceases to have the legal disability.

(B) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this title is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this title concerning a product that is a durable good alleged to have caused harm (other than toxic harm) may be filed after the 20-year period beginning at the time of delivery of the product.

(2) STATE LAW.—Notwithstanding paragraph (1), if pursuant to an applicable State law, an action described in such paragraph is required to be filed during a period that is shorter than the 20-year period specified in such paragraph, the State law shall apply with respect to such period.

(3) EXCEPTIONS.—

(A) A motor vehicle, vessel, aircraft, or train that is used primarily to transport passengers for hire shall not be subject to this subsection.

(B) Paragraph (1) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety of the specific product involved which was longer than 20 years, but it will apply at the expiration of that warranty.

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action that could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action pursuant to this title not later than 1 year after the date of enactment of this Act.

SEC. 109. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action that is subject to this title, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

SEC. 110. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this title.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this title, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of such harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN CONSENT.—Except as provided in subparagraph (C)—

(i) an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the insurer; and

(ii) no release to or agreement with the manufacturer or product seller described in clauses (i) through (iv) of subparagraph (A) shall be valid or enforceable for any purpose without the consent of the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this title, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the employer.

(B) RIGHTS OF EMPLOYER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an employer shall, in the same manner as any party in the action (even if the employer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is presented to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

SEC. 111. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under section 1331 or 1337 of title 28, United States Code, over

any product liability action covered under this title.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Biomaterials Access Assurance Act of 1995".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life-enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 203. DEFINITIONS.

As used in this title:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR.—With respect to an action brought on behalf or through a minor, such term includes the parent or guardian of the minor.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services; or

(ii) a manufacturer, seller, or biomaterials supplier.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant nonimplant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(8) QUALIFIED SPECIALIST.—With respect to an action, the term "qualified specialist" means a person who is qualified by knowledge, skill, experience, training, or education in the specialty area that is the subject of the action.

(9) RAW MATERIAL.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) SELLER.—

(A) IN GENERAL.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 204. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this title, a biomaterials supplier may raise any defense set forth in section 205.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this title is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 206.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this title applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this title; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this title establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this title and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this title may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 205. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section; or

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if the biomaterials supplier—

(1) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(A) the manufacture of the implant; and

(B) the entrance of the implant in the stream of commerce; and

(2) subsequently resold the implant.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii)(I) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j); and

(II) have received clearance from the Secretary,

if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 206. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this title, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 205(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 205(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 205(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The procedural requirements described in paragraphs (2) and (3) shall apply to any action by a claimant against a biomaterials supplier that is subject to this title.

(2) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(A) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(B) an action against the manufacturer is barred by applicable law.

(3) AFFIDAVIT.—At the time the claimant brings an action against a biomaterials supplier the claimant shall be required to submit an affidavit that—

(A) declares that the claimant has consulted and reviewed the facts of the action with a qualified specialist, whose qualifications the claimant shall disclose;

(B) includes a written determination by a qualified specialist that the raw materials or component parts actually used in the manufacture of the implant of the claimant were raw materials or component parts described in section 205(d)(1), together with a statement of the basis for such a determination;

(C) includes a written determination by a qualified specialist that, after a review of the medical record and other relevant material, the raw material or component part supplied by the biomaterials supplier and actually used in the manufacture of the implant was a cause of the harm alleged by

claimant, together with a statement of the basis for the determination; and

(D) states that, on the basis of review and consultation of the qualified specialist, the claimant (or the attorney of the claimant) has concluded that there is a reasonable and meritorious cause for the filing of the action against the biomaterials supplier.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 205(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 205(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (3) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 205 on the grounds that the defendant is not a manufacturer subject to such subsection 205(b) or seller subject to subsection 5(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 205(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 205(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 205(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists.

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 205(d) or the failure to establish the applicable elements of section 205(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 205(b) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this title shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 207. APPLICABILITY.

This Act shall apply to all civil actions covered under this title that are commenced on or after the date of enactment of this title, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this title.

RUSSIA TODAY

Mr. PELL. Mr. President, I call the Senate's attention to an important historic landmark. It is the 10th anniversary of Mikhail Gorbachev's accession to power in Moscow, an event which set in motion a mostly nonviolent process of change that brought down the Iron Curtain and Soviet domination of Eastern Europe in 1989, followed 2 years later by the dissolution of the Soviet Union itself—arguably the most important developments in the second half of the 20th century.

Unfortunately, the momentous upheaval of 1989–91 did unleash some violence—most notable and tragically in the former Yugoslavia, and also in the Caucasus, between Armenia and Azerbaijan, in Georgia, and, most recently, in Chechnya. We should not ignore the tragedy or the dangers to European security posed by the fighting in the former Yugoslavia and in the Caucasus, but we should not lose sight of how much safer we are now than during the cold war's global confrontation with the Soviet Union and the nuclear balance of terror with its doctrine of Mutual Assured Destruction.

Now, 10 years after Gorbachev's rise to power, Russia appears to be at another historic crossroad. One path leads toward democratization and integration into the global market economy; another points back toward authoritarianism and a sullen, isolated militarism. Russia's future lies first and foremost in the hands of its own people and their leaders. We should have no illusions about our ability to control events there. But we do have some influence. The outcome in Russia is still very important to the United States.

Russia will play a major role in determining the future security environment in Europe, the Middle East, and Asia. Russia is a key player in implementing the START I and II strategic force reduction treaties and in preventing nuclear proliferation. The United States budget deficit, the peace dividend, defense conversion, the future of NATO, and the United States role in the world will all be strongly affected by developments in Russia. Also, although Russia's economy is now severely distressed, it is potentially an important market and trading partner. Russia is the only country in the world that has more bountiful natural resources than the United States, including vast oil and gas reserves. It has a

large, well-educated labor force and a huge scientific establishment. Furthermore, many of Russia's needs—food and food processing, oil and gas extraction, computers, communications, and transportation—are in areas in which the United States is highly competitive. Thus, although the former Soviet military threat is greatly diminished, we ought not turn our backs on Russia now.

Moscow's clumsy but brutal use of military force to regain control of the secessionist republic of Chechnya has triggered a new political crisis for the regime of President Boris Yeltsin, whose support in Russian public opinion polls has fallen below 10 percent. Many observers fear that if Chechnya becomes a protracted guerrilla war, it will drag down both Yeltsin and the prospects for reform. It may be too early to write Yeltsin's political obituary. He has made some remarkable recoveries in the past. But we also cannot ignore the possibility that the post-Yeltsin transition has already begun. In any case, these developments call attention to the importance of the other major focus of political power in Russia—the parliament.

The Yeltsin Constitution of December 1993 created a very powerful presidency, but there is also a separation of powers between the executive and legislative branches that resembles our own system in many ways. The constitutional checks and balances on presidential power in Russia are more limited than in the United States, but the parliament does have real authority. Historically, the threat of authoritarianism and totalitarianism comes from excessive and ultimately unlimited executive power. This has certainly been Russia's experience. Whether or not Yeltsin regains his democratic equilibrium, and regardless of who succeeds him or when, in the long run, the best institutional protection against a turn toward authoritarianism in Russia is a healthy, independent, and democratically elected legislature. Congress may be able to help the one-year-old Russian parliament become more effective and democratic.

The new Russian Federal Assembly is a bicameral legislature. The lower—and more powerful—chamber, the State Duma, has 450 seats, half chosen from single-member constituencies and half from national party lists based on proportional representation. The upper chamber, the Federation Council, nominally has 178 seats, two from each of the 89 regions and republics of the Russian Federation. Many of its Deputies are regional leaders. It does not meet on a continuous, full-time basis and is more like the French or German upper chamber than the U.S. Senate. Deputies in both chambers serve 4-year terms. The first Federal Assembly, however, was elected in December 1993 for only a 2-year term, with new elections due this December.

After the December 1993 election, it seemed that the Duma might be dominated by an anti-democratic coalition of hardline ultranationalists and Communists. In its first year, however, the parliament avoided extreme confrontation with Yeltsin and, despite some missteps, supported some of the Government's key economic reform legislation. Surprisingly, the parliament approved Government budgets for 1994 and 1995 that imposed relatively strict fiscal discipline and sharply restrained defense spending despite intense pressure from the military-industrial complex. The parliament also enacted key parts of a new commercial code and laws protecting property rights.

There is strong parliamentary opposition to the Government's actions in Chechnya. Many Deputies were angered by Yeltsin's failure to consult them in advance or seek parliamentary approval of a state of emergency. Both chambers voted their disapproval of the assault several times by lopsided majorities, calling for the cessation of hostilities and a political resolution of the conflict. Parliamentary opposition, however, has had minimal impact on Russian policy in Chechnya, in part because the Constitution gives predominant power to the president on national security issues.

The Federal Assembly is a political training ground in which an important segment of the post-Yeltsin generation of politicians is learning democratic principles and skills that are not part of traditional Russian political culture, such as compromise and coalition-building, respect for the rule of law and representative government. Most Russian Deputies are overwhelmed by the enormity and urgency of their legislative responsibilities and the meagerness of their experience and resources. They know that they have a great deal to learn and the majority are not only willing but eager to benefit from foreign experience, including U.S. experience. Despite, or perhaps because of, the legacy of the cold war, many Russian Deputies view the United States Congress as an important and appropriate model. They are also stuck by similarities in the size and demographic diversity of our counties and our constitutional systems based on separation of powers, bicameralism, and federalism. Imperfect as our own institutions are, from a Russian perspective they are impressive examples of stability and continuity, functioning federalism, and peaceful resolution of competing political, economic, social, ethnic, and spiritual interests.

There is already a significant level of mostly informal travel between Washington and Moscow by Members of Congress and Russian Deputies. This is healthy and should be expanded as much as possible. There are already overtures from the Russian side for committee-to-committee consultations on issues of mutual interest. Staff consultations, exchanges, and training are another fruitful avenue. Frankly, on the American side the constraints are not so much financial but the commitment of time by busy Members. But I would urge my colleagues to think about the potential payoff on a modest investment of time in such endeavors. Russian Deputies are so eager to learn about U.S. legislative procedure and about the U.S. experience on a wide range of legislative issues. Here is an opportunity to influence positively and perhaps even help to shape the procedures, policies, and perspectives of the legislature of the world's other nuclear superpower. This should be done not in spite of the conflict in Chechnya, but all the more because of it. The Chechen crisis underlines the increased importance of the Russian parliament.

The Congressional Research Service is already embarked on an ambitious program of technical assistance to the Russian Federal Assembly. Funded by the Agency for International Development, $3.5 million over 3 years, beginning in May 1994, with congressional approval, the CRS program aims to:

Help the Russian Federal Assembly create its own research and analysis capability independent of the executive branch.

Enhance the automation and interconnectivity of both chambers of the Federal Assembly and the Parliamentary Library.

Strengthen the collections and capabilities of the Russian Parliamentary Library.

Provide training in Moscow and Washington for Russian parliamentary staff specializing in automation, research and policy analysis, and legislative drafting.

Bring a leadership delegation from both chambers of the Federal Assembly to Washington to learn and observe first hand about development and oversight of legislative research and policy analysis.

CRS has considerable experience in such activity, having been directed by Congress to provide similar parliamentary assistance through the Gift of Democracy, to Poland, program, which was subsequently expanded under the House of Representative Special Task Force on the Development of Parliamentary Institutions in Eastern Europe, to include assistance to the parliaments of Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Bulgaria, and Albania. There is a comparable AID-funded program in Ukraine.

These programs have made significant contributions to the development of democratic parliamentary institutions in Central and Eastern Europe and now hope to do the same in Russia.

At the same time, these programs provides CRS and the Congress with literally unique access to and insight into political developments in those countries. It is an activity from which all parties benefit in a variety of ways.

The Russian parliamentary leadership delegation that has been invited by CRS to visit Capitol Hill in the first week of April 1995 is led by Mikhail Mityukov, First Deputy Chairman of the Duma and Valerian Viktorov, Deputy Chairman of the Federation Council, and includes the chairmen of five important committees from both chambers.

On behalf of the Congress I would like to welcome these distinguished visitors in the spirit of interparliamentary cooperation and exchange.

I would also encourage my colleagues to meet with their Russian counterparts to help them gain a deeper appreciation of our legislative experience as well as our shortcomings so that they may benefit both from our example and from mistakes as they build the foundation of their own legislature. At the same time, this will give Members an unusual opportunity to discuss legislative issues of mutual interest with senior Russian Deputies and to learn firsthand about developments in Russia as it struggles to redefine itself politically, economically, socially, and spiritually.

This is not only a historic moment for Russia but also a historic opportunity for both our countries to redefine the relation between us. Cooperative interparliamentary relations can play a role in this redefinition.

HONORING THE 1995 KIMBALL HUMANITARIAN AWARD RECIPIENTS

Mr. BRADLEY. Mr. President, I rise today to pay tribute to three outstanding citizens of New Jersey who are being honored by the Kimball Medical Center Foundation of Lakewood, NJ on Wednesday, April 12, 1995.

At the Ninth Annual Awards Program, Edmund Bennett, Jr., Thomas F. Kelaher, Esq., and Robert H. Ogle will each receive the Kimball Humanitarian Award as a way to recognize "extraordinary leadership to the nonprofit sector of society, to acknowledge distinguished service towards the advancement of health care, and to honor individuals whose daily lives reflect the essence of humanitarianism."

Today, when the fragile ecology of our social environment is as threatened as that of our natural environment, I am delighted to have the opportunity to pay tribute to the efforts of these three individuals who recognize the importance of civil society. Civilizations cannot be constructed out of government and markets alone—we must also have a healthy and robust civic sector—a place in which the bonds of community can flourish.

Edmund Bennett, Thomas Kelaher and Robert Ogle recognize that civil society is the place where Americans make their home, sustain their marriages and raise their kids. They know that civil society is in our schools, fraternities, community centers, churches, PTAs, libraries and local voluntary associations. They recognize that a sense of common purpose and consensus need to be forged to tackle our Nations' problems. Civil society is the sphere of our most basic humanity—the personal, everyday realm that is governed by values such as responsibility, trust, fraternity, solidarity and love. With every meeting attended, board sat on, speech delivered and helping hand that is extended, these three men challenge the notion that life today is too fastpaced and global in scope for individuals to make a difference in their own communities. I salute Edmund Bennett, Thomas Kelaher and Robert Ogle for their spirit of volunteerism, leadership among local voluntary organizations and their continuing contributions to their community.

COMMEMORATING THE SESQUICENTENNIAL OF McCARTER & ENGLISH OF NEWARK, NJ

Mr. BRADLEY. Mr. President, I rise today to commemorate the sesquincentennial anniversary of the founding of McCarter & English, the oldest and largest law firm in New Jersey.

Originally a small firm with fewer than a dozen lawyers, McCarter & English has grown in both size and prominence in the century and a half since its founding. At its current size of 210 lawyers, with five offices and a sizable international legal services group, McCarter & English has established a reputation as one of the preeminent firms in New Jersey and the country.

If you were to ask a member of the New Jersey business community to describe McCarter & English, they might use the word prestigious or perhaps venerable; if you were to ask a New Jersey historian the same question they would undoubtedly use a much different word and it would be colorful. Since its founding by Thomas Nesbitt McCarter in 1845, McCarter & English's unique history of legal representation has included: handling legal matters for one of New Jersey's most famous historical figures, Thomas Alva Edison; defending one-time client Annie Oakley in a libel case and successfully contesting the New Jersey Senate election of 1893.

McCarter & English has contributed more than just color to New Jersey's legal history, it has also provided the State with many fine public and business leaders throughout the 15 decades since its founding. These leaders have included the founder's son Robert, who became New Jersey attorney general, son Uzal, who founded First Fidelity Bank and a third son, Thomas Jr. who created Public Service. This history of leadership in both the public and private sector continues today. McCarter & English plays an on-going leadership role in support of charitable, educational, cultural and civic organizations in the State. Generous contributions to the New Jersey Center for Performing Arts and other projects have played a vital role in the revitalization of downtown Newark. This commitment to the city of Newark, where McCarter & English has been headquartered since it moved from Newton, Sussex County in 1865, has helped Newark weather difficult times over the past three decades.

McCarter & English has played an historic role in the development of New Jersey's business and legal communities and continues to play a vital role in these arenas. Once again, I congratulate McCarter & English on its 150th anniversary.

CONFERENCE REPORT ACCOMPANYING S. 244, THE PAPERWORK REDUCTION ACT OF 1995

Mr. NUNN. Mr. President, I rise in strong support of the conference report on the Paperwork Reduction Act of 1995, S. 244, a bill which I introduced on January 19, with strong bipartisan support. I anticipate that the conference report will be accepted by the Senate. The leadership of the House is eager to take action before the recess. Representatives of the administration have stated that the President is equally eager to sign into law this legislation to substantially strengthen the Paperwork Reduction Act of 1980, and reauthorize appropriations for the Office of Information and Regulatory Affairs [OIRA], which has been without an authorization since October of 1989.

Mr. President, before making some observations about the substance of the conference report upon which the Senate is about to act, I would like to briefly share with some of our newer colleagues some highlights of the very long march that had to be taken to get us to this point.

The effort has spanned more than 5 years, beginning in 1989. In the fall of 1989, the small business community sought the assistance of members of the Committee on Small business to advance a package of amendments to S. 1742, legislation in the 101st Congress. They asserted that these amendments were desperately needed if the effectiveness of the Paperwork Reduction Act was to be preserved. These proposed amendments garnered bipartisan support within the Small Business Committee and were advanced during the Governmental Affairs Committee's consideration of the bill. S. 1742 was not passed by the Senate before the end of the 101st Congress.

With the beginning of the 102d Congress, I offered the Paperwork Reduction Act of 1991, the first predecessor to the legislation being considered today. From the outset, this legislation has garnered strong bipartisan support, especially within the membership of the Committee on Small Business. Successive ranking Republican Members of the Committee on Small Business, including Senators Boschwitz, Kasten, and Pressler, have all been original cosponsors. My friend from Arkansas [Mr. BUMPERS], then chairman of the committee, has each time consented to serve as the principal Democratic cosponsor.

With the introduction of S. 1139, the effort has had the strong support of a broad Paperwork Reduction Act Coalition, representing virtually every segment of the business community, but especially the small business community.

Mr. President, I will have more to say about the Paperwork Reduction Act Coalition later in my remarks.

The 102d Congress ended without seeing any action on S. 1139. Consideration of that bill became ensnared in the controversies regarding OIRA's regulatory review activities on behalf of the President, conducted pursuant to executive order, and the activities of the Council on Competitiveness, chaired by Vice President Quayle.

At the beginning of the 103d Congress, I introduced S. 560, again with strong bipartisan support. Our former colleague from Missouri, Senator Danforth, served as the principal Republican cosponsor. Senator Danforth had been the principal Republican cosponsor of the legislation sponsored by our former colleague from Florida, Lawton Chiles, that became the Paperwork Reduction Act of 1980.

During the last Congress, real progress was finally made. S. 560 was skillfully blended with Senator GLENN's bill, S. 681. Both had the same basic objective—to reauthorize appropriations for OIRA and to strengthen the Paperwork Reduction Act of 1980. Each bill, however, reflected substantially different perspectives of how the Paperwork Reduction Act should be strengthened. A committee substitute for S. 560 was developed, reflecting the core of both bills. My friend from Ohio [Mr. GLENN], then chairman of the Governmental Affairs Committee displaying skillful leadership and tenacity to break the logjam. Progress would not have been possible without the steadfast support of my friend from Delaware [Mr. ROTH], and many of my Republican friends on the Governmental Affairs Committee. Before the end of the last Congress, we were able to have the Paperwork Reduction Act of 1994, S. 244, as amended, approved by the Senate not once but twice in the closing days of the 103d Congress. S. 560 passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, and returned to the House. Unfortunately, neither bill was cleared for action before adjournment of the 103d Congress.

With the convening of the 104th Congress, I introduced the Paperwork Reduction Act of 1995, S. 244, a bill substantially identical to the text of S. 560, as passed by the Senate.

A substantially identical House companion, H.R. 830, was introduced in the House. H.R. 830 was passed by the House on February 22 by a rollcall vote of 418–0.

Given all of the bipartisan consensus that had been developed around S. 560 during the prior Congress, the Senate was able to promptly turn to the consideration of S. 244, following its being unanimously ordered reported by the Committee on Governmental Affairs on February 1. On March 7, the Senate passed S. 244 by a rollcall vote of 99–0.

Since the version of the Paperwork Reduction Act of 1995 passed by the House contained virtually all of the provisions of S. 244, as reported by the Governmental Affairs Committee, the conferees' focus was on those provisions of the House-passed bill that sought to further strengthen provisions of the 1980 act and the provisions added during consideration on the Senate floor.

Mr. President, the text of S. 244 is truly not the least common denominator of the two versions of the bill, but rather almost an aggregation of the best features of both. Those who have worked long and hard on this effort over the years, within this body, within the House, and especially the organizations that comprise the Paperwork Reduction Act Coalition, can be justifiably proud of what has been accomplished. Only the fewest of House provisions to further strengthen the 1980 act were not included in the conference report.

S. 244 forcefully reaffirms the fundamental congressional objective of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on the public. It improves the act's effectiveness as a restraint on the natural tendencies of individual Federal agencies to levy a relentless stream of paperwork requirements on businesses, small and large, State and local governments, educational institutions, non-profit organizations, and individual citizens.

S. 244 makes a series of specific amendments to the Paperwork Reduction Act of 1980, based upon almost 15 years of experience under the act. These amendments reemphasize the fundamental responsibilities of each agency to carefully consider each proposed paperwork requirement to determine if it meets the act's fundamental standards of need and practical utility. And, if needed, assures that the proposed requirement imposes the least burden on those segments of the public against whom the paperwork requirement is directed.

S. 244 also substantially improves the opportunity for public participation in the review of proposed paperwork burdens. Under the changes made by the Paperwork Reduction Act of 1995, the public will have a chance to review and comment on the proposed paperwork requirement, while the agency is conducting its review, so that the public comments or suggestions for a less burdensome alternative approach can more effectively influence the final outcome.

S. 244 will not merely preserve, but substantially enhance the role of OIRA, which was created by the 1980 act. Located within the Office of Management and Budget, OIRA was from the outset expected to regulate the regulators in the words of President Carter, when he signed the orginal Paperwork Reduction Act into law. OIRA brings a Government-wide perspective to the act's implementation, serving as both traffic cop and honest broker, regarding paperwork requirements advanced by individual Federal agencies without regard to related burdens being imposed by other Federal agencies. We all hear complaints that it is the cumulative effect of Federal paperwork burdens that so infuriates the public.

To demonstrate congressional confidence in OIRA, the conference agreement on S. 244 provides a 6-year authorization of appropriations. The conferees rejection of the provision from the House-passed bill providing a permanent authorization of OIRA's appropriations should not be construed negatively. In fact, most of the pending legislation relating to reform of the regulatory process expands OIRA's role as the focal point within the Executive Office of the President for the fight to minimize regulatory and paperwork burdens which Government imposes on the public.

S. 244 begins that process. Under the provisions of the Paperwork Reduction Act of 1995, OIRA has more authority and more responsibility to spur individual agencies in the direction of minimizing regulatory paperwork burdens.

For example, S. 244 reaffirms OIRA's authority to prescribe standards under which agencies estimate the number of burden hours imposed by a proposed paperwork requirement. Today, too many agency paperwork estimates severely underestimate the total burden likely to be imposed. It is not merely the time needed to complete the form. That is just part of the burden. The time needed to understand the paperwork requirement, collect the information, and then array it in the manner requested, cannot be ignored. Further, if the paperwork requirement is to be a

recurring requirement, it may require the establishment of a special record keeping system and the associated equipment and personnel. S. 244 modifies the Act's definition of burden to capture the full range of regulatory paperwork compliance costs.

S. 244 clarifies and strengthens the act's public protection features. The act currently permits a member of the public to ignore a paperwork collection requirement that does not display a valid OMB control number, indicating that the paperwork collection requirement has been approved by OIRA, and that approval has not expired. The conference agreement makes explicit that the protection afforded by the act may be asserted or raised in the form of a complete defense at any time if the agency should seek to enforce compliance with the unapproved collection of information or impose a penalty through administrative or judicial action.

The enhanced public protection provision of S. 244 also requires the agencies to provide an explicit notice on the form that the public need not comply with a paperwork requirement that fails to display a valid control number. Such a warning label should help educate the public regarding the protections afforded them by the act against unauthorized collections of information.

The conference agreement reflects another provision of S. 244 designed to empower individual members of the public to help police unauthorized paperwork requirements. Under S. 244, a member of the public empowered to seek a determination from the OIRA Administrator regarding whether the manner in which an agency is implementing a paperwork requirement is in conformity with the act. The provision establishes response times and provides the OIRA Administrator with authority to seek appropriate remedial action by the agency, if warranted.

The conference agreement also includes a substantially strengthened requirement relating to paperwork reduction goals. S. 244 requires the establishment of a Government-wide paperwork burden reduction goal of at least ten percent for each of the fiscal years 1996 and 1997. A Government-wide goal of at least 5 percent would be required in each the fiscal years 1998 through 2001. After the establishment of the Government-wide goals, goals would be negotiated between OIRA and the individual agencies, which reflect the maximum practicable opportunity for paperwork burden reduction.

More important than the simple establishment of more aggressive Government-wide paperwork reduction goals is the provision adopted from the House-passed bill which will contribute to making them a reality. Under the conference agreement, OIRA's annual report to the Congress would identify those agencies which had failed to attain their burden reduction, set forth the reasons given by the agency for such failure, and specify the agency's proposals for remedial action.

Mr. President, such a burden reduction program is sorely needed. In fiscal year 1994, the American people spent more than 6.6 billion hours filling-out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that's the equivalent of 3 million Americans being employed full-time solely to meet the Government's paperwork demands. And, these are conservative estimates, compiled by OIRA on the basis of the burden hour estimates assigned by the agencies to their approved paperwork burdens. Burden estimates, which many in the private sector, those on the receiving end of these paperwork demands, believe to be very low. These estimates are contained in an Information Collection Budget, annually published by OIRA. Our former colleague, Lawton Chiles, the father of the Paperwork Reduction Act, used the word budget to emphasize that Federal paperwork requirements impose real costs on the public and the Nation's economy.

Mr. President, at the same time, there can be no doubt that Government requires information to serve the people. We are in the Information Age. In the words frequently used by my colleague from Georgia the Speaker of the House the "Third Wave" is upon us.

With respect to Government's real need for information, the key is to obtain only what is necessary and to do so in the least burdensome manner. Improving the Government's use of information technology is, and should be, an important function of OIRA. It can simultaneously lessen the burden of information collection on the public, enhance Government's effective use of the information collected, and foster dissemination of Government information for the benefit of the public. Although the product of an era in which mechanical typewriters dominated Government offices, the Paperwork Reduction Act provides the broad legislative foundation to serve as a key tool for copping with the new demands being placed upon the Federal Government. That foundation was broadened and substantially enhanced by the provisions in the Senate's version of S. 244 derived from the work of my good friend from Ohio [Mr. GLENN].

Mr. President, I would like to highlight one additional point about S. 244, although it was not an issue in conference since both versions of the bill contained identical language. The Paperwork Reduction Act of 1995 clarifies the 1980 Act to make explicit that it applies to Government-sponsored third-party paperwork burdens. These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency.

In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act. The Court's decision in Dole versus United Steelworkers of America created a potentially vast loophole. The public could be denied the act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worth noting that Lawton Chiles filed an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. Given the plain words of the statute, the Court decided otherwise.

S. 244 makes explicit the act's coverage of all Government-sponsored paperwork burdens. We can feel confident that this major loophole is closed. But given more than a decade of experience under the act, it is prudent to remain vigilant to additional efforts to restrict the act's reach and public protections.

The Paperwork Reduction Act of 1995, like its predecessor bills, has enjoyed the steadfast support of the Paperwork Reduction Act Coalition, representing virtually every segment of the business community. Participating in the Coalition are the major national small business associations—the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU], as well as the many specialized national individual small business associations, like the American Subcontractors Association, that compromise the membership of SBLC or NSBU.

Other business associations participating in the coalition represent many types of manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services and the wholesalers and distributors who support them. I would like to identify a few of the coalition's member organizations: the Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the American Subcontractors Association [ASA], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Communications Industries Association [ICIA], the National Association of Wholesalers and Distributors, the National Association of Manufacturers [NAM], the National Tooling and Machining Association [NTMA], the Printing Industries of America [PIA], and the Professional Services Council [PSC].

Leadership for the Coalition is being provided by the Council on Regulatory and Information Management [C–RIM] and by the U.S. Chamber of Commerce. C–RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for a half century.

The coalition also includes many other professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. Because of their efforts, two deserve special mention. The Association of Records Managers and Administrators [ARMA] have worked long and hard. The conference agreement reflects their valuable contribution—a requirement that any collection of information imposing a recordkeeping requirement also specify how long the public must retain the required record. According to ARMA, tens of millions of dollars are being wasted in the needless retention of records.

The coalition has also been substantially enhanced by the participation of Citizens for a Sound Economy [CSE]. With this victory nearly at hand, CSE has been working hard at reform of the Government's basic regulatory processes.

Given the regulatory burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the various associations representing our Nation's elected officials. As Governor of Florida, Lawton Chiles, has worked hard for the cause with the National Governors Association [NGA]. NGA adopted a resolution in support of this legislation during its 1994 annual meeting, thanks to the work of Governor Chiles and others.

Mr. President, I ask unanimous consent to insert in the RECORD a list of the membership of the Paperwork Reduction Act Coalition.

Mr. President, I urge my colleagues to join me in supporting the conference report on S. 244, the Paperwork Reduction Act of 1995.

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

THE PAPERWORK REDUCTION ACT COALITION

Aerospace Industries Association of America.
Air Transport Association of America.
Alliance of American Insurers.
American Consulting Engineers Council.
American Institute of Merchant Shipping.
American Iron and Steel Institute.
American Petroleum Institute.
American Subcontractors Association.
American Telephone & Telegraph.
Associated Builders & Contractors.
Associated Credit Bureaus.
Associated General Contractors of America.
Association of Records Managers and Administrators.
Association of Manufacturing Technology.
Automotive Parts and Accessories Association.
Biscuit and Cracker Manufacturers' Association.
Bristol Myers.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Citizens Against Government Waste.
Citizens For A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Contract Services Association of America.
Copper & Brass Fabricators Council.
Dairy and Food Industries Supply Association.
Direct Selling Association.
Eastman Kodak Company.
Electronic Industries Association.
Financial Executives Institute.
Food Marketing Institute.
Gadsby & Hannah.
Gas Appliance Manufacturers Association.
General Electric.
Glaxo, Inc.
Greater Washington Board of Trade.
Hardwood Plywood and Veneer Association.
Independent Bankers Association of America.
International Business Machines.
International Communication Industries Association.
International Mass Retail Association.
Kitchen Cabinet Manufacturers Association.
Mail Advertising Service Association International.
McDermott, Will & Emery.
Motorola Government Electronics Group.
National Association of Homebuilders of the United States.
National Association of Manufacturers.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of the Remodeling Industry.
National Association of Wholesalers-Distributors.
National Federation of Independent Business.
National Food Brokers Association.
National Food Processors Association.
National Foundation for Consumer Credit.
National Glass Association.
National Restaurant Association.
National Roofing Contractors Association.
National Security Industrial Association.
National Small Business United.
National Society of Professional Engineers.
National Society of Public Accountants.
National Tooling and Machining Association.
Northrop Corporation.
Packaging Machinery Manufacturers Institute.
Painting and Decorating Contractors of America.
Printing Industries of America.
Professional Services Council.
Shipbuilders Council of America.
Small Business Legislative Council.
Society for Marketing Professional Services.
Sun Company, Inc.
Sunstrand Corporation.
Texaco.
United Technologies.
Wholesale Florists and Florist Suppliers of America.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT—The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.

National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

It is my special pleasure to transmit herewith the Annual Report of the National Endowment for the Arts for the fiscal year 1993.

The National Endowment for the Arts has awarded over 100,000 grants since 1965 for arts projects that touch every community in the Nation. Through its grants to individual artists, the agency has helped to launch and sustain the voice and grace of a generation—such as the brilliance of Rita Dove, now the U.S. Poet Laureate, or the daring of dancer Arthur Mitchell. Through its grants to art organizations, it has helped invigorate community arts centers and museums, preserve our folk heritage, and advance the performing, literary, and visual arts.

Since its inception, the Arts Endowment has believed that all children should have an education in the arts. Over the past few years, the agency has worked hard to include the arts in our national education reform movement. Today, the arts are helping to lead the way in renewing American schools.

I have seen first-hand the success story of this small agency. In my home State of Arkansas, the National Endowment for the Arts worked in partnership with the State arts agency and the private sector to bring artists into our schools, to help cities revive downtown centers, and to support opera and jazz, literature and music. All across the United States, the Endowment invests in our cultural institutions and artists. People in communities small and large in every State have greater opportunities to participate and enjoy the arts. We all benefit from this increased arts presence, and yet the cost is just 65 cents per American. The payback in economic terms has always been several-fold. The payback in human benefit is incalculable.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 1995.*

REPORT RELATIVE TO THE NATIONAL ENVIRONMENTAL POLICY ACT—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

The United States has always been blessed with an abundance of natural resources. Together with the ingenuity and determination of the American people, these resources have formed the basis of our prosperity. They have given us the opportunity to feed our people, power our industry, create our medicines, and defend our borders—and we have a responsibility to be good stewards of our heritage. In recent decades, however, rapid technological advances and population growth have greatly enhanced our ability to have an impact on our surroundings—and we do not always pause to contemplate the consequences of our actions. Far too often, our short-sighted decisions cause the greatest harm to the very people who are least able to influence them—future generations.

We have a moral obligation to represent the interests of those who have no voice in today's decisions—our children and grandchildren. We have a responsibility to see that they inherit a productive and livable world that allows their families to enjoy the same or greater opportunities than we ourselves have enjoyed. Those of us who still believe in the American Dream will settle for no less. Those who say that we cannot afford both a strong economy and a healthy environment are ignoring the fact that the two are inextricably linked. Our economy will not remain strong for long if we continue to consume renewable resources faster than they can be replenished, or nonrenewable resources faster than we can develop substitutes; America's fishing and timber-dependent communities will not survive for long if we destroy our fisheries and our forests. Whether the subject is deficit spending or the stewardship of our fisheries, the issue is the same: we should not pursue a strategy of short-term gain that will harm future generations.

Senators Henry Jackson and Ed Muskie, and Congressman JOHN DINGELL understood this back in 1969 when they joined together to work for passage of the National Environmental Policy Act. At its heart, the National Environmental Policy Act is about our relationship with the natural world, and about our relationship with future generations. For the first time, the National Environmental Policy Act made explicit the widely-held public sentiment that we should live in harmony with nature and make decisions that account for future generations as well as for today. It declared that the Federal Government should work in concert with State and local governments and the citizens of this great Nation "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Over the past 25 years, America has made great progress in protecting the environment. The air is cleaner in many places than it was, and we no longer have rivers that catch on fire. And yet, this year in Milwaukee, more than 100 people died from drinking contaminated water, and many of our surface waters are still not fit for fishing and swimming. One in four Americans

still lives near a toxic dump and almost as many breathe air that is unhealthy.

In order to continue the progress that we have made and adequately provide for future generations, my Administration is ushering in a new era of common sense reforms. We are bringing together Americans from all walks of life to find new solutions to protect our health, improve our Nation's stewardship of natural resources, and provide lasting economic opportunities for ourselves and for our children. We are reinventing environmental programs to make them work better and cost less.

My Administration is ushering in a new era of environmental reforms in many ways. Following is a description of a few of these reforms, grouped into three clusters: first, stronger and smarter health protection programs such as my proposed Superfund reforms and EPA's New common sense approach to regulation: second, new approaches to resource management, such as our Northwest forest plan, that provide better stewardship of our natural resources and sustained economic opportunity; and third, the promotion of innovative environmental technologies, for healthier air and water as well as stronger economic growth now and in the future.

Stronger and Smarter Health Protection Programs.—Throughout my Administration, we have been refining Government, striving to make it work better and cost less. One of the best places to apply this principle in the environmental arena is the Superfund program. For far too long, far too many Superfund dollars have been spent on lawyers and not nearly enough have been spent on clean-up. I've directed my Administration to reform this program by cutting legal costs, increasing community involvement, and cleaning up toxic dumps more quickly. The reformed Superfund program will be faster, fairer and more efficient—and it will put more land back into productive community use.

Similarly, EPA is embarking on a new strategy to make environmental and health regulation work better and cost less. This new common sense approach has the potential to revolutionize the way we write environmental regulations. First, EPA will not seek to adopt environmental standards in a vacuum. Instead, all the affected stakeholders—representatives of industry, labor, State governments, and the environmental community—will be involved from the beginning. Second, we will replace one-size-fits-all regulations with a focus on results achieved with flexible means. And at last, we're taking a consistent, comprehensive approach. With the old piecemeal approach, the water rules were written in isolation of the air rules and the waste rules, and too often led to results that merely shuffled and shifted pollutants—results that had too little health protection at two great a cost. With its new common sense approach. EPA will address the full range of environmental and health impacts of a given industry—steel or electronics for example—to get cleaner, faster, and cheapter results.

Better Stewardship of our Natural Resources.—Just as representative of our new approach to the environment—and just as grounded in common sense—is the Administration's commitment to ecosystems management of the Nation's natural resources. For decades ecologists have known that what we do with one resource affects the others. For instance, the way we manage a forest has very real consequences for the quality of the rivers that run through the forest, very real consequences for the fishermen who depend on that water for their livelihood, and very real consequences for the health of the community downstream. But until recently, government operations failed to account adequately for such interaction. In many cases, several Federal agencies operated independently in the same area under different rules. In many cases, no one paused to ponder the negative consequences of their actions until it was too late.

Often, these consequences were catastrophic, leading to ecological and economic train wrecks such as the collapse of fisheries along the coasts, or the conflict over timber cutting in the Pacific Northwest. When I convened the forest Conference earlier this year I saw the devastating effects of the Federal Government's lack of foresight and failure to provide leadership. Here, perhaps more than anywhere else, is a case study in how a failure to anticipate the consequences of our actions on the natural environment can be devastating to our livelihoods in the years ahead. Our forest plan is a balanced and comprehensive program to put people back to work and protect ancient forests and future generations. It will not solve all of the region's problems but it is a strong first step at restoring both the long-term health of the region's ecosystem and the regions economy.

Innovative Environmental Technologies—Environmental and health reforms such as EPA's common sense strategy and natural resource reforms such as the forest plan provide an opportunity, and an obligation, to make good decisions for today that continue to pay off for generations to come. In much the same way, sound investments in environmental technology can ensure that we leave to future generations a productive, livable world. Every innovation in environmental technology opens up a new expanse of economic and environmental possibilities, making it possible to accomplish goals that have eluded us in the past. From the very beginning, I have promoted innovative environmental technologies as a top priority. We've launched a series of environmental technology initiatives, issued a number of Executive orders to help spur the application of these technologies, and taken concrete steps to promote their export. Experts say the world market for environmental technology is nearly $300 billion today and that it may double by the year 2000. Every dollar we invest in environmental technology will pay off in a healthier environment worldwide, in greater market share for U.S. companies, and in more jobs for American workers.

Innovations in environmental technology can be the bridge that carries us from the threat of greater health crises and ecological destruction toward the promise of greater economic prosperity and social well-being. Innovation by innovation, we can build a world transformed by human ingenuity and creativity—a world in which economic activity and the natural environment support and sustain one another.

This is the vision that Jackson, Muskie, and DINGELL articulated more than two decades ago when they wrote in the National Environmental Policy Act that we should strive to live in productive harmony with nature and seek to fulfill the social and economic needs of future generations. We share a common responsibility to see beyond the urgent pressures of today and think of the future. We share a common responsibility to speak for our children, so that they inherent a world filled with the same opportunity that we had. This is the vision for which we work today and the guiding principle behind my Administration's environmental policies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 1995.*

MESSAGES FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1215. An Act to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs.

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 58. Concurrent Resolution providing for an adjournment of the two Houses.

The message further announced that the House has passed the following bill, without amendment:

S. 178. An Act to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1215. An Act to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 349. A bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program (Rept. No. 104–29).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

Dennis M. Duffy, of Pennsylvania, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself, Mr. SIMPSON, Mr. SIMON, Mr. STEVENS, Mr. INOUYE, Mr. WELLSTONE, Mr. KERREY, Mrs. BOXER, and Mr. COCHRAN):

S. 684. A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 685. A bill to provide for the conveyance of certain lighthouses located in the State of Maine; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mr. McCAIN):

S. 686. A bill to establish a commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Finance.

By Mr. PRYOR:

S. 687. A bill to improve and strengthen child support enforcement, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. GRASSLEY):

S. 688. A bill to provide for the minting and circulation of one-dollar silver coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY:

S. 689. A bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN):

S. 690. A bill to amend the Federal Noxious Weed Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY (for himself, Mr. STEVENS, Mr. INOUYE, Mr. THURMOND, Mr. HEFLIN, and Mr. MACK):

S. 691. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

By Mr. GREGG:

S. 692. A bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (by request):

S. 693. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL:

S. 694. A bill to prevent and punish crimes of sexual and domestic violence, to strengthen the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 696. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve school-to-work opportunities systems so that all students have an opportunity to acquire the knowledge and skills needed to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN):

S. 697. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 698. A bill to designate the Federal building at 33 College Avenue in Waterville, Maine, as the "George J. Mitchell Federal Building", and for other purposes; to the Committee on Environment and Public Works.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for seven years, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. CONRAD, and Mr. GRAHAM):

S. 700. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expiration, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Finance.

By Mr. SIMON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Finance.

S. 702. A bill to amend the Internal Revenue Code of 1986 to treat certain private foundations in the same manner as educational institutions and pension trusts for purposes of the unrelated debt- financed income rules; to the Committee on Finance.

By Mr. HOLLINGS (by request):

S. 703. A bill to amend title 49, United States Code, to simplify and improve the organization of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 704. A bill to establish the Gambling Impact Study Commission; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. THURMOND):

S. 705. A bill to combat crime by enhancing the penalties for certain sex crimes against children; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. CAMPBELL, Mr. KENNEDY, Mr. HEFLIN, Ms. MIKULSKI, and Mr. LEVIN):

S. 706. A bill to prohibit the importation of goods produced abroad with child labor and

for other purposes; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself and Mr. BROWN):

S. 707. A bill to shift financial responsibility for providing welfare assistance and medical care to welfare-related medicaid individuals to the States in exchange for the Federal Government assuming financial responsibility for providing certain elderly low-income individuals and nonelderly low-income disabled individuals with benefits under the medicare program under title XVIII of the Social Security Act and long-term care benefits under a new Federal program established under title XIX of such Act, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 708. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. BRYAN):

S. 709. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY:

S. 710. A bill to promote interoperability in the evolving information infrastructure maximum competition, innovation, and consumer choice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. ABRAHAM, and Mr. GRASSLEY):

S.J. Res. 32. A joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 106. A resolution to authorize testimony by former Senate employee and representation by Senate Legal Counsel; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 107. A resolution to commend the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship; considered and agreed to.

By Mr. WELLSTONE (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. DASCHLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. REID, and Mr. LEAHY):

S. Res. 108. A resolution designating July 16, 1995, as "National Atomic Veterans Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself, Mr. SIMPSON, Mr. SIMON, Mr. STEVENS, Mr. INOUYE, Mr. WELLSTONE, Mr. KERREY, Mr. COCHRAN, and Mrs. BOXER):

S. 684. A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH ASSISTANCE AND EDUCATION ACT OF 1995

• Mr. HATFIELD. Mr. President, if you want to know more about Parkinson's disease all you have to do is read the newspaper or watch the nightly news. You don't even have to read the whole paper, the information is usually on page 1. Prestigious and international papers such as the New York Times and the Wall Street Journal believe that the news is worthy of front page coverage. "Prime Time" had a feature on Parkinson's, and our very own Washington Post devoted three pages to promising new developments. What has caused the media fervor is the exciting new and dramatic medical discoveries in the field of neurology and neurosurgery. As I speak, scientists are uncovering new important data on nerve cell function and repair. Our biomedical research teams are on the cusp of breaking the code to nerve regeneration.

In these times of exciting new developments, we are unfortunately encountering a financial impediment. Last year, the Federal funding for Parkinson's disease at the NIH was $26 million. To put that number in prospective, the annual Federal budget for Alzheimers is $300 million, $1 billion each for cancer and heart disease. Our commitment to eradicating Parkinson's disease is minuscule in comparison. I cannot understand the lack of financial support for a disease that affects over 1 million Americans and costs our society over $6 billion a year. This disease is so widespread that each one of us has a close friend or loved one who is facing the challenge of life with Parkinson's. We must change our message to the American public and declare that increased Federal funding for Parkinson's disease research is a worthy investment in the future health of our Nation.

Today, I am pleased to reintroduce legislation that accomplishes that goal. The Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995, increases the Federal investment in Parkinson's research to $100 million for fiscal year 1996. The bill establishes an Interagency Coordinating Council, composed of representatives from the relevant agencies and NIH, which will develop a strategic plan for Parkinson's research.

At the heart of the bill is the funding of Morris K. Udall Parkinson's Centers which will conduct basic and clinical research and patient care. Having these three individual areas of research and treatment linked in a center will assure that the research developments will be coordinated and the quality of patient care will be greatly improved. In addition, the centers may develop teaching programs for health professionals and dissemination programs for public information. To compile necessary data on patients and their families a clearinghouse will be established. Morris K. Udall Leadership and Excellence Awards will be granted to scientists who excel in Parkinson's research. Finally, a national Parkinson's Disease Education Program will be established to provide technical assistance to advocacy groups and facilitate public understanding of Parkinson's.

This important legislation honors Mo Udall, a dedicated Congressman from the Second District in Arizona. For 30 years, Mo represented his constituents with integrity, compassion, and humor. He is remembered for his stewardship of the public lands by setting aside millions of acres of wilderness. He also championed civil rights and political reform. In 1980, Congressman Udall was diagnosed with Parkinson's disease, and struggled with the neurologic decay for years. He resigned from Congress in 1991, his career prematurely and tragically ended. Other famous individuals such as Mohammed Ali and Harry S Truman have all succumbed to this disease which knows no boundaries and strikes without warning.

For Mo Udall and the millions of Americans who suffer from Parkinson's, we must enact this legislation now. By uniting the advocacy groups, the scientists, the caregivers, the patients and their families, we can become a solidified and cohesive group dedicated to alleviating the hardship of Parkinson's. We must give our world-respected researchers the funding and the time to combat this and other neurological diseases, and improve the future health of all Americans.

I ask unanimous consent that this bill, a section-by-section summary, various letters of support, and two newspaper articles appear in the RECORD.

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

S. 684

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 "Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Parkinson's disease and related disorders (hereafter referred to in this Act as "Parkinson's") is a neurological disorder affecting as many as 1,500,000 Americans.

(2) Approximately 40 percent of persons with Parkinson's are under the age of 60.

(3) While science has yet to determine what causes the disease, research has found that cells that produce a neurochemical called dopamine inexplicably degenerate, causing uncontrollable tremors, muscle stiffness, and loss of motor function.

(4) Eventually, Parkinson's renders the afflicted individuals incapable of caring for

themselves. In addition to causing disability and suffering for the afflicted individuals, Parkinson's places tremendous and prolonged physical, emotional, and financial strain on family and loved ones.

(5) It is estimated that the disease costs society nearly $6,000,000,000 annually.

(6) To date, the federally funded research effort has been grossly underfunded. Only $26,000,000 is allocated specifically for research on Parkinson's, or only about one dollar for every $200 in annual societal costs.

(7) In order to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(b) PURPOSE.—It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

SEC. 3. BIOMEDICAL RESEARCH ON PARKINSON'S DISEASE.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

"PARKINSON'S DISEASE

"SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training, the dissemination of health information, and other programs with respect to Parkinson's disease.

"(b) INTERAGENCY COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The Director of NIH shall establish a committee to be known as the Interagency Coordinating Committee on Parkinson's Disease (in this subsection referred to as the 'Coordinating Committee').

"(2) DUTIES.—With respect to Parkinson's, the Coordinating Committee shall—

"(A) provide for the coordination of the activities of the national research institutes; and

"(B) coordinate the aspects of all Federal health programs and activities relating to Parkinson's in order to assure the adequacy, effectiveness, and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of—

"(A) the directors of each of the national research institutes and other agencies involved in research with respect to Parkinson's;

"(B) one representative of the relevant Federal departments and agencies whose programs involve health functions or responsibilities relevant to such disease;

"(C) individuals with the disease and individuals who have a family history with the disease; and

"(D) health professionals or allied health professionals.

"(4) CHAIR.—The Coordinating Committee shall be chaired by the Director of NIH (or the designee of the Director). The Committee shall meet at the call of the chair, but not less often than once each year.

"(5) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year, the Coordinating Committee shall prepare and submit to the Secretary, the Director of NIH, and the directors specified in paragraph (3)(A) a report detailing the activities of the Committee in such fiscal year in carrying out paragraph (2).

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research and provide patient care services.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public; and

"(iv) develop and maintain, where appropriate, a brain bank to collect specimens related to the research and treatment of Parkinson's.

"(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(C).

"(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) DATA SYSTEM; INFORMATION CLEARINGHOUSE.—

"(1) DATA SYSTEM.— The Director of NIH shall establish the National Parkinson's Disease Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with such disease, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing the disease.

"(2) INFORMATION CLEARINGHOUSE.—The Director of NIH shall establish the National Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of such disease on the part of health professionals, patients, and the public through the effective dissemination of information.

"(e) MORRIS K. UDALL LEADERSHIP AND EXCELLENCE AWARDS.—The Director of NIH shall establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's research. Grants under this subsection shall be utilized to enable established investigators to devote greater time and resources in laboratories to conduct research on Parkinson's and to encourage the development of a new generation of investigators, with the support and guidance of the most productive and innovative senior researchers.

"(f) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—The Director of NIH shall establish a national education program that is designed to foster a national focus on Parkinson's and the care of those with Parkinson's. Activities under such program shall include—

"(1) the bringing together of public and private organizations to develop better ways to provide care to individuals with Parkinson's, and assist the families of such individuals; and

"(2) the provision of technical assistance to public and private organizations that offer support and aid to individuals with Parkinson's and their families.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.

"(2) AVAILABILITY.—Of the amount appropriated under paragraph (1), the Secretary shall make available not to exceed $10,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000, to establish Morris K. Udall Centers under subsection (c).".

THE MORRIS K. UDALL PARKINSON'S RESEARCH, EDUCATION AND ASSISTANCE ACT OF 1995—SECTION-BY-SECTION SUMMARY

Section 1—Short Title: Morris K. Udall Parkinson's Research, Assistance and Education, Act of 1995.

Section 2—Findings and Purpose: Parkinson's disease and related disorders affect as many as 1.5 million Americans, with costs to society of nearly $6 billion annually. To date, the federal research effort has been grossly underfunded, providing about $26 million a year for research on Parkinson's. It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for the afflicted individuals and family caregivers.

Section 3—Biomedical Research on Parkinson's Disease: Amends Title IV, Part B of the Public Health Service Act (42 U.S.C. 284 et seq.) with a new Section 409B—Parkinson's Disease Research—

A. EXPANSION OF BIOMEDICAL RESEARCH

1. Interagency Coordinating Committee—The Director of the National Institutes of Health (NIH) will establish a committee to coordinate Parkinson's research, composed of the directors of each of the national research institutes, representatives of other agencies, and patients and their families.

2. Annual Report—Not later than 120 days after the end of each fiscal year, the Coordinating Committee shall prepare and submit to the Secretary of Health and Human Services, the Director of the National Institutes of Health (NIH), and the directors of appropriate Federal programs a yearly report detailing the activities of the Committee.

3. Morris K. Udall Research Centers—The Director of NIH shall award Core Center Grants to provide funding for not more than 10 Parkinson's Research Centers, which will conduct basic and clinical research, and patient care. The Centers may disseminate clinical information, provide training for health care personnel, develop and maintain brain banks, and enhance community awareness concerning Parkinson's. Not more than $10 million.

Data System; Information Clearinghouse: The Director of NIH shall establish a clearinghouse for collecting patient and family data.

Udall Leadership and Excellence Awards: The Director of NIH shall establish grants

for scientists who excel in Parkinson's research.

Natl. Parkinson's Disease Education Program: The Director of NIH shall establish a national education program to provide technical assistance to advocacy groups, establish a clearinghouse to disseminate information, and facilitate public understanding of Parkinson's Disease.

Authorization of Appropriations: The bill establishes a five-year authorization, and authorizes appropriations beginning in fiscal year 1996. Overall funding authorizations are: $100 million for FY1996, and such sums as necessary for FY1997 through FY2000. Not more than $10 million will be allocated in FY1996 for the funding of the Centers.

PARKINSON'S ACTION NETWORK,
Washington, DC, April 5, 1995.

Re Morris K. Udall Parkinson's Research and Education Act.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you from the bottom of our hearts for your great leadership in authoring the Morris K. Udall Parkinson's Research and Education Act.

The impact of Parkinson's disease on its victims and their loved ones is devastating. As Parkinson's neurologic devastation progresses, it leaves its targets with increasing difficulty with every simple motor function. That process changes forever the lives, the careers and the dreams of the million Americans who suffer from Parkinson's, and millions more loved ones.

Moreover, it causes Parkinson's victims and their families to drop out of public life, so consumed are they with the struggle to survive.

Scientists promise that the cure of Parkinson's is very near—as long as adequate support for research is available. Unfortunately, this great need for research support has been neglected by our government in the past.

Your legislation can end this deadlock, by giving the research community the support they need to deliver our cure.

Words are inadequate to express our profound gratitude for this bill. Equally profound is our determination to do whatever it takes to ensure swift enactment of this legislation, so that our suffering community can be rescued. We commit to you that we no longer will be an invisible community, so that our suffering will be recognized and ended.

Sincerely,

ANNE J. UDALL,
Chair.
JOAN I. SAMUELSON,
President.

THE AMERICAN PARKINSON DISEASE ASSOCIATION, INC.,
Washington, DC., April 1, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: The American Parkinson Disease Association and the more than 1 million people with Parkinson's and their families, commend and enthusiastically support the introduction of the Morris K. Udall Parkinson's Research, Education & Assistance Act to the 104th Congress.

Your introduction of this bill; the first legislative initiative to strengthen the federal Parkinson's research program, will ensure proper funding and coordination of Parkinson's research. The current science gives us hope that major breakthroughs are within reach. We can no longer ignore the tremendous scientific potential.

The Udall Bill will assure that scientific advances are able to move to the stage of treating and curing people with Parkinson's.

Thank you for your leadership and initiative embodied in this legislation, as we work together to achieve the ultimate goal—a cure for Parkinson's.

Sincerely,

SALVATORE J. ESPOSITO, JR.,
President, Board of Directors.
FRANK L. WILLIAMS,
Executive Director.

OREGON HEALTH SCIENCES UNIVERSITY,
PARKINSON CENTER OF OREGON,
Portland, OR, April 3, 1995.

Hon. MARK HATFIELD,
U.S. Senator,
Washington, DC.

DEAR SENATOR HATFIELD: Your introduction of the "Morris K. Udall Parkinson's Research Assistance and Education Act" could not have come at a more opportune time. Medical scientists need support to follow up on some very important clues into the cause and treatment of Parkinson's disease and related neurodegenerative disorders. We have a greater understanding of Parkinson's disease in comparison to other neurodegenerative disorders; medical scientists are closer to breakthroughs in the understanding of the cause and treatment of Parkinson's disease, which could serve as a model for similar approaches in the other disorders such as Alzheimer's disease and Lou Gehrig's disease.

I am particularly pleased that not only does the bill fund research centers but also productive biomedical researchers with good ideas who can train younger, promising investigators to continue the work. The data system and information and clearing house provided in the bill will be a valuable tool for facilitating the work of the scientists.

Because Parkinson's disease is a chronic disorder that consumes valuable family and community resources, the education program is also extremely important. We need to facilitate the delivery of education and assistance to the families and communities struggling with this debilitating disease.

Thank you again for providing the leadership to provide the much needed support to conquer Parkinson's disease and related degenerative disorders.

Sincerely yours,

JOHN P. HAMMERSTAD, M.D.,
Professor of Neurology.

WILL-COPE
(WILLIAMETTE COLUMBIA PARKINSONIAN SOCIETY),
April 5, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We are delighted to learn of your intention to introduce a revised version of the Morris K. Udall Parkinson's Research and Education Act.

Parkinson's disease steals the golden years from many of us and is taking away the economic productive lives of younger-onset Parkinsonians. We know what causes our tremors and makes our bodies freeze but research has not yet provided the cause. Without this needed research, many fine people are trapped in bodies that limit their potential.

Nationwide there are approximately one million Parkinson's patients. U.S. support for research of this condition amounts to less than $30.00 per patient which is far less than the help other diseases receive.

Please continue with whatever actions are needed to secure additional Federal funds for continued research towards finding an early cure for this dreaded condition.

Our thanks for your attention, efforts and support.

Sincerely,

L.R. GREGER,
President.

UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER,
Denver, CO, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I wish you well with your bill, the Morris K. Udall Parkinson's Research and Education Act, which you will reintroduce to the Senate on April 6th. As a physician and scientist who has spent the last 20 years trying to improve the treatment of Parkinson's disease, I am delighted to see a proposal which recognizes that Parkinson's disease may be cured if adequate resources are devoted to the problem for the next few years.

Even with the current low level of Federal research support for Parkinson's disease, this disease is still the neurologic disorder most likely to be cured in the next decade. While neural transplantation with fetal tissue has already been shown to produce substantial clinical benefit in some patients, genetically engineered alternatives to fetal cells offer promise to supply a limitless amount of tissue for brain repair. These and other fundamental breakthroughs will certainly occur with accelerated research.

Your bill recognizes this unusual opportunity. If we can cure Parkinson's disease, the lessons that we learn will apply to many other disorders such as Alzheimer's disease, Huntington's disease, and epilepsy. Research in other areas such as diabetes will also be benefited.

Although we live in a time of fiscal constraint, I can assure you that money spent on research for Parkinson's disease will be repaid many times over by increased productivity and reduced medical costs. Research success will take people who are frozen invalids and give them back the freedom to move.

Yours sincerely,

CURT R. FREED, M.D.,
Professor and Head, Division of Clinical Pharmacology and Toxicology.

SPRINGFIELD, MO,
April 3, 1995.

Hon. MEL HANCOCK,
U.S. Congress,
Washington, DC.

DEAR CONGRESSMAN HANCOCK: On July 19, 1994 Senator Mark O. Hatfield and Congressman Henry Waxman introduced the Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994. (S. 2294 & H. 4789) This bill is critical to the Parkinson's community. We are seeking strong support for this bill and would like your cosponsorship.

The Udall Bill would establish research and education centers, promote a coordinated research agenda, establish research and training grants and establish a national education program.

More than 1 million Americans are afflicted with Parkinson's disease. Approximately 50,000 Americans are diagnosed with Parkinson's each year. Parkinson's disease is

estimated to cost the U.S. $6 billion a year in direct health-related expenses, lost productivity and indirect disability costs.

I am able to speak in regard to this matter with authority and experience. Three years ago my family was virtually torn apart when I received the diagnosis of Parkinson's Disease at the early age of 37. Four years prior to my diagnosis, I went through many emotional ups and downs, expensive tests and 4 different doctors. I was a hard-working career mom with two teenage daughters and a 10 year old son. Two weeks after my diagnosis my oldest daughter ran away. With increasing disability, I had to leave my job at the Prosecuting Attorneys Office 8 months ago which I truly loved and still miss every day. In a year and a half I will lose my benefits with my previous job and my family will be responsible to pick up the costs of skyrocketing prescription costs. At the present time my health care pays $418 for my drug treatment which will only increase with progression. We are scared, really scared and no longer make plans for our future. Do we even have a future?

I urge you to co-sponsor the Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994 to give my family and so many families HOPE! I look forward to hearing your views on this subject.

Sincerely,

KAREN KIDWELL.

THE PARKINSON'S INSTITUTE,
Sunnydale, CA, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I strongly support and applaud your re-introduction of the "Morris K. Udall Parkinson's Research and Education Act" to the U.S. Senate. I am a neurologist who treats a large number of patients with Parkinson's disease and I know first hand of their suffering. In my view, passage of this bill would greatly bolster promising research efforts that are now in limbo because of reduced funding by NIH and others.

A few areas of research that would benefit if this bill were to pass include: 1) a project testing several compounds that have been shown to revive damaged dopamine producing neurons in several models of Parkinson's disease, 2) a project aimed at testing the possibility of inducing certain brain cells to produce dopamine by directly injecting specific genes into the brain, 3) several projects investigating possible genetic factors that might predispose to the disease, 4) a project aimed at discovering the underlying mechanisms of neuronal degeneration in Parkinson's disease. All of these projects are very promising, but are suffering because of insufficient funding.

I do hope that Congress will recognize the compelling arguments for this legislation. I commend your efforts as well as those of Ms. Samuelson and all who have supported this bill.

Sincerely,

JAMES W. TETRUD, M.D.

AMERICAN PARKINSON
DISEASE ASSOCIATION,
Salisbury, MD, March 30, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD AND OTHER MEMBERS OF THE SENATE: We, the Parkinsonians and the caregivers of the Delmarva Chapter/Support Group of the American Parkinson Disease Association, strongly support and encourage passage of the Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995 and hope that adequate funding will follow.

Parkinson's disease is stealing the "golden years" from many in our group, and, increasingly, is taking away the economic productive life of the young-onset Parkinsonians and many caregiver children. We know the thief who causes our tremors and makes our bodies writhe or freeze, but we do not know where he comes from or how to rid ourselves of him. Research does not guarantee our finding the cause or the cure, but, without medical research, we can be sure we will never know where Parkinson's disease comes from.

We want to help ourselves, but we can do only so much. I give financially in spite of an early unplanned Parkinson's induced retirement. I give my time as a local hospital volunteer worker; as president of the Delmarva Pakinson's chapter/support group; and as writer, editor, printer, and circulation manager of the monthly Parkinson's Newsletter with a complimentary circulation of 483 [March 1995] which carries chapter news, hints for coping with Parkinson's, and a synopsis of research. I give myself. Since 1991 I have been a "guinea pig" in two double blind Parkinson's experimental drug tests at Robert Wood Johnson Medical School in New Brunswick, New Jersey; been a subject in a PET scan Parkinson's diagnosis experiment at Johns Hopkins in Baltimore which resulted in a medical journal article; and participated in a Parkinson's olfactory test experiment at Graduate Hospital in Philadelphia. It is not enough.

We need help. A national investment now in finding the cause and cure for Parkinson's should pay off in better and more productive lives for us and future Parkinsonians.

Sincerely,

WILL JOHNSTON,
President,
Delmarva Chapter/Support Group.

UNIVERSITY OF MINNESOTA,
Minneapolis, MN, March 29, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I have recently learned that you will re-introduce the Morris K. Udall Parkinson's Research and Education Act. I am writing to show my strong support for this bill.

I am a Ph.D. candidate in Neuroscience at the University of Minnesota. My research work for my thesis is on the cellular mechanisms involved in the death of brain cells and novel protective therapies that can be utilized to prevent cell death. As you know, the hallmark of Parkinson's disease is the death of the dopamine-producing cells (neurons) in the brain.

This is an extremely exciting time in neuroscience research. Breakthroughs in our understanding of how the brain functions in normal and diseased states as well as new therapies to treat neurological disorders are occurring at an unprecedented pace. Research relating to Parkinson's disease (PD) is at an especially exciting crossroads, since we understand more about PD than many other neurological disorders. Novel therapies, such as neural tissue transplantation, selective neural ablation techniques, and protective drug therapies, are being aggressively studied in laboratories at the University of Minnesota, as well as in laboratories across the country. These important studies hold hope and promise for the more than 1 million people in the United States who have Parkinson's disease, as well as the many more people in the next generation destined to be struck down with this devastating disease.

I would like to make one additional point about this type of neuroscience research. The death of neurons in Parkinson's disease undoubtedly employs cellular mechanisms similar to that which occurs in many other neurodegenerative diseases. Therefore, advances made in Parkinson's disease research today will be applicable to many, many other neurological diseases. The knowledge gained will advance the research on diseases such as Alzheimer's and Huntington's diseases, as well as stroke and cerebral palsy, to name just a few. This bill promises to give a boost to so many areas of neuroscience research which affect each and every one of us.

Thank you for your attention and your support of these important efforts. Please contact me if there is anything that I might do to answer questions or to help facilitate the passage of this bill.

Sincerely,

ELIZABETH M. JANSEN.

AXION RESEARCH FOUNDATION,
Hamden, CT, April 4, 1995.

Hon. MARK O. HATFIELD,
Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Axion Research Foundation, its supporters, and researchers are most grateful to you and other supporters for the re-introduction of the Morris K. Udall Parkinson's Research and Education Act.

Our Foundation has played an important role in carrying out and funding important breakthroughs related to cellular and genetic brain circuit restorations as possible treatments for Parkinson's disease. We have recently helped to develop the first practical diagnostic test for Parkinson's disease, which should dramatically facilitate studies aimed at determining its cause. Other research areas also offer great promise at the present time. But it is clear that the combined efforts of the private sector and the federal government must increase to produce clinical benefits for patients and the reduction of health care costs which would result from a cure.

The Morris K. Udall Parkinson's Research and Education Act is a great step in the right direction and will be eagerly supported by patients, their families, and neuroscience researchers.

Sincerely,

D. EUGENE REDMOND, Jr., M.D.,
President.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
New Haven, CT, April 3, 1995.

Hon. MARK O. HATFIELD,
Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: As director of the Neural Transplant Program at Yale University, I am writing to thank you and other supporters for re-introducing the Morris K. Udall Parkinson's Research and Education Act to the 104th Congress.

This is a particularly exciting period of research in which novel treatments for Parkinson's disease are being developed and evaluated, and research is progressing to determine the cause of the disease. Although there is potential for incredible breakthroughs, such progress is not inevitable. Without funding, the breakthroughs might never happen. Techniques for cellular and genetic reconstruction of neural circuits which

are being developed in our research and elsewhere may some day be applicable to other neurological and medical diseases as well.

I hope that you will be able to explain to your colleagues in the Congress that this investment in research will save money on health care and increase productivity from people who now become incapacitated over a period of many years.

This excellent legislation will not be helpful unless it actually adds dollars to the funding relevant to this disease, and does not shift funding from investigator-initiated basic science projects.

Sincerely,

D. EUGENE REDMOND, Jr., M.D.,
Director.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, March 31, 1995.

Re Morris K. Udall Parkinson's Research and Education Act.

The Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of my fellow directors of the Parkinson's Disease Foundation (PDF), I am writing to thank you and to support your introduction of this bill.

The authorization of funds to launch a Parkinson's research initiative, coordinating between the several institutes now conducting research in Parkinson's disease, would give added impetus to the efforts of scientists to improve their understanding of this debilitating illness. Although PDF scientists are working to improve our understanding of the brain, we still do not know what causes people to develop the illness, so we cannot develop a cure. The boost to the research effort that the establishment of the Morris K. Udall Research Centers would provide would allow for additional resources toward our goal: to find the cause and then the cure.

As our population ages, there is no doubt that the prevalence of Parkinson's disease will increase. It is, therefore, imperative to work together towards a breakthrough in Parkinson's disease. Only the federal government can provide sufficient financial support and leadership to sustain a coordinated approach to the search for the cause and cure.

Your leadership, and that of your Congressional supporters, are deeply appreciated by all of us who seek to improve the quality of life of those afflicted with Parkinson's and related disorders.

Most sincerely,

PAGE MORTON BLACK,
Chairman of the Board.

MOVERS & SHAKERS, YOUNG
PARKINSON'S SUPPORT NETWORK,
San Diego, CA, April 4, 1995.

The Morris K. Udall Parkinson's Research and Education Act.

Senator MARK HATFIELD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Parkinson's disease and related neurological disorders are said to cost society $6 billion annually. This monetary cost, although staggering, is minuscule when compared to the human suffering these disorders inflict on the patient and family. Research is needed to push ever closer to finding the cause and the cure for these disorders. In the meantime quality of life can be raised through education of patients, caregivers and community support services.

The Morris K. Udall Parkinson's Research and Education Act allows Congress to embark on a major effort to increase the knowledge of the causes, treatments and cures for these disorders. It further sets patient, caregiver, support services and community understanding as a priority in raising the quality of life of those affected by these disorders. The 1990's form the Decade of the Brain. It is only fitting that Congress move swiftly to enact this important legislative initiative for it symbolizes hope of major breakthroughs for the millions of Americans affected by these disorders.

I commend you for your leadership in this very important legislative initiative. Your leadership is much appreciated and supported by the Young Parkinson's Support Network of California.

Sincerely,

TOM G. BROWN,
President.

Sincerely,

ALAN L. BONANDER,
Past President.

[From the Washington Post, Apr. 4, 1995]

DISEASES THAT ATTACK THE BRAIN

(By Rick Weiss)

She was a retired Swedish lawyer, 69, and during the past eight years she had sunk into the foggy oblivion of Alzheimer's disease. Long gone were the details of case law and logic upon which she had built her career. Now she was housebound and confused, unable to survive without round-the-clock care.

He was a 45-year-old high school teacher and basketball coach in Wisconsin who began to notice a loss of strength in his hands—some difficulty unscrewing jars or turning house keys. Then he watched in despair over a period of months as the muscles in his arms and neck grew flaccid and weak. The diagnosis: amyotrophic lateral sclerosis, or Lou Gehrig's disease, the paralytic syndrome that stole the strength and ultimately the life of the baseball great.

The Alzheimer analogy is apt. Viewed under a microscope, nerve cells look a lot like trees and shrubs, with bifurcating roots and boughs sprouting from either end of a stem or trunk. As every gardener knows, fertilizer is the key to growth, and scientists have long assumed that the body makes its own neural nutrients—in great quantities, no doubt, during embryo development, but perhaps in smaller maintenance doses throughout life.

The challenge faced by neuroscientists pursuing nerve regeneration was to identify those naturally occurring products and mass produce them in the laboratory so they could be given as drugs.

In their quest to discover such substances, researchers have gone to great and gory lengths.

Figuring the best place to look for a nerve nurturing compound was around nerve cells themselves, one team ground up 100 pig brains. They distilled from that mass less than a drop of a rare brain chemical called BDNF, which does indeed now show promise as drug to protect nerves in patients with Lou Gehrig's disease.

Another team teased thousands of sciatic nerves from the legs of rats, then ground the nerves up to get a smidgen of something they call CNTF, which is also now in clinical trials in Lou Gehrig's patients.

Yet another group isolated a potent nerve growth factor from the juices of hundreds of mouse salivary glands. Saliva, it turns out, is rich in natural healing compounds—a fact that may explain the propensity of animals to lick one's wounds. The salivary substance, known as NGF, is now being tested in diabetics with peripheral neuropathy and in a handful of patients with Alzheimer's disease.

Then there was the 63-year-old woman from Stockholm with Parkinson's disease. For the past 19 years her condition had gradually worsened, despite treatment with the best available drugs, like L-dopa. At times now her entire body would suddenly freeze up, becoming so rigid she would crash to the floor. At other times her hands trembled so severely and her head shook so much that she felt as though the whole world were crumbling.

Three patients with three very different diseases. But all of them have one thing in common: They are among the first to enter a radical new field of medicine, in which doctors are using a novel class of drugs to regenerate dying nerve cells in the brain and spinal cord.

No one can say yet whether the treatments will work. Preliminary results from about 1,000 patients getting a handful of different compounds for various neuro-degenerative diseases are a mix of encouragement and disappointment. In some cases, patients' symptoms subsided but were replaced by worrisome side effects.

But for each of these diseases the prognosis is so poor that even a sliver of improvement—or a brief reprieve from the otherwise inevitable decline—would be welcome.

"We are dealing with diseases that are uniformly fatal," said Ted Munsat, a neurologist and professor of neurology at Tufts University in Boston, "so the hope and anticipation is more heightened than ever."

It's almost impossible to get ailing nerve cells to grow, or to get injured ones to sprout new parts. Unlike most peripheral neuropathy (the painful nerve irritation that afflicts many people with advanced diabetes and some patients getting cancer chemotherapy), Huntington's disease (the dementia-inducing brain disease that strikes by surprise in the prime of life) or the paralysis that results from serious injuries to the spine or head.

But everyone has grown nerve cells at least once before. The central nervous system, which includes the brain and spinal cord, is one of the first organ systems to develop in a fertilized egg, its rudimentary struoture already evident in the third week of gestation when the embryo is still less than 3 millimeters long. Nine months later more than a trillion neurons have settled into position, some of them almost six feet long.

If we can do it once, why not again?

For decades, the common wisdom was that it can't be done. But with a little help from some compounds called nerve growth factors, scientists are changing their minds.

"These are nerve fertilizers," said Steven Ringel, a professor of neurology at the University of Colorado Medical Center in Denver. "We can make these neurons grow like grass. It's a remarkable tool and incredibly exciting."

"Until growth factors were discovered there was no molecule known that could rescue dying neurons. When neurons died, they were gone forever," said Frank Baldino, president and CEO of Cephalon, a biotech company in West Chester, PA. "When growth factors were discovered, everyone was thrilled."

The newest nerve growth factor, recently purified from rat brain cells, may be the most promising of them all. The substance is called glial cell line-derived neurotrophic factor, or GDNF. In experiments with brain-injured animals published in January, researchers documented its ability to spur regeneration of the types of nerve cells that

disappear in people with Parkinson's and Lou Gehrig's diseases.

"You can really get substantial regeneration of nerve fibers," said Frank Collins, a neuroscientist at Amgen in Thousand Oaks, Calif., speaking of GDNF's effects in animals. "It suggests that the benefits in early-stage patients may be very profound. And that's very exciting."

Exciting, yes, except for one problem: It's almost impossible to get GDNF—or any of the other nerve growth compounds—into the human brain, where the compounds are needed.

DELIVERY PROBLEMS

It turns out that every nerve growth factor so far discovered is, to put it plainly, a big fat protein. Proteins tend to break down quickly when taken as pills or injected into the blood. And even if these particular proteins could survive in the bloodstream and make it to a person's head, they are too large to diffuse through blood vessel walls and make their way into the brain.

This may not be a serious problem when it comes to treating peripheral neuropathy, where the problem is mostly limited to nerve cells in the fingers and toes that can be treated with injections beneath the skin. Simple injections may also work for Lou Gehrig's disease, since the motor neurons that are affected extend out from the brain, down the spine and all the way to every extremity. Studies have shown that CNTF and BDNF injected into the thigh, arm or elsewhere in the body are absorbed by nerve endings and travel up those cells into the spinal cord.

But when it comes to the most common and serious neurological diseases—Alzheimer's and Parkinson's—the neurons that are dying are deep within the brain, where no nerve growth factor can get on its own. So with the physiological potency of growth factors now well established, the challenge of making these compounds into useful drugs is actually more a problem of engineering and delivery than of medicine or biology.

In animal experiments, scientists have gotten around this problem by injecting doses directly into the creatures' brains. And though most researchers have been reluctant to try this in people, one team of scientists in Sweden is doing so.

The first patient to get such a treatment was the retired lawyer with Alzheimer's disease. Lars Olson and his colleagues at the Karolinska Institute in Stockholm surgically implanted a pump the size of a hockey puck into the woman's abdomen. They ran a thin plastic tube from the pump up through her torso and neck, all within her body, and underneath her scalp to the crown of her head. There they drilled a hole through her skull and fed the hidden tube through the opening and into a space in her brain near the area that degenerates in Alzheimer's patients. For three months, the pump supplied a constant low dose of NGF, the nerve growth factor isolated from mouse salivary glands.

It is still not clear whether the approach is worth the trouble. The researchers did note an increase in blood flow in the brain, a more normal electroencephalogram (EEG) and improvement in a word recognition test that is used to measure cognitive function. But the woman also experienced serious back pain, anxiety, sleeplessness and weight loss—symptoms the scientists think may be due to an unintended activation of nearby nerves in the brain. She also had a painful outbreak of shingles, which indicated that a herpes virus that normally stays dormant inside nerve cells had for some reason "woken up." And in every cognitive test other than the word recognition test, the woman's performance stayed the same or declined.

The Swedish team is trying the technique on a few other patients, and researchers in the United States have proposed doing essentially the same thing, using plastic tubes, or cannulas, to get NGF into the brain. The Food and Drug Administration officials have so far rejected the approach, in part because animal studies suggest that the procedure can itself cause brain damage.

"Cannulas in the brain may be fine for animals, but not for 4 million Alzheimer's patients," said Baldino of Cephalon. "It's a great way to show proof of concept—to show that growth factors can have an effect in the brain. But practically speaking, I don't think patients are going to be lining up at the clinic."

MINI-FACTORIES

Another way to get bulky proteins into a person's gray matter is to first give a drug that temporarily pokes holes in the brain's blood vessels—that is, make those vessels leaky—and then infuse the nerve growth factor into such a vessel. Some scientists are already using this technique to get cancer drugs, some of which are molecular mammoths, to brain tumor. But the approach makes it difficult to aim the shot of growth factor to the precise part of the brain where it is needed, and so risks stimulating "innocent bystander" neurons better left alone.

"A good drug in the wrong place can give serious side effects," said Fred Gage, a neuroscientist at the University of California-San Diego.

Gage and others suggest that the best way to give the brain a healthy dose of growth factors is to arrange for those factors to be made on-site, in the brain itself. "Instead of giving a drug," Gage said, "you engineer some cells to make what's needed."

The idea of implanting robust, hormone-secreting cells into the brain to nurse ailing nerve cells back to health has its roots in an older and more controversial strategy for Parkinson's disease. In the original approach, scientists took cells from the brains of aborted fetuses and transplanted them into the brains of people with Parkinson's disease. Fetal cells produce copious quantities of dopamine, the brain chemical lacking in Parkinson's patients.

Such transplants do seem to hold some potential. More than 40 patients with Parkinson's disease have been treated that way in the United States, and some patients are showing modest improvement. But 95 percent or more of the transplanted fetal cells generally die in the weeks or month after transplantation.

Olson and his colleagues in Sweden recently used nerve growth factors to better those odds. After transplanting healthy dopamine-producing cells into the brain of a patient with Parkinson's, they drenched the transplanted cells with NGF for 23 days, dripping the liquid fertilizer through a plastic tube inserted directly into her brain. Preliminary results suggest that the patient became less rigid and more mobile than did patients who got cell transplants without NGF, though it's difficult to tell much from a single patient. Two others have since been treated but results have not been published.

Gage, however, proposes a more elegant means of getting growth factors into the brain—a method that would make plastic tubes and fetal transplants completely unnecessary. He and others have put the genes for nerve growth factors like NGF into hardy, laboratory-reared skin cells, instantly endowing those ordinary cells with the specialized ability to churn out the therapeutic factors. They have transplanted those cells into the brains of rodents with a condition resembling Alzheimer's disease, with the hope that these growth-factor mini-factories might revitalize failing nerve cells nearby.

Sure enough, the animals began to spout new and healthy neurons in the area around the nutrient-spewing transplants. While highly experimental, the approach is about to get its clinical debut. This month, Swiss researchers will insert CNTF genes into cells and inject the cells into the spines of patients with Lou Gehrig's disease, marking the first human test of cells engineered to produce a nerve growth factor. They hope that the locally made CNTF will revive ailing motor neurons there more effectively than if the substance were injected into the skin.

AVENUES OF HOPE

Even if researchers find a good way to administer nerve growth factors, there is no guarantee that patients will be able to tolerate the drugs. CNTF injections already have run into trouble in preliminary experiments in Lou Gehrig's patients, causing flu-like symptoms and weight loss serious enough to convince one company to give the research up. Another company is now trying smaller doses, and others are testing BDNF. Though side effects have been rare in these latter studies, it's too soon to say whether the more mellow regimens will be potent enough to stem the disease's progress.

Similarly, some of the early tests of NGF injections for peripheral neuropathy have been plagued by a serious side effect: A super-sensitivity to pain that makes normally innocuous stimuli unbearable. A lukewarm shower, for example, can become an excruciatingly painful experience in which drops of water feel like little burning arrows.

Ultimately, scientists said, a cocktail of different nerve growth factors—perhaps delivered by a variety of different routes—may work best of all. "We now have a number of molecules looking good," said Ronald Lindsay, a neuroscientist at Regeneron, a Tarrytown, N.Y., biotech company developing nerve growth factors. "It doesn't make sense to bet on a single horse."

Unfortunately, the race is still far from the home stretch, and that's disappointing news for people already suffering from nervous system diseases. The lawyer with Alzheimer's disease, for example, has continued down the path of senility since receiving her experimental drizzle of nerve growth factor. And her counterpart with Parkinson's is again subject to freeze-ups and jitters.

On the other hand, the basketball coach with Lou Gehrig's disease has improved since getting treated with CNTF. "He has more neck strength and breathing strength," said Benjamin Brooks, a professor of neurology and director of the University of Wisconsin's ALS Clinical Research Center in Madison. "Now he's back at work one hour a day, which is something we never would have expected with this disease."

BRAIN AND NERVE DISEASES FOR WHICH NERVE GROWTH FACTORS MAY HELP

Alzheimer's Disease—4 million patients in the United States.

Nerve growth factor (NGF) is being infused directly into the brains of a few patients in Sweden; potentially serious side effects have been reported, including extreme sensitivity

to pain. NGF is also being given by injections under the skin in the United States as an experimental treatment for peripheral neuropathy, a loss of sensation in the extremities common among diabetics and patients getting cancer chemotherapy.

Parkinson's Disease—1 million patients in the United States.

One patient in Sweden has received brain infusions of NGF to enhance survival of healthy neurons that researchers had previously transplanted into his brain, with some possible benefits. A newly discovered nerve growth factor, called glial cell line-derived neurotrophic factor (GDNF), looks promising in animal studies and may enter human trials in the next year or two.

Amyotrophic Lateral Sclerosis (Lou Gehrig's disease) 5,000 new cases a year in the United States.

A nerve growth factor called ciliary neurotrophic factor (CNTF) is being injected into the skin, where it can be absorbed by nerves. Doses have recently been lowered, however, because of side effects. Swiss researchers are about to transplant the first genetically engineered versions of CNTF-secreting cells into the spines of ALS patients. Another growth factor, brain derived neurotrophic factor (BDNF), is also in clinical trials with apparently fewer side effects, Insulin-like growth factor-1 (IGF-1) is an injectable cell growth factor not specific for nerve cells but now being tested in patients with ALS. Results are expected this year.

SCIENCE CLOSER TO A TREATMENT FOR PARKINSON'S

(By Michael Waldholz)

Researchers say experiments involving a powerful substance discovered in the human nervous system may lead to new drugs to slow the progress of Parkinson's disease and Lou Gehrig's disease.

Four separate research teams are reporting test-tube and animal experiments showing the new substance acts as a biological shield, protecting crucial nerve cells from damage that normally kills them. Death of these cells is the hallmark of Parkinson's and amyotrophic lateral sclerosis, also known as ALS or Lou Gehrig's disease.

The substance is perhaps most potent of a series of human proteins—discovered in recent years by scientists at biotechnology companies—that the body uses to spur nerve-cell growth. The new growth factor was uncovered by researchers working separately at Synergen Corp., now owned by Amgen Inc., a biotech company in Thousand Oaks, Calif.; and by scientists at Genentech Inc., of South San Francisco, Calif. All four research teams conducted their experiments in association with one of the two biotechnology companies.

It is unclear whether ownership rights for the substance will be disputed between Amgen and Genentech. But officials at both companies say that because of the promising results of the new experiment, they have decided to move forward to develop the substance as a potential treatment against Parkinson's and other nerve disorders.

The new factor is called glial cell-line derived neurotrophic factor, or GDNF. Its discovery is so recent that scientists don't know exactly how GDNF spurs cell growth, or how it protects neurons from lethal damage. But the new experiments provide persuasive evidence that the factor plays an important role in the life cycle of neurons, and that scientists may be able to exploit that role in their search for new medicines against degenerative nerve diseases.

GDNF "is by far the most powerful nerve-growth factor we have tested yet," says Ronald Oppenheim, of Bowman Gray School of Medicine, Winston-Salem, N.C., who led one of the research teams. Dr. Oppenheim's experiments in laboratory mice showed the GDNF kept alive almost all the cells that normally would have died within three weeks after researchers damaged them. "We were surprised because none of the other factors we've tested were that protective," he says.

Still, the researchers emphasize that the new results are preliminary, suggesting that many years of work will be needed before they know GDNF or some related chemical will be helpful to patients.

Indeed, a similar kind of nerve-growth factor called CNTF, developed by the biotech company Regeneron Pharmaceuticals Inc., Tarrytown, N.Y., produced troubling side effects when tested last year in ALS patients. Regeneron, Amgen, Genentech and several other biotech companies are researching other promising nerve-growth factors.

Even so, the new experiments, published today in the British journal Nature, provide several hints that in uncovering GDNF, scientists have found a new doorway to the treatment of nerve diseases that continue to defy adequate treatment. "It's a fairly exciting set of results," says Ronald Lindsay, vice president for neurobiology research at Regeneron, noting that "it provides strong competition for the [factors] we've been working with."

In several experiments using GDNF developed by Synergen and now owned by Amgen, researchers used the substance to protect nerve cells from destruction caused by a toxic substance called MPTP. When given to mice, MPTP produces symptoms similar to the debilitating muscle tremors caused by Parkinson's disease in humans.

In one surprising experiment by scientists at Karolinska Institute in Stockholm and at Synergen in Boulder, Colo., GDNF restored nerve activity to cells already damaged by the MPTP toxin.

GDNF was first isolated in 1990 by Frank Collins, a biologist working at Synergen. He identified it in glial cells, which provide nutrients to neurons. Dr. Collins didn't publish the discovery until 1993, when Synergen received a patient. About the same time, Dr. Collins was hired by Amgen. In an interview, Dr. Collins said that acquiring the rights to GDNF was one of the reasons Amgen bought Synergen several months ago.

"I've been given the green light to go full steam ahead in developing GDNF for use against Parkinson's disease," says Dr. Collins, senior director of neuroscience research at Amgen. He said it may be possible to begin testing the substance in humans within a year or two.

Currently, the symptoms of Parkinson's disease can be treated with several medicines, but their effectiveness wears off after time. Amgen hopes GDNF can protect nerve cells being relentlessly killed by the disease, thereby prolonging the existing treatments' usefulness. But GDNF will do nothing to stop the underlying cause of the illness, which is still unknown.

A significant hurdle facing GDNF is that cells under attack by Parkinson's are located in the brain. Because GDNF is a large molecule that can't get into the brain if ingested or injected into the bloodstream, it will have to be infused directly.•

By Ms. SNOWE:

S. 685. A bill to provide for the conveyance of certain lighthouses located in the State of Maine; to the Committee on Commerce, Science, and Transportation.

LIGHTHOUSE CONVEYANCE LEGISLATION

• Ms. SNOWE. Mr. President, today I am introducing legislation that would help to preserve historic lighthouses in the State of Maine and ensure that future generations will be able to appreciate these treasured landmarks.

The legislation, also known as the Maine Lights Program, authorizes the Secretary of Transportation to convey four lighthouses in Maine to the U.S. Fish and Wildlife Service, and (29) others to the Island Institute of Rockland, ME. Founded in 1983, the Island Institute is a nationally recognized nonprofit organization dedicated to the preservation and protection of Maine's coastal lights. This legislation was crafted in close coordination with the Island Institute, and it is an extraordinary opportunity to preserve the most obvious symbols of Maine's living maritime heritage.

The Maine Lights Program is strongly supported by the U.S. Coast Guard. The Coast Guard currently owns each of these lighthouses, and it is a strong proponent of preserving their historic character. But the cost of maintaining these historic structures is becoming particularly difficult for the Coast Guard in these times of tight budgetary constraints. These lighthouses were built in an age when they had to be manned continuously. Today's advanced technology has made it possible to build automated aids to navigation that do not require around-the-clock manning, and this technology has made these historic lighthouses expensive anachronisms for the Coast Guard. The Maine Lights Program would relieve the Coast Guard of the financial burden of maintaining these lighthouses.

The program also mandates continued Coast Guard maintenance of the active aids to navigation in these lighthouses—the lights and horns—and it ensures that each lighthouse will remain an effective marine navigational aid despite the conveyance. Maritime safety will not be sacrificed in the name of saving money. The Coast Guard will still be responsible for maintaining the aids to navigation themselves. Only the lighthouses and structures associated with them are impacted by this program.

By conveying these lighthouses to the Island Institute, the program ensures that the lighthouses will be preserved as an important part of our coastal maritime heritage. The Island Institute will never be allowed to sell these properties. The institute would be required to transfer the lighthouses to third parties without any compensation to itself within a 3-year period beginning on the date of the conveyance of the lighthouse to the institute by the Coast Guard. The Island Institute

would be required to identify appropriate nonprofit corporations, educational agencies, community development organizations, and any Federal, State, or local government or other eligible entity that would assume responsibility for the lighthouse.

This legislation sets specific eligibility requirements for organizations and entities that wish to take the responsibility of a lighthouse. They must be financially able to maintain the lighthouse, and they must agree to regular inspections by the State historic preservation officer of the State of Maine in order to ensure that the lighthouses are being properly maintained in a manner that preserves their historic characteristics. Moreover, those receiving a lighthouse must also assure continued public access to the lighthouse.

This legislation also provides that if the Secretary of Transportation determined at any time that a lighthouse is not being used or maintained as required by the law, that the lighthouse would revert to the United States and then be transferred to other institutions or entities according to existing law.

Finally, the legislation requires the Secretary to report to Congress after 5 years about the effectiveness of the program in maintaining, preserving, and repairing historic lighthouse properties, maintaining public access, and finding and transferring lighthouse property to appropriate third parties.

The Island Institute has already identified suitable candidates for receiving many of these lighthouses. For example, the town of Camden will receive the Curtis Island Light, which is located in Camden Harbor. The town already owns Curtis Island and all of the buildings on it except for the light tower itself, and this program will appropriately convey the light tower to the town of Camden.

The Maine Lights Program is an innovative approach to historic maritime preservation. It will become a model for the conveyance of other lighthouses for historic preservation all across the country. At the same time it will save the Coast Guard hundreds of thousands, if not millions, of dollars a year in maintenance costs. I urge all of my colleagues to support this legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN LIGHTHOUSES LOCATED IN MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), the Secretary of Transportation may convey, without consideration, to the Island Institute, Rockland, Maine (in this section referred to as the "Institute"), all right, title, and interest of the United States in and to any of the facilities and real property and improvements described in paragraph (2).

(2) COVERED FACILITIES.—Paragraph (1) applies to lighthouses, together with any real property and other improvements associated therewith, located in the State of Maine as follows:

(A) Whitehead Island Light.
(B) Deer Island Thorofare (Mark Island) Light.
(C) Burnt Island Light.
(D) Rockland Harbor Breakwater Light.
(E) Monhegan Island Light.
(F) Eagle Island Light.
(G) Curtis Island Light.
(H) Moose Peak Light.
(I) Great Duck Island Light.
(J) Goose Rocks Light.
(K) Isle au Haut Light.
(L) Goat Island Light.
(M) Wood Island Light.
(N) Doubling Point Light.
(O) Doubling Point Front Range Light.
(P) Doubling Point Rear Range Light.
(Q) Little River Light.
(R) Spring Point Ledge Light.
(S) Ram Island Light (Boothbay).
(T) Seguin Island Light.
(U) Marshall Point Light.
(V) Fort Point Light.
(W) West Quoddy Head Light.
(X) Brown's Head Light.
(Y) Cape Neddick Light.
(Z) Halfway Rock Light.
(AA) Ram Island Ledge Light.
(BB) Mount Desert Rock Light.
(CC) Whitlock's Mill Light.

(3) LIMITATION ON CONVEYANCE.—The Secretary shall retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the lighthouses conveyed under this subsection, whether located at the lighthouse or elsewhere. The Secretary shall identify any equipment, system, or object covered by this paragraph.

(4) DEADLINE FOR CONVEYANCE.—The conveyances authorized by this subsection shall take place, if at all, not later than 5 years after the date of the enactment of this Act.

(5) ADDITIONAL CONVEYANCES TO UNITED STATES FISH AND WILDLIFE SERVICE.—The Secretary may transfer, in accordance with the terms and conditions of subsection (b), the following lighthouses, together with any real property and improvements associated therewith, directly to the United States Fish and Wildlife Service:

(A) Two Bush Island Light.
(B) Egg Rock Light.
(C) Libby Island Light.
(D) Matinicus Rock Light.

(b) CONDITIONS OF CONVEYANCE.—The conveyance of a lighthouse, and any real property and improvements associated therewith, under subsection (a) shall be subject to the following conditions:

(1) That the lighthouse and any such property and improvements be used for educational, historic, recreational, cultural, and wildlife conservation programs for the general public and for such other uses as the Secretary determines to be not inconsistent or incompatible with such uses.

(2) That the lighthouse and any such property and improvements be maintained at no cost to the United States in a manner that ensures the use of the lighthouse by the Coast Guard as an aid to navigation.

(3) That the use of the lighthouse and any such property and improvements by the Coast Guard as an aid to navigation not be interfered with, except with the written permission of the Secretary.

(4) That the lighthouse and any such property and improvements be maintained in a manner consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) That public access to the lighthouse and any such property and improvements be ensured.

(c) RESERVATIONS.—In the conveyance of a lighthouse under subsection (a)(1), the Secretary shall reserve to the United States the following:

(1) The right to enter the lighthouse, and any real property and improvements conveyed therewith, at any time, without notice, for purposes of maintaining any aid to navigation at the lighthouse, including any light, antennae, sound signal, and associated equipment located at the lighthouse, and any electronic navigation equipment or system located at the lighthouse.

(2) The right to enter the lighthouse and any such property and improvements at any time, without notice, for purposes of relocating, replacing, or improving any such aid to navigation, or to carry out any other activity necessary in aid of navigation.

(3) An easement of ingress and egress onto the real property conveyed for the purposes referred to in paragraphs (1) and (2).

(4) An easement over such portion of such property as the Secretary considers appropriate in order to ensure the visibility of the lighthouse for navigation purposes.

(5) The right to obtain and remove any historical artifact, including any lens or lantern that the Secretary has identified pursuant to paragraph (3) of subsection (a).

(d) MAINTENANCE OF AIDS TO NAVIGATION.—The Secretary may not impose upon the Institute, or upon any entity to which the Institute conveys a lighthouse under subsection (g), an obligation to maintain any aid to navigation at a lighthouse conveyed under subsection (a)(1).

(e) REVERSIONARY INTEREST.—All right, title, and interest in and to a lighthouse and any real property and improvements associated therewith that is conveyed to the Institute under subsection (a)(1) shall revert to the United States and the United States shall have the right of immediate entry thereon if—

(1) the Secretary determines at any time that the lighthouse, and any property and improvements associated therewith, is not being utilized or maintained in accordance with subsection (b); or

(2) the Secretary determines that—

(A) the Institute is unable to identify an entity eligible for the conveyance of the lighthouse under subsection (g) within the 3-year period beginning on the date of the conveyance of the lighthouse to the Institute under subsection (a)(1); or

(B) in the event that the Institute identifies an entity eligible for the conveyance within that period—

(i) the entity is unable or unwilling to accept the conveyance and the Institute is unable to identify another entity eligible for the conveyance within that period; or

(ii) the committee established under subsection (g)(3)(A) disapproves of the entity identified by the Institute and the Institute is unable to identify another entity eligible for the conveyance within that period.

(f) INSPECTION.—The State Historic Preservation Officer of the State of Maine may inspect any lighthouse, and any real property and improvements associated therewith,

that is conveyed under this section at any time, without notice, for purposes of ensuring that the lighthouse is being maintained in the manner required under subsections (b)(4) and (b)(5). The United States Fish and Wildlife Service, the Institute, and any subsequent conveyee of the Institute under subsection (g), shall cooperate with the official referred to in the preceding sentence in the inspections of that official under this subsection.

(g) SUBSEQUENT CONVEYANCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Institute shall convey, without consideration, all right, title, and interest of the Institute in and to the lighthouses conveyed to the Institute under subsection (a)(1), together with any real property and improvements associated therewith, to one or more entities identified under paragraph (2) and approved by the committee established under paragraph (3) in accordance with the provisions of such paragraph (3).

(B) EXCEPTION.—The Institute, with the concurrence of the committee and in accordance with the terms and conditions of subsection (b), may retain right, title, and interest in and to the following lighthouses conveyed to the Institute:

(i) Whitehead Island Light.

(ii) Deer Island Thorofare (Mark Island) Light.

(2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), the Institute shall identify entities eligible for the conveyance of a lighthouse under this subsection. Such entities shall include any department or agency of the Federal Government, any department or agency of the Government of the State of Maine, any local government in that State, or any nonprofit corporation, educational agency, or community development organization that—

(i) is financially able to maintain the lighthouse (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (b);

(ii) agrees to permit the inspections referred to in subsection (f); and

(iii) agrees to comply with the conditions set forth in subsection (b) and to have such conditions recorded with the deed of title to the lighthouse and any real property and improvements that may be conveyed therewith.

(B) ORDER OF PRIORITY.—In identifying entities eligible for the conveyance of a lighthouse under this paragraph, the Institute shall give priority to entities in the following order, which are also the exclusive entities eligible for the conveyance of a lighthouse under this section:

(i) Agencies of the Federal Government.

(ii) Entities of the Government of the State of Maine.

(iii) Entities of local governments in the State of Maine.

(iv) Nonprofit corporations, educational agencies, and community development organizations.

(3) SELECTION OF CONVEYEES AMONG ELIGIBLE ENTITIES.—

(A) COMMITTEE.—

(i) IN GENERAL.—There is hereby established a committee to be known as the Maine Lighthouse Selection Committee (in this paragraph referred to as the "Committee").

(ii) MEMBERSHIP.—The Committee shall consist of five members appointed by the Secretary as follows:

(I) One member, who shall serve as the Chairman of the Committee, shall be appointed from among individuals recommended by the Governor of the State of Maine.

(II) One member shall be the State Historic Preservation Officer of the State of Maine, with the consent of that official, or a designee of that official.

(III) One member shall be appointed from among individuals recommended by State and local organizations in the State of Maine that are concerned with lighthouse preservation or maritime heritage matters.

(IV) One member shall be appointed from among individuals recommended by officials of local governments of the municipalities in which the lighthouses referred to in subsection (a) are located.

(V) One member shall be appointed from among individuals recommended by the Secretary of the Interior.

(iii) APPOINTMENT DEADLINE.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of the enactment of this Act.

(iv) MEMBERSHIP TERM.—

(I) Members of the Committee shall serve for such terms not longer than 3 years as the Secretary shall provide. The Secretary may stagger the terms of initial members of the Committee in order to ensure continuous activity by the Committee.

(II) Any member of the Committee may serve after the expiration of the term of the member until a successor to the member is appointed. A vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(v) VOTING.—The Committee shall act by an affirmative vote of a majority of the members of the Committee.

(B) RESPONSIBILITIES.—

(i) IN GENERAL.—The Committee shall—

(I) review the entities identified by the Institute under paragraph (2) as entities eligible for the conveyance of a lighthouse; and

(II) approve one such entity, or disapprove all such entities, as entities to which the Institute may make the conveyance of the lighthouse under this subsection.

(ii) APPROVAL.—If the Committee approves an entity for the conveyance of a lighthouse, the Committee shall notify the Institute of such approval.

(iii) DISAPPROVAL.—If the Committee disapproves of the entities, the Committee shall notify the Institute and, subject to subsection (e)(2)(B), the Institute shall identify other entities eligible for the conveyance of the lighthouse under paragraph (2). The Committee shall review and approve or disapprove of entities identified pursuant to the preceding sentence in accordance with this subparagraph.

(C) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee, however, all meetings of the Committee shall be open to the public and preceded by appropriate public notice.

(D) TERMINATION.—The Committee shall terminate 8 years from the date of the enactment of this Act.

(4) CONVEYANCE.—Upon notification under paragraph (3)(B)(ii) of the approval of an entity for the conveyance of a lighthouse under this subsection, the Institute shall, with the consent of the entity, convey the lighthouse to the entity.

(5) RESPONSIBILITIES OF CONVEYEES.—Each entity to which the Institute conveys a lighthouse under this subsection, or any successor or assign of such entity in perpetuity, shall—

(A) use and maintain the lighthouse in accordance with subsection (b) and have such terms and conditions recorded with the deed of title to the lighthouse and any real property conveyed therewith; and

(B) permit the inspections referred to in subsection (f).

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any lighthouse, and any real property and improvements associated therewith, conveyed under subsection (a) shall be determined by the Secretary.

(i) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the next 7 years, the Secretary shall submit to Congress a report on the conveyance of lighthouses under this section. The report shall include a description of the implementation of the provisions of this section, and the requirements arising under such provisions, in—

(1) providing for the use and maintenance of the lighthouses conveyed under this section in accordance with subsection (b);

(2) providing for public access to such lighthouses; and

(3) achieving the conveyance of lighthouses to appropriate entities under subsection (g).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with a conveyance under subsection (a) that the Secretary considers appropriate in order to protect the interests of the United States.•

By Mr. KYL (for himself and Mr. MCCAIN):

S. 686. A bill to establish a Commission to examine the costs and benefits, and the impact on voter turnout, of changing the deadline for filing Federal income tax returns to the date on which Federal elections are held; to the Committee on Finance.

THE VOTER TURNOUT ENHANCEMENT STUDY COMMISSION ACT

• Mr. KYL. Mr. President, I introduce the Voter Turnout Enhancement Study [VoTES] Commission Act, a bill to establish a temporary Commission to consider whether the deadline for filing Federal income tax returns should be changed to the date on which Federal elections are held.

Our constituents demonstrated last fall that they want real change. I can't think of anything that would change the Congress more than to move tax day to election day so the American people could vote as they pay. It would not only enhance voter turnout rates, but also give the American people an opportunity to vote at the same time they pay their taxes, thus holding politicians accountable to the people on the day they are most focused on the cost of their Government.

While just about every day of the year is celebrated by special interest groups around the country for the Government largesse they receive, the taxpayers—the silent majority—have only one day of the year to focus on what that largesse means to them—how much it costs them—and that is tax day.

The Voter Turnout Enhancement Study [VoTES] Commission Act would provide for a thoughtful and thorough analysis of the date change, its potential impact on voter turnout, as well as

any economic impact it might have. The bill explicitly requires that an independent Commission conduct a cost-benefit analysis—a requirement that Congress would be wise to impose routinely on legislative initiatives to separate good ideas from the bad, and save taxpayers a lot of money in the process. A number of other cost-limiting provisions have been included to protect taxpayers' interests.

I invite my colleagues to cosponsor 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. 686

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 "Voter Turnout Enhancement Study Commission Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) Federal, State, and local governments have a duty to promote the exercise of the right to vote to the greatest extent possible;

(3) the power to tax is only guardedly granted to Federal, State, and local governments by the citizens of the United States;

(4) the only regular contact that most Americans have with their government consists of filing personal income tax returns and voting in Federal, State, and local elections;

(5) in 1992, almost 115,000,000 Federal income tax returns were filed by individuals and couples, but only approximately 104,000,000 votes were cast in the year's presidential election;

(6) an estimated 116 million Federal income tax returns will be filed by individuals and couples for 1994, but only about half that number of votes were cast in that year's congressional elections; and

(7) more closely tying the rights of individuals as voters to their obligations as taxpayers will provide additional incentives for individuals to both participate in the electoral process and scrutinize the costs and benefits of government policies.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Voter Turnout Enhancement Study Commission (in this Act referred to as the "Commission").

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed as follows:

(1) 3 members appointed by the President.

(2) 3 members appointed by the President pro tempore of the Senate, upon the joint recommendation of the majority leader and the minority leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives, upon the joint recommendation of the Speaker and the minority leader of the House of Representatives.

(b) POLITICAL AFFILIATION.—Not more than 2 of the 3 members of the Commission appointed under any 1 paragraph of subsection (a) may be of the same political party.

(c) TIME OF APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(e) VACANCIES.— Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) COMPENSATION.—

(1) RATE OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission shall be entitled to receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold a hearing.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(i) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date on which all members of the Commission have been appointed.

SEC. 5. DUTIES.

(a) STUDY.—The Commission shall conduct a comprehensive study of all matters relating to the possibility of changing the filing date for Federal income tax returns to the 1st Tuesday after the 1st Monday in November. The study shall include an analysis of—

(1) the costs and benefits of the change in filing date; and

(2) the likelihood that establishment of a single date on which individuals can fulfill obligations of citizenship as both electors and taxpayers will increase participation in Federal, State, and local elections.

(b) CONSULTATION.—The Commission shall consult with Governors, Federal and State election officials, the Commissioner of Internal Revenue, and any other person, agency, or entity that the Commission determines to be appropriate.

SEC. 6. POWERS.

(a) HEARINGS.—The Commission may hold the hearings, sit and act at the times and places, take the testimony, and receive the information that the Commission considers advisable to carry out the purposes of this Act.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal department or agency.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this section.

(d) REQUESTS FOR OFFICIAL INFORMATION.—The Commission may request from a Federal department or agency information necessary to enable the Commission to carry out this Act. The head of the department or agency shall provide the information to the Commission unless release of the information to the public by the agency is prohibited by law.

SEC. 7. STAFF ASSISTANCE FROM FEDERAL AGENCIES.

Upon the request of the Commission or the Chairperson of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out this Act.

SEC. 8. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the President and the Congress a report that contains—

(1) a detailed statement of the findings and conclusions of the study required by section 5; and

(2) recommendations of the Commission regarding any legislation or administrative action the Commission considers appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate upon the submission of the report required by section 8.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

By Mr. PRYOR:

S. 687. A bill to improve and strengthen child support enforcement, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT ENFORCEMENT ACT OF 1996

Mr. PRYOR. Mr. President, I rise today to introduce the Child Support Enforcement Act of 1995. This bill is modeled after the bipartisan approaches contained in child support enforcement legislative proposals of last year.

The problems that we currently face in this area have been well researched and analyzed in a recently released report, written at my request, by the General Accounting Office [GAO]. One of the most telling facts in the GAO report is that the national child support enforcement caseload grew 180 percent between 1980 and 1992. This statistic speaks volumes. In 1994, the 15 million support cases nationwide represent a significant portion of our neediest families. If the estimated $34 billion that is owed these families could be collected, the taxpayers would receive some much needed relief as a result of the corresponding reductions that would be possible in many welfare programs.

Mr. President, I held a hearing on child support enforcement last July to try to better understand why this money is not being collected. This hearing lead me to conclude that until we improve the way the system works at the local, State, and Federal levels we will never be able to ensure that children receive the financial support from their respective families to which they are entitled.

There were many issues raised in the hearing that are worthy of attention, but one I wish to especially highlight is the caseload of most of the State workers who are trying to help custodial parents collect their payments.

One witness, a caseworker from Virginia, testified that she could only spend about 12 minutes a month with any one client. Mr. President, 12 minutes a month is simply not enough

time to effectively deal with all of the complex issues involved in these cases.

Another witness was Ms. Judy Jones Jordan, the administrator of the Child Support Enforcement Program in Arkansas. My State is indeed fortunate to have an outstanding administrator of such a critical program. She testified that the system had bogged down. Rather than having a clear mission, the State programs are subject to so much Federal oversight that getting the job done has become almost impossible. She said:

The program has changed from one designed to assist families and reduce the cost of public assistance programs to one focused on passing audits and avoiding Federal penalties.

Mr. President, the legislation I am introducing today is an attempt to address the problem identified by Ms. Jordan. In a country where the default rate on used car loans is 3 percent and the default rate on child support orders is nearly 50 percent, we need to greatly improve the way that the partnership between the Federal Government and the States works.

This legislation that I am introducing addresses the key issues that I think will make a significant difference in the operation of the child support system. First, the Federal audit requirements will be revised so that they become a far less onerous burden on the States. In fact, I believe the new procedures will transform this process into a helpful and necessary evaluation that will provide the States with useful information on the effectiveness of their program while ensuring accountability of Federal dollars.

The second thing that my legislation would do, is the funding system will be modified to address the GAO's finding that the present system does not provide incentives to States for improving the performance of the program.

Third, the legislation will require States to suspend drivers licenses and other licenses, both professional and recreational, of parents who are delinquent in their child support payments. My State of Arkansas has found that this program is very effective in encouraging noncustodial parents to promptly pay their child support obligations.

Finally, the legislation attempts to address the difficult issue of the overburdened case workers in of the State child support offices. The Department of Health and Human Services and the States will sit down together and determine the level of staffing necessary for each State to effectively carry out its child support program. It is my hope that with the benefit of this joint effort, the State programs will then be able to at least partially address this critical area.

Mr. President, while personal responsibility is the key to taking care of children, it is my belief the Government has a limited but important role to ensure that it is easy for noncustodial parents to fulfill their duties, and difficult for them to avoid it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

TITLE I—ELIGIBILITY AND OTHER MATTERS CONCERNING CHILD SUPPORT ENFORCEMENT PROGRAM CLIENTS

Sec. 101. Cooperation requirement and good cause exception

Section 101 amends the CSE, AFDC, and Medicaid statutes to require that, effective 10 months after enactment (or earlier, at State option)—

The State CSE agency (rather than the AFDC and Medicaid agencies, as under current law) will make determinations of whether applicants for AFDC and Medicaid are cooperating with efforts to establish paternity and obtain child support, or have good cause not to cooperate;

The AFDC and Medicaid agencies must immediately refer applicants needing paternity establishment services to the CSE agency, and the CSE agency must make an initial cooperation or good cause determination within 10 days of such referral;

The mother or other custodial relative of a child born 10 months or more after enactment of these amendments will not be found to cooperate with efforts to establish paternity unless that individual names the putative father and supplies information that could assist the IV-D agency to identify him; and

Cooperation with initial efforts to establish paternity (except where good cause is found) is a precondition to eligibility for program benefits, except where the applicant is eligible for emergency assistance under title IV-A or is a pregnant woman presumptively eligible for Medicaid, where an appeal of a finding of lack of good cause is pending, or where the CSE agency has not made a timely determination.

Sec. 102. State obligation to provide paternity establishment and child support enforcement services

Section 102 requires State laws to require that—

Every child support order established or modified in the State on or after October 1, 1998 be entered in a central case registry to be operated by the IV-D agency (see section 301 of the bill);

Child support be collected (except where parents agree to opt out under limited circumstances) through a centralized collections unit to be operated by the IV-D agency or its contractor (see section 302 of the bill)—

On and after October 1, 1998, in all cases being enforced under the State plan; and

On and after October 1, 1999, in all cases entered in the central case registry.

Section 102 amends the IV-D State plan requirements to eliminate distinctions between welfare recipients and other applicants for IV-D services with respect to services available and fees for such services. Under these amendments—

No fees may be imposed on any custodial or noncustodial parent—

After September 30, 1998, for application for IV-D services; or

At any time, for inclusion in the central state registry;

No other fees (other than those specified in current law for genetic testing and tax refund offset) may be imposed on the custodial parent; and

Any other costs or fees may be imposed on the noncustodial parent (but any fees for support collections through the centralized collections unit must be added to and not deleted from the support award).

Sec. 103. Distribution of payments

Section 103 amends the provisions of title IV-D concerning the order of priority for distribution of child support collections, to provide that—

A family not receiving AFDC shall be paid the full amount of current support, plus arrearages for any period after the family ceased to receive AFDC, before any amount is retained by the State to reimburse AFDC;

The State would have the option, in the case of a family receiving AFDC, either to make distribution as under current law or to pay the family the full amount of current support due before retaining any amount to reimburse the AFDC agency;

Where the parent owing support marries (or remarries) the custodial parent, and the parents' combined income is less than twice the Federal poverty line, the State must, upon application by the parents, suspend or cancel any debts owed the State on account of AFDC paid to the family.

This section also requires the Secretary to promulgate regulations—

Under title IV-D, establishing a uniform national standard for distribution where a parent owes support to more than one family; and

Under title IV-A, establishing standards for States choosing the alternative distribution formula, to minimize irregular monthly payments to AFDC families.

Finally, this section, together with the corresponding amendment to title IV-A in title VII of this bill, increases the amount of monthly support to be paid to the family by the CSE agency and disregarded for purposes of AFDC eligibility and benefits. The new "passthrough and disregard" amount would be the current $50 increased by the CPI, or such greater amount as the State may choose.

Sec. 104. Due process rights

Section 104. requires State IV-D plans, effective October 1, 1997, to provide for procedures to ensure that—

Parties to cases in which IV-D services are being provided receive notice of all proceedings in which support obligations might be established or modified, and of any order establishing or modifying a support obligation within 10 days of issuance; and

Individuals receiving IV-D services have available to them fair hearing or other formal complaint procedure.

Sec. 105. Privacy safeguards

Section 105 requires State IV-D plans, effective October 1, 1996, to provide for safeguards to protect privacy rights with respect to sensitive and confidential information, including safeguards against unauthorized use of disclosure of information relating to paternity and support proceedings, and prohibitions on disclosing the whereabouts of one individual to another person who is subject to a protective order, or convicted of criminal assault or abuse against such individual, or against whom a proceeding is pending seeking such a protective order or conviction.

Sec. 106. Requirement to facilitate access to services.

Section 106 requires State IV-D plans, effective October 1, 1996, to include outreach

plans to increase parents' access to CSE services, including plans responding to the needs of working parents and parents with limited proficiency in English.

TITLE II—PROGRAM ADMINISTRATION AND FUNDING

Sec. 201. Federal matching payments

Section 201 increases the basic eral matching rate for State IV-D programs (currently 66 percent) to 69 percent for FY 1997, 72 percent for FY 1998, and 75 percent for FY 1999 and thereafter.

Section 201 also adds a maintenance of effort requirement that—

Total State expenditures (other than for automated data processing systems development), after deducting Federal matching payments (but not incentive payments) not be less than such expenditures for FY 1996, and

Total State expenditures for FY 1997 and 1998, after deducting Federal matching payments and incentive payments, not be less than such expenditures for FY 1996.

Sec. 202. Performance-based incentives and penalties

Section 202 replaces the system of incentive payments to States under section 458 of the Act with a new program of incentive adjustments to the Federal matching rate. Under this program, States could receive increases of up to 5 percentage points based on Statewide paternity establishment, and increases of up to 10 percentage points based on overall CSE performance.

Section 202 also makes amendments (effective with respect to quarters beginning on and after the date of enactment) providing for a penalty reduction of AFDC matching payments where a State's CSE program does not meet specified performance standards:

Section 452(g) is amended to make minor and technical amendments to the formula for determining the paternity establishment percentage under the IV-D program (the amendments correct errors introduced by OBRA 1993).

Section 403(h) is amended (effective with respect to calendar quarters beginning one year or more after enactment) to simplify the penalty reduction procedure. The penalty is to be deferred for one year pending State corrective action, and to be canceled if all deficiencies are eliminated by the end of that year.

The Secretary would specify in regulations the levels of accomplishment (or improvement) needed to qualify for each incentive adjustment rate. States would report performance data after the end of FY 1995 and each succeeding year; the Secretary would determine the amount (if any) of adjustment due each State, based on State data determined by the Secretary to be reliable, and would apply the adjustment to matching payments for the succeeding fiscal year (beginning with FY 1997).

Sec. 203. Federal and State reviews and audits

Section 203 makes amendments, effective beginning one year after enactment, shifting the focus of title IV-D audits from the manner in which activities are conducted to performance outcomes, as follows:

A new State plan element requires the States annually—

To determine, and report to the Secretary concerning, conformity with State plan requirements; and

To extract from their ADP systems, and transmit to the Secretary, data and calculations concerning their compliance with Federal performance requirements.

The Secretary's responsibilities are revised to require—

Annual review of the State reports on plan conformity; determinations of amounts of penalty adjustments to States; and provisions of comments, recommendations, and technical assistance to the States);

Evaluation of elements of State programs in which significant deficiencies are indicated by the State reports; and

Triennial audits of State reporting systems and financial management, and for other purposes the Secretary finds necessary.

Sec. 204. Automated data processing

Section 204 recognizes and clarifies title IV-D State plan requirements concerning automated data processing, and adds requirements that the State agency ADP system (1) be used to calculate the State's performance for purposes of the incentive and penalty adjustments under sections 403(h) and 458; and (2) incorporate safeguards on information integrity and security.

This section also revises the statutory provisions for State implementation of all Federal ADP requirements (currently required by October 1, 1995), to provide that:

All requirements enacted on or before enactment of the Family Support Act of 1988 are to be met by October 1, 1996; and

All requirements (including those enacted in OBRA 1993 and this bill) are to be met by October 1, 1999.

Ninety percent Federal matching for ADP start-up costs remains available through FY 1996. For the next 5 years, the match rate for startup costs is the higher of (i) 80 percent or (ii) the matching rate generally applicable to the State IV-D program (including any incentive increases); total Federal payments to States are limited to $260,000,000, to be distributed among States on a formula set in regulations which takes into account the relative size of State caseloads and the level of automation needed to meet applicable ADP requirements.

Sec. 205. Director of CSE Program; training and staffing

Section 205—

Eliminates the requirement that the individual responsible for day-to-day operation of the Federal CSE program report directly to the Secretary;

Requires the Secretary to develop a national training program for State IV-D directors, and a core curriculum and training standards for State agencies, and authorizes the Secretary to charge States fees for such programs;

Requires State IV-D agencies to have training programs consistent with the national standards and curriculum, and to provide for initial standards and curriculum, and to provide for initial and ongoing training of all staff, and permits use of IV-D funds (with the Secretary's approval) for training of non-agency personnel with related responsibilities (including judges, law enforcement personnel, and social workers); and

Requires the Secretary to study and report to Congress on the staffing of each State's CSE program (including a review of needs created by requirements for ADP systems, central case registries, and centralized support collections).

Sec. 206. Funding for secretarial assistance to State programs

Section 206 makes available to the Secretary, from annual appropriations for payments for State programs under title IV-D for FY 1995 and succeeding years—

An amount equal to 1 percent of the Federal share of child support collections on behalf of AFDC recipients for the preceding fiscal year, for use for assistance to State IV-D agencies through technical assistance, training, and related activities; projects of regional or national significance; and

An amount equal to 2 percent of the Federal share of such collections, for operation of the FPLS and the National Welfare Reform Information Clearinghouse established by section 305 (to the extent such costs are not recovered in user fees.)

Sec. 207. Data collection and reports by the Secretary

Section 207 amends data collection and reporting requirements, effective with respect to FY 1994 and succeeding fiscal years, to conform the requirements to the changes made by the bill, and to eliminate requirements for unnecessary or duplicative information.

Sec. 208. Coordination with income eligibility verification system

Section 208 amends the authority for the Income Eligibility Verification System (IEVS)—

To permit IEVS information furnished to state CSE programs to be used to assist in carrying out any title IV-D program purpose (rather than only for income eligibility verification); and

To require the state CSE agency to make information in the central State case registry available to State agencies administering the AFDC, Medicaid, Food Stamp, and unemployment compensation programs.

TITLE III—LOCATE AND CASE TRACKING

Sec. 301. Central State case registry.

Section 301 requires the State IV-D agency's ADP system—

To perform the functions of a single central registry containing records with respect to each case in which services are being provided by the State agency (including each case in which an order has been entered or modified on or after October 1, 1998);

For each case, to maintain and regularly update a complete payment record of all amounts collected and distributed; amounts owed or overdue (including interest or late payment penalties and fees); and the termination date of the support obligation;

Regularly to update and monitor case records on the basis of information on judicial and administrative actions, proceedings, and orders relating to paternity and support; information from data matches; information on support collections and distributions; and other relevant information; and

To extract data for purposes of sharing and matching with Federal, in-State, and interstate data bases and locator services, including the FPLS, the data bases created by this bill, other State IV-D agencies, and State agencies administering AFDC, Foster Care, and Medicaid.

Sec. 302. Centralized collection and disbursement of support payments

Section 302 requires State IV-D agencies, on and after October 1, 1997—

To operate a centralized, automated unit for collection and disbursement of child support which—

Is operated directly by the State IV-D agency or by a contractor responsible directly to the State agency;

Collects and disburses support in all cases being enforced by the State agency (including all cases under orders entered on or after October 1, 1998);

Uses automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical; and

Is coordinated with the State agency's ADP system;

To use the State agency ADP system to assist and facilitate the operations of the centralized collections unit, through functions including—

Generation of wage withholding notices and orders to employers;

Ongoing monitoring to promptly identify nonpayment; and

Automatic use of administrative enforcement mechanisms; and

To have sufficient State staff (including State employees and contractors) to carry out these monitoring and enforcement responsibilities.

Sec. 303. Amendments concerning income withholding

Section 303 requires State laws concerning income withholding to provide—

That all child support orders issued or modified before October 1, 1995, which are not otherwise subject to income withholding, will become subject to income withholding immediately if arrearages occur, without need for a judicial or administrative hearing;

That employers withholding wages must forward payments to the State centralized collections unit within 5 working days after the amount withheld would otherwise have been paid to the employee;

That the notice from the State to employers directing wage withholding must be in a standard format prescribed by the Secretary;

For the imposition of fines against employers who fail to withhold support from wages, or to make appropriate and timely payment to the State collections unit.

This section also makes amendments—

Conforming the income withholding requirements to the requirement for a centralized State collections unit; and

Requiring the Secretary to promulgate regulations defining income and other terms for purposes of title IV–D.

Sec. 304. Locator information from interstate networks and labor unions

Section 304 adds a requirement for State laws providing—

That the State will neither finance nor use any automated interstate locator system network for purposes relating to (i) motor vehicles or (ii) law enforcement unless all Federal and State IV–D agencies (including the FPLS and the new Federal data matching services) have access on the same basis as any other user of the system or network (but only, in the case of law enforcement data, where such access is otherwise allowed by State and Federal law); and

Requiring labor unions and their hiring halls to furnish to the IV–D agency, upon request, locator information (relating to residence and employment) on any union member against whom a paternity or support obligation is sought to be established or enforced.

Sec. 305. National Child Support Information Clearinghouse

Section 305 amends title IV–D to require the Secretary to establish and operate a National Child Support Information Clearinghouse (NCSIC).

The NCSIC would include Federal Parent Locator Service under section 453 of the Act, The Secretary is also required to establish within the NCSIC, by October 1, 1998, two new automated data matching services designed to locate individuals (and their assets) for CSE purposes:

The National Child Support Registry would contain minimal information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) on each case in a State central case registry, based on information furnished and regularly updated by State IV–D agencies.

The National Directory of New Hires would contain identifying information—

Supplied by employers, within 10 business days of hiring (or, if the employer makes automated reports, 10 business days after the close of the corresponding payroll period), on each individual hired on or after October 1, 1998, and

Consisting of extracts from reports to the Secretary of Labor under the Federal Unemployment Tax Act, supplied by States either quarterly or on such more frequent basis as such reports are supplied to the Secretary of Labor, in such format and containing such information as the Secretary may require.

(An employer failing to make a timely report concerning an employee would be subject to a civil money penalty of the lesser of $500 or 1 percent of the wages paid to the employee.)

The Secretary is required to disclose or match data in the Clearinghouse as follows:

Data are to be shared with the Social Security Administration for the purpose of verifying the accuracy of identifying information reported.

The New Hire Directory and Child Support Registry are to be matched every 2 working days, and resulting information to be reported to State CSE agencies.

Other Clearinghouse registries are to be matched against each other, and resulting information is to be reported to State CSE and AFDC agencies, to the extent found effective.

Data in Clearinghouse registries are to be disclosed through the IEVS system to the AFDC, Medicaid, unemployment compensation, food stamp, and territorial cash assistance programs, for income eligibility verification and any other purpose permitted under section 1137 of the Act.

Registry data are to be disclosed to the Social Security Administration for use in determining the accuracy of supplemental security income payments under title XVI and in connection with benefits under title II of the Act.

Data in the New Hire Directory are to be disclosed—

To the Secretary of the Treasury, for administration of the earned income tax credit program and for verification of claims concerning employment on tax returns; and

To State agencies administering unemployment compensation and workers compensation programs, to assist determinations on the allowability of claims.

The Secretary may disclose Clearinghouse data, without personal identifiers, for research serving the purposes of specified programs under title IV of the Act.

This section provides for reimbursement by the Secretary to SSA and to State employment security agencies (SESAs) for their costs of carrying out this section; and for reimbursement to the Secretary by State and Federal agencies receiving information from the Clearinghouse. This section also include provisions designed to safeguard information in the Clearinghouse from inappropriate disclosure or use.

This section makes related amendments to the Federal Unemployment Tax Act and title III of the Social Security Act, requiring SESAs to furnish wage and unemployment compensation information to the Directory of New Hires.

Sec. 306. Expanded locate authority

Section 306; makes various amendments to remove legal barriers and otherwise increase the effectiveness of electronic data matches for CSE purposes. The FPLS authority is amended—

To broaden the purpose of the FPLS to include locating information on wages and other employment benefits, and on other assets (or debts), for purposes of establishing or setting the amount of support obligations;

To require the FPLS to obtain information from consumer reporting agencies; and

To authorize the Secretary to set reasonable rates for reimbursement to other Federal agencies, State agencies, and consumer reporting agencies for the costs of providing information to the FPLS.

This section also makes complementary amendments to other laws, as follows:

Section 608 of the Fair Credit Reporting Act is amended to make available to the FPLS all information on individuals in the files of consumer reporting agencies (rather than only locate information, as under current law).

Section 6103(1) (6) and (8) of the Internal Revenue Code of 1986 (providing for IRS and Social Security Administration disclosures of tax return information to Federal, State, and local CSE agencies) are amended—

To eliminate the restriction that IRS may disclose return information only if the information is not reasonably available from any other source; and

To permit disclosures by the Social Security Administration to OCSE.

Sec. 307. Studies and demonstrations concerning parent locator activities

Section 307 requires the Secretary—

To study, report, and make recommendations to the Congress concerning issues involved in (1) making FPLS information available to noncustodial parents, and (2) operating electronic data interchanges between the FPLS and major consumer credit reporting bureaus; and

To fund State demonstrations testing automated data exchanges with other State data bases (using funds available to the Secretary for technical assistance to States under the provision added by section 616 of the bill).

Sec. 308. Use of Social Security numbers

Section 308 requires State laws requiring the recording of social security numbers of the parties on marriage licenses and divorce decrees, and of parents on birth records and child support and paternity orders.

This section also makes an amendment to title II of the Act, to clarify that social security numbers of parents must be recorded on children's birth records, but that this requirement authorizes release of social security numbers only for purposes related to child support enforcement.

TITLE IV—STREAMLINING AND UNIFORMITY OF PROCEDURES

Sec. 401. Adoption of uniform State laws

Section 401 requires States, by January 1, 1996, to adopt in its entirety the Uniform Interstate Family Support Act, with the following modifications and additions:

The State law is to apply in any case (1) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or (2) in which interstate activity is required to enforce an order;

The State law shall provide that a tribunal in the State with jurisdiction over a child who is a resident of the State has jurisdiction over both parents;

The State law shall provide that the State may modify an order issued in another State if (1) all parties do not reside in the issuing

State, and either reside in or are subject to the jurisdiction of the State in question; and (2) (if any other State is exercising or seeks to exercise jurisdiction), the conditions applicable to simultaneous proceedings are met to the same extent as required for proceedings to establish orders;

The State law shall permit consenting parties to permit the State which issued an order to retain jurisdiction which it would otherwise lose because the parties are no longer present in that State;

The State law shall recognize as valid service of process upon persons in the State by any means acceptable in the State which is the initiating or responding State in a proceeding;

The State must have procedures requiring all public and private entities in the State to provide promptly, in response to the request of the IV-D agency of that or any other State, information on employment, compensation, and benefits of any employee or contractor of such entity.

Section 401 provides for expedited appeal to the Supreme Court of any district court ruling on the constitutionality of the above provision concerning long-arm jurisdiction based on the child's residence.

This section also makes conforming amendments to authorities requiring States to give full faith and credit to other States' child support orders.

Sec. 402. State laws providing expedited proceedings

Section 402 requires State laws to give the State IV-D agency the authority (and recognize and enforce the authority of State agencies of other States), to take the following actions relating to establishment of paternity and establishment and enforcement of support orders without obtaining an order from a separate judicial or administrative tribunal (but subject to due process safeguards):

To establish the amount of support in any case being enforced by the State agency, and to modify any support order included in the central case registry, based on State guidelines;

To order genetic testing for paternity establishment where appropriate preconditions are met;

To enter a default order—

Establishing paternity (where a putative father refuses to submit to genetic testing); and

To establish or modify a support obligation, where an obligor or obligee fails to respond to notice to appear;

To subpoena financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to a subpoena;

To obtain access (including automated access, if available), subject to appropriate safeguards, to—

Records of other State and local government agencies, including records on vital statistics; tax and revenue; real and titled personal property; occupational and professional licenses; ownership and control of corporations and other business entities; employment security; public assistance; motor vehicles; and corrections;

Customer records of public utilities and cable television companies; and

Information held by financial institutions on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought);

To order wage or other income withholding;

To direct that the payee under an order be changed (in cases being enforced by the State agency) to the appropriate government entity;

For the purpose of securing overdue support—

To intercept and seize any payment to the obligor by or through a State or local government agency;

To attach and seize assets of the obligor held by financial institutions;

To attach retirement funds (where permitted by the Secretary);

To impose liens and, in appropriate cases, to force sale of property and distribution of proceeds; and

To increase monthly support payments to include amounts for arrearages.

To suspend drivers' licenses of individuals owing past-due support.

Section 402 also requires State laws to provide for the following substantive and procedural rules and authority, applicable to all proceedings to establish paternity or to establish, modify, or enforce support orders:

Procedures permitting presumptions of notice in child support cases, under which parties to a paternity or child support proceeding must file with the tribunal, and update, information on location and identity, which may be relied on in any subsequent child support enforcement action between the same parties for purposes of providing notice and service of process (if due diligence has otherwise been exercised in attempting to locate such party);

Procedures ensuring Statewide jurisdiction in child support cases, under which the IV-D agency and tribunals hearing child support and paternity cases have Statewide jurisdiction; their orders have Statewide effect; and (where orders in such cases are issued by local jurisidictions) a case may be transferred within the State without loss of jurisdiction.

This section would bar the Secretary from granting States exemptions from State law requirements under section 466 of the Act concerning procedures for paternity establishment; modification of orders; recording of orders in the central State case registry; recording of social security numbers; interstate enforcement; or expedited administrative procedures.

Finally, this section requires the IV-D agency's ADP system to be used, to the maximum extent feasible, to implement the above expedited administrative procedures.

TITLE V—PATERNITY ESTABLISHMENT

Sec. 501. State laws concerning paternity establishment

Section 501 amends the provisions concerning State laws on paternity establishment to require such laws—

To permit the initiation of proceedings to establish paternity before the birth of the child concerned;

To provide authority to order genetic testing upon request of a party when such request is supported by a sworn statement establishing a reasonable possibility of parentage;

To require the IV-D agency, when it orders genetic testing, to pay the costs (subject (at State option) to recoupment from the putative father if paternity is established), and to obtain additional testing (upon advance payment) where test results are disputed;

To require the State to admit into evidence results of any genetic test that is of a type generally acknowledged by accreditation bodies designated by the Secretary as reliable evidence of paternity, and performed by a laboratory approved by such an accreditation body;

To make cooperation by hospitals and other health care facilities in voluntary paternity acknowledgment procedures a condition of Medicaid participation;

To require any State that treats a voluntary acknowledgment as a rebuttable presumption to provide that the presumption becomes conclusive within one year (unless rebutted or invalidated);

To provide (at State option, notwithstanding the preceding provision) for vacating an acknowledgement of paternity, upon the request of a party, on the basis of new evidence, the existence of fraud, or the best interest of the child; and

To provide that no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgement of paternity;

To provide that parties to a paternity proceeding are not entitled to jury trial;

To require issuance of an order for temporary support, upon motion of a party, pending an administrative or judicial determination of parentage, where paternity is indicated by genetic testing or other clear and convincing evidence;

To provide that bills for pregnancy, childbirth, and genetic testing are admissible without foundation testimony;

To grant discretion to the tribunal establishing paternity and support to waive rights to amounts owed to the State (but not to the mother) for costs relating to pregnancy, childbirth, genetic testing, and child support arrears, where the father cooperates or acknowledges paternity;

To ensure that putative fathers have a reasonable opportunity to initiate paternity actions.

Sec. 502. Outreach for voluntary paternity establishment

Section 502 requires State IV-D plans, effective October 1, 1996, to provide that the State will publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

Will include distribution of materials at health care facilities and other locations, such as schools; and follow-up on each child for whom paternity has not been established discharged from a hospital after birth; and

May include programs to educate expectant couples on rights and responsibilities relating to paternity, in which all expectant IV-A recipients may be require to participate).

90 percent Federal matching would be available for the above outreach activities in quarters beginning on and after October 1, 1996.

Sec. 503. Penalty for failure to establish paternity promptly

Section 503 provides for reduction of Federal matching otherwise payable to a State IV-A program, for quarters beginning 10 months or more after enactment of this bill, for failure to establish paternity for children born 10 months or more after enactment who are receiving public assistance, whose mothers or custodial relatives have cooperated with State agency efforts for the entire preceding year, but for whom paternity has not been established. The reduction formula would be establish in regulations; it would equal the product of (1) the number of such children in the State (after making allowance for a tolerance level of a percentage of such children, ranging from 25 percent for FY 1998 to 10 percent for FY 2004 and succeeding fiscal years); (2) the average monthly AFDC payment; and (3) one-half the applicable Federal matching rate under title IV-A.

Sec. 504. Incentives to parents to establish paternity

Section 504 authorizes the Secretary to approve IV-D State plan amendments providing for incentive payments to families to encourage paternity establishment. State payments for this purpose would be matched as ordinary IV-D expenditures.

This section also requires the Secretary to authorize up to 3 States to conduct demonstrations providing financial incentives to families for establishment of paternity. 90 percent Federal matching would be available under title IV-D for State payments to families under these demonstrations, up to a $1 million cap on Federal expenditures.

TITLE VI—ESTABLISHMENT AND MODIFICATION OF SUPPORT ORDERS

Sec. 601. National Commission on Child Support Guidelines

Section 601 authorizes the Secretary to establish a National Commission on Child Support Guidelines to consider the advisability of a national child support guideline (or parameters for State guidelines) and, if appropriate, to develop a proposed guideline for congressional consideration. The Commission is to consider matters including the adequacy of State guidelines; the definition of income and circumstances under which income should be imputed; tax treatment of support; cases in which parents have obligations to more than one family, treatment of expenses for child care, health care, and special needs; the appropriate duration of support, and issues raised by shared custody.

The Commission would have 2 members appointed by the Chairman and 1 by the Ranking Minority Member of the Senate Finance Committee; 2 appointed by the Chairman and 1 by the Ranking Minority Member of the House Ways and Means Committee; and 6 appointed by the Secretary. Members would be appointed by March 1, 1996, and would make a final report to the President and the Congress within 2 years after appointment.

Appropriations are authorized of $1 million for each of FYs 1996 and 1997, to remain available until expended.

Sec. 602. State laws concerning modification of child support orders

Section 602 requires States, effective October 1, 2000, to have in effect laws concerning modification of child support order under which—

The IV-D agency modifies all support order (including judicial orders) included in the central case registry, in accordance with State guidelines on award amounts;

All orders in the central case registry are revised and adjusted at least every 36 months unless adjustment is not in the child's best interests, or unless both parents decline modification in writing.

Support orders must be reviewed upon the request of either parent whenever either parent's income has changed by more than 20 percent, or other substantial changes in circumstances have occurred, since the order was established or most recently reviewed.

This section also amends current due process provisions to eliminate specific Federal timetables and to require instead application of State due process safeguards.

Sec. 603. Study on use of tax return information for modification of child support orders

Section 603 requires the Secretaries of HHS and Treasury to conduct a study to determine how tax return information might be used to facilitate the process of modifying child support awards.

Sec. 604. Cost-of-living adjustment of child support awards

This section directs the States to include in their State plan procedures to ensure that child support orders shall be adjusted an annual basis in line with the Consumer Price Index.

TITLE VII—ENFORCEMENT OF SUPPORT ORDERS

Sec. 701 Revolving loan fund for program improvements to increase collections

Section 701 authorizes appropriation of a total of $100 million ($10 million each for FYs 1999 and 2000, and $20 million each for FYs 2001 through 2004), to establish in title IV-D a revolving fund for loans by the Secretary to States for short-term projects making operational improvements in State and local IV-D programs with the potential for achieving substantial increases in child support collections.

Loans from the fund could not exceed $5 million per State or $1 million per project (or $5 million for a single Statewide project in a large State); loan durations could not exceed 3 years. Loans would be repaid through offsets against the increase in State incentive payments, plus additional offsets against State IV-D payments as necessary to ensure full repayment in 3 years. Loan funds received by a State could be used by the State as the non-Federal share of expenditures under the State IV-D program.

Sec. 702. Federal income tax refund offset

Section 702 makes amendments, effective January 1, 1997, relating to the authority to offset child support arrearages against Federal income tax refunds, as follows:

The Internal Revenue Code of 1986 is amended to provide that offsets of child support arrears (whether owed to the family or assigned to the State) against income tax overpayments would take priority over debts owed Federal agencies (other than debts owed to HHS or the Department of Education for student loans);

Title IV-D is amended—

To eliminate disparate treatment of families not receiving public assistance, by repealing provisions (applicable only to support arrears not assigned to the State) that—

Make the offset available only for minor or disabled children who are still owed current support;

Set a higher threshold amount of arrears before tax offset is available; and

Permit higher fees to be charged for the offset service.

Sec. 703. Internal Revenue Service collection of arrears

Section 703 amends the provision of the Internal Revenue Code of 1986 which provides authority to collect child support arrears as if they were a tax owed by the obligor, upon certification of arrears by the Secretary of HHS, to bar imposition by IRS of additional fees for adjustment to the amount of arrears previously certified with respect to the same obligor.

Sec 704. Authority to collect support from employment-related payments by the United States

Section 704 amends title IV-D, effective 6 months after enactment, to eliminate the separate rules for withholding of child support from wages, pensions, and other employment-related compensation of Federal employees. These amendments treat U.S. employment income the same as income from any other employer for purposes of the income withholding provisions of title IV-D.

This section also amends 10 U.S.C. to remove barriers to availability of military retirees' compensation for payment of child support, by making clear that these funds can be reached by administrative as well as judicial orders, and to provide for payment through a designated governmental entity.

Sec. 705. Motor vehicle liens

Section 705 amends the title IV-D requirements for State laws concerning liens with respect to child support arrears to require that States have and use procedures to place liens on titled motor vehicles owned by individuals owing child support arrears equal to two months of support. Such liens would take precedence over all other encumbrances on a vehicle title, other than a purchase money security interest, and could be used to force seizure and sale of the vehicle.

Sec. 706. Voiding of fraudulent transfers

Section 706 requires States to have in effect the Uniform Fraudulent Conveyance Act of 1981, the Uniform Fraudulent Transfer Act of 1984, or an equivalent law providing for voiding of transfers of income or property made to avoid payment of child support.

Sec. 707. State law authorizing suspension of licenses

Section 707 requires enactment of laws giving the State authority to withhold, suspend, or restrict use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing to respond to subpoenas or warrants relating to paternity or child support proceedings.

Sec. 708. Reporting arrearages to credit bureaus

Section 708 amends the requirement for a State law providing for the reporting of child support arrears to consumer credit bureaus (which currently must permit such reporting) to require such reporting when payment is one month overdue.

Sec. 709. Extended statute of limitation for collection of arrearages

Section 709 requires that State law provide a statute of limitations on child support arrears extending at least until the child reaches age 30. (This amendment would not require a State to revise any payment obligation which had lapsed on the effective date of the State law.)

Sec. 710. Charges for arrearages

Section 710 requires State laws to provide, not later than October 1, 1998, for assessment of interest or penalties for child support arrearages.

Sec. 711. Visitation issue barred

Section 711 requires State laws to provide that failure to pay child support is not a defense to denial of visitation rights, and denial of visitation rights is not a defense to failure to pay child support.

Sec. 712. Denial of passports for nonpayment of child support

Section 712 amends 4 U.S.C., effective October 1, 1996, to provide that the Secretary of State, upon a certification by a State IV-D agency that an individual owes child support arrears of over $5,000, must refuse to issue a passport to the individual and may revoke or restrict a passport already issued.

Sec. 713. Denial of Federal benefits, loans, and guarantees

This section provides that no Federal agency may make a loan to, provide any guarantee for the benefit or, or provide any benefit to any person who has a child support arrearage exceeding $1,000 and who is not in compliance with a plan or an agreement to repay this obligation. This provision is designed to elevate the issue of child support in the operations of the Federal government. The Federal agencies determine, for example, if a

contractor is on the suspension and debarment list before the agency awards a contract to the company. The purpose of this section is to create this type of screening system for child support obligations.

Sec. 714. Seizure of lottery winnings

This section provides that the distributor of lottery winnings, insurance settlements, judgments, and/or property seizures shall first seek a determination from the State child support enforcement agency as to whether the person owes a child support arrearage. If there is an arrearage, then there shall be a withholding of that amount which shall be sent to the Child Support agency for distribution.

Sec. 801. Child support enforcement and assurance demonstrations

Section 801 requires the Secretary to fund grants to 3 States for demonstrations, beginning in FY 1998 and lasting from 7 to 10 years, providing assured levels of child support for children for whom paternity and support have been established. The projects would be administered by the State IV-D agency or the State department of taxation and revenue. Annual benefit levels set by States could range from $1,500 to $3,000 for a family with one child, and from $3,000 to $4,500 for a family with four or more children. States could require absent parents with insufficient income to pay support to work off support by participating in work programs.

Ninety percent Federal matching would be available from appropriations for payments to States under title IV-D, but total Federal funds available for these demonstrations would be capped at $27,000,000 for FY 1998; $55,000,000 for FY 1999; $70,000,000 for each of FYs 2000 through 2003; and $55,000,000 for FY 2004. This section authorizes appropriation of $10 million for FY 1998, to remain available until expended, for the Secretary's costs for evaluating demonstrations under this section.

Sec. 802. Social Security Act demonstrations

Section 802 amends section 1115(c) of the Act (which currently requires that IV-D demonstrations not result in increased costs to the Federal Government under AFDC) to require instead that such demonstrations not result in an increase in total costs to the Federal Government.

TITLE IX—ACCESS AND VISITATION GRANTS

Sec. 901. Grants to States for access and visitation programs

Section 901 adds a new section 469A of the Act providing a new capped entitlement program of grants to States for programs to support and facilitate noncustodial parents' access to and visitation of their children. The program would be funded at $5 million for each of FYs 1997 and 1998, and $10 million per year thereafter; Federal funding would be available to match 90 percent of a State's expenditures up to the amount of its allotment under a formula based on the numbers of children living with only one biological parent. State programs could be administered by the CSE agency either directly or through courts, local public agencies, or nonprofit private entities, and could be Statewide or geographically limited.

TITLE X—EFFECT OF ENACTMENT

Sec. 1001. Effective dates

Section 1001 provides that, except as otherwise specified—

Provisions of this title requiring enactment of State laws or revision of State IV-D plans shall become effective October 1, 1996; and

All other provisions of this title become effective upon enactment,

subject to provisos—

Affording a State until after the end of the next State legislative session beginning after enactment, in the case of any provision of this title requiring enactment or amendment of State laws; and

Affording a State up to 5 years to comply if a State constitutional amendment is required to permit compliance.

Sec. 1002. Severability

Section 1002 provides that the provisions of this title are severable, and that any provision found invalid will not affect the validity of any other provision which can be given effect without regard to the invalid provision.

OFFICE OF CHILD SUPPORT ENFORCEMENT, DEPARTMENT OF FINANCE AND ADMINISTRATION,
Little Rock, AR, March 30, 1995.

Hon. DAVID PRYOR,
U.S. Senator, Russell Building,
Washington, DC.

DEAR SENATOR PRYOR: We share your concern regarding the future of the children and families of Arkansas and the nation. Congress is considering sweeping changes to reform the welfare system that will affect families struggling to support their children. An effective child support enforcement program is a essential part of that reform. Regular child support payments must be ensured if single parent families are to have financial security necessary for children to thrive and to be successful citizens and relieve the burden of taxpayers.

As child support enforcement professionals, we support the efforts of congress to improve the present program. We realize the importance of our role in empowering individuals to become self-sufficient and we embrace the challenges ahead. Our mission is to provide assistance to children and families in obtaining financial and medical support through locating parents, establishing paternity and support obligations, and enforcing those obligations. Our vision for the future is to put children first by helping parents assume responsibility for the social and economic well-being and health of their children.

To accomplish these goals we must have improved and uniform enforcement remedies that reach across state lines. We must also have improved operational support from both the state and federal government and increased funding. While other programs may lend themselves to block grants, nonpayment of child support transcends state lines and requires some uniformity in enforcement. Competing state interests affect state legislation more readily than at the federal level. Many state child support programs welcome federal mandates of proven enforcement and operational remedies to assist them in acquiring effective collection tools. Not all mandates are bad. Much of the progress in child support has come about through federal mandates and the resulting uniformity from state to state has been most beneficial.

Child support advocates and professionals agree on much of what is needed to improve the program nationwide. They include the following:

1. Central Registry of Child Support Orders—States should be required to develop and implement a central registry of all child support orders. State central registries should be formatted similarly to form a national central registry of child support orders.

2. Central Collection Systems—It is difficult to enforce child support orders because of the variety of collection points. To enforce an order, payments made or not made must be accounted for to determine past due support. With child support payments being paid directly to custodial parents, court clerks or local agencies it becomes a time consuming process to collect payment records from different sources in order to determine past due arrears. Central payment processing has proven to be effective and efficient where implemented. Central processing enables IV-D agencies to monitor delinquencies in child support cases and allows for expedited enforcement remedies to be implemented immediately upon delinquency. Many of the IV-D agency's cases have been delinquent for months or years when they enter the caseload. Central monitoring is essential if we as a nation are to have an effective child support program. Collections should not become delinquent. If they do become delinquent, immediate enforcement actions must be taken.

3. New Hire Reporting—New hire reporting has proven effective in fifteen states. It is an effective tool to locate job hoppers. Employers report new hires to the state IV-D agency or in cooperation with state employment security agencies when a new employee is hired. At present, there is no good way to locate a job hopper for at least one quarter of the year when withholding is first reported. Custodial parents cannot wait that long to feed and clothe their children. There are those who feel that this is too heavy a burden upon employers. It need not be. It cold be as simple as forwarding a copy of a W-4 form. We have found employers to be responsive and concerned about child support issues. When new hire reporting was erroneously reported as having passed our legislature, employers called wanting to know how to report new hires. There was no opposition in the employer community but certain business interests presented strong opposition to the measure. It is difficult to win approval for such a measure on the local level and to do so requires federal leadership.

4. License Revocation—License suspension or revocation is a proven and effective administrative procedure to compel payment of past due arrears. It is somewhat controversial because of vested interest and licensing agencies reluctance to participate, but it has proven to be effective in Maine, California and Arkansas. Nineteen states have adopted some form of license suspension or revocation. To be an effective remedy all states need to have access to licensing revocation and suspension. For interstate enforcement a request to suspend a license in another state would be most beneficial and would be a deterrent to nonpayers to flee from one state to another to avoid paying child support.

In addition to new enforcement techniques, support from the federal government not just in dollars and cents but in cooperation is paramount if we are to solve the national nonsupport problem. Federal government agencies have information we need to locate nonpaying noncustodial parents and their assets. Yet, it is difficult to obtain that information, it is outdated or; if provided, cannot be used without additional verification.

1. Social Security Administration—We recommend that Congress pass laws that would require the Social Security Administration (SSA) to provide information to the child support agencies for the purpose of determining the location and the ability of the noncustodial parent to pay support. Currently,

information from SSA is available through the Federal Parent Locator Service. However, the information that we receive is minimal and outdated. We need to know if a noncustodial parent has filed a claim for benefits, the amount of benefits paid to the noncustodial parent and the children, the amount of any lump sum payment to the noncustodial parent or the custodial parent. This information is vital in determining support obligations and arrearage.

2. IRS Locate and Asset Information—The IRS provides a valuable service in the form of the Federal Tax Offset program. Information on income is available from 1099 files. However, The Internal Revenue Service (IRS) has some concerns with regard to safeguarding the information it shares with state child support agencies and does not want the information shared with anyone who is not a state employee. Many states have contracted with local jurisdictions or private entities, since 1975 in some states, to provide child support services in their areas. After 20 years, the IRS has suddenly raised issues of safeguarding confidentiality. These contractors are agents or designees of the state and are entitled to the same level of information as state employees performing the same functions. Confidentiality is a high priority for all child support professionals and the information we gather is used solely to establish or enforce child support obligations. The Department of Defense has contractors that have access to secure information that could affect national security, certainly child support contractors should have access to all information needed to pursue a case. Something is very wrong when an agency of the federal government can throw up road blocks to obtaining information on delinquent noncustodial parents affecting the ability of a child to receive the support he deserves.

3. IRS Full Collection—The IRS full collection process could be a valuable enforcement tool. However, our experience has been that child support cases receive a low priority when referred to the IRS field office. We suggest that Congress provide funding for staff and resources to enhance the full collection process and require that child support cases receive priority over all other collection cases.

4. Automated Systems—The new child support data systems being developed nationwide are sorely needed to manage the growing number of delinquent child support cases. These systems will assist child support workers who have caseloads of 500 to 1000 cases to be more productive and enhance their ability to make child support collections. However, the resources of both the private vendors and states have been exhausted in their attempt to make fifty statewide systems operational by the deadline date. Few states will be up and running by October 1, 1995 and the rush to get "something up" by October 1 will produce inferior systems. There are numerous reasons why these projects are in trouble. One of the chief reasons for delay in implementation was that the final federal regulations were not issued until October 1992 and the certification requirements were not issued until June 1993. Both the state and the federal government have enormous sums of money invested. We should get our moneys worth. By extending the deadline for one more year to October 1, 1996 without approving any additional funds for furthering the project, state administrators will be allowed the opportunity to make these projects successful. If there is no extension, there is going to be mass confusion on or about October 1, when all states try to bring up these new systems nationwide. It does not make good sense to allow this to occur. We, therefore, recommend an extension to October 1, 1996 at the 90% FFP rate with no additional funding allowed other than those funds previously approved in the state's Advance Planning Documents.

The 1993 Amendments to the Omnibus Budget Reconciliation Act (OBRA) required states to establish programs that provide a simple civil process for unmarried parents to voluntarily acknowledge paternity for their children. In Arkansas, all 56 birthing centers are assisting parents by providing information on establishing paternity and completing the necessary forms. Since the program implementation date of January 25, 1994, over 4,500 acknowledgements have been signed. The acknowledgements are matched to the existing IV-D caseload on a continual basis. To date, twenty-five percent (25%) of the signed acknowledgements have been identified as IV-D cases. To be truly successful, the program should be extended to encompass postnatal follow-up to provide yet another opportunity for parents to acknowledge the paternity of their children. The IV-D agencies will follow-up with families that receive child support services. However, the Public Health agencies have an opportunity through public education, nutrition, immunization and home health services to reach the parents that are not served by the IV-D program. We suggest that Congress provide a funding mechanism for the public health agencies, Headstart and any other agencies concerned with the welfare of children and families, to provide paternity acknowledgement services to their clients.

Federal regulations require states to periodically review and adjust child support orders utilizing state guidelines. We agree that periodic review is essential to ensure that the children receive the support they deserve and that parents are ordered to pay a fair and reasonable amount. The process by which review and adjustment is accomplished is restrictive and incompatible with states' Rules of Civil Procedure. States should have more flexibility to determine the process by which review and adjustment is accomplished. One alternative might be the award of Cost of Living Allowances (COLA). This method could be automated and more evenly applied.

Arkansas has implemented an administrative process to revoke or suspend Commercial Driver's License of noncustodial parents who are six (6) months behind in their child support obligations. In less than six months of operation, we have collected over $106,000. A total of 107 commercial driver's licenses have been suspended, 12 licenses have been reinstated and 70 noncustodial parents have signed agreements to pay the delinquent accounts and avoid suspension of their licenses. One of the most difficult case for us to collect is the independent truck driver. With this program, drivers are detained in weigh stations throughout the nation or at their terminals until the child support issues are resolved. Arkansas has recently extended the license suspension for nonpayment of child support to all business and professional licenses, hunting and fishing licenses and permanent license plates. We recommend that all states be required to suspend licenses to include all professional/business licenses, regular drivers' licenses and personal vehicles, trucks, boats and airplanes registered in the state. States have found that the most successful programs are administrative and automated. Congress should consider requiring state IV-D agencies to implement such administrative programs and provide funding for licensing boards to become automated with electronic links to the IV-D agencies.

No one wants to discuss funding in today's environment. However, there is a direct relationship between the amount of child support collected and the ratio of child support workers per case. The more workers, the more child support is collected. At some point there would be diminishing returns, but this is not likely in the foreseeable future. Originally, states received 75% FFP plus incentives on collections. Only AFDC cases were mandated. Over the years since the program began, FFP has decreased to 66% plus 6-10% incentives on AFDC cases and 6-10% on non-AFDC cases. Incentives on non-AFDC collections are capped at 115% of AFDC collections, creating somewhat of a disincentive to work non-AFDC cases. During the same time period that federal financial participation was decreasing, Congress mandated services to non-AFDC clients and Medicaid recipients, increasing caseloads dramatically. Caseloads, nationally, have increased by 128% with collections increasing by 345% during the same period, FFP has decreased by 5.7%. States are continually asked to do more with less funding, which has contributed to the growing problem of uncollected child support.

While the intent of the current proposal being considered is to provide some relief and to redistribute federal dollars among states, it is important to understand the effect of the proposed funding scheme. Under the proposed distribution rules, states will lose dollars in the form of retained AFDC collections which provide match dollars for half of the states. Currently, states can earn more than 100% funding. Some make a profit. Under the new scheme, the best a state can do is 90% FFP. Since many states pass incentives on to the contractors providing services in some local jurisdictions, many local offices will be asked to enter into contracts knowing that they will experience at least a 10% loss each year or state cost will increase. Once again, as Congress attempts to improve the nation's child support problem, a funding cut is proposed. We know that more dollars must be invested in caseworkers and automation if we are to work more cases and collect more child support. Why then reduce funding to state programs by at least 10% when you want them to do more? If we are to remove custodial parents from welfare and make parents financially responsible for their children, a strong child support program is essential. A return to the 75% FFP plus incentives would be helpful and we recommend that incentives be sufficient to allow for a 100% reimbursement. Any funds over 100% should be returned to the federal government.

We greatly appreciate your interest in child support enforcement. Thank you for the opportunity to express our views on these very important issues. We join in your commitment to assist the children and families of Arkansas and the nation to realize their full potential.

Sincerely,

JUDY JONES JORDAN,
Administrator.

By Mr. MURKOWSKI (for himself and Mr. GRASSLEY):

S. 688. A bill to provide for the minting and circulation of $1 silver coins; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. SILVER DOLLAR COIN ACT OF 1995

• Mr. MURKOWSKI. Mr. President, today I am introducing legislation that would permit the minting of a $1 silver-plated coin with a likeness of President Dwight D. Eisenhower on the front and a rendering of the Iwo Jima monument on the reverse side of the coin. I am pleased that Senator GRASSLEY is joining in this effort that will provide a boost to our domestic silver mining industry and could serve to reduce the Federal deficit.

Our currency system has not been significantly altered over the past century even though the economy has fundamentally changed. Not long ago, an individual could use one coin—a nickel, dime, or quarter—to purchase a coke from a vending machine or ride a bus. Today, that's just not possible. Vending machines require two, three, or four coins, or, even worse, a dollar bill. And you know how frustrating those dollar bill readers can be on vending machines and Metro fare machines. To make matters worse, a dollar bill reader on a vending machine costs $400 to $500—an utterly unnecessary cost if a dollar coin were available.

According to the Coin Coalition, processing dollar coins instead of dollar bills would save the mass transit industry alone more than $124 million a year. The Los Angeles County Metropolitan Transportation Authority would save $3.5 million a year if it did not have to expend the time and labor in processing—unwrinkling dollar bills. Those savings could be used to buy 24 new buses to move people instead of paper. The Chicago Transit Authority does its own bill-unfolding, at a cost of $22 per thousand. Processing coins costs just $1.64 per thousand.

In addition, many economists project that a dollar coin could save the Federal Government several million dollars. Although coins cost more to mint than dollar bills to print, coins last far longer. A bill wears out in an average of about 17 months while coins can last 30 years.

Since this is the 50th anniversary of the allied victory in World War II, I believe it is appropriate that the new coin present a likeness of President Eisenhower who also served as the Supreme Commander in Europe. The rendition of the raising of the flag on Mount Surabachi on Iwo Jima has become a symbol of the dedication and valor of our Armed Forces in restoring freedom in the Pacific.

I hope my colleagues will join me in getting this coin modernization enacted into law this year.

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. 688

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 "United States Silver Dollar Coin Act of 1995".

SEC. 2. ONE-DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking "The dollar," and inserting "The"; and

(2) by inserting after the fourth sentence the following: "The dollar coin authorized under subsection (a)(1) shall be silver in color, shall have a distinctive edge and have tactile and visual features that make the denomination of the coin readily discernible, shall be minted and fabricated in the United States, and shall have metallic and anti-counter-feiting properties similar to those of United States clad coinage, except that the dollar coin shall be a clad coin with 3 layers of metal, including 2 outer layers of silver. The dollar coin authorized under subsection (a)(1) shall contain not less than 1 gram of newly mined fine silver.".

(b) ADJUSTMENTS TO SILVER CONTENT.—Section 5112(c) of title 31, United States Code, is amended by adding at the end the following: "Notwithstanding subsection (b), the Secretary may prescribe the weight of silver in the dollar coin if the Secretary determines that such action is necessary to ensure an adequate supply of dollar coins to meet the needs of the United States.".

(c) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended—

(1) in the fourth sentence, by striking "the dollar, half dollar," and inserting "the half dollar"; and

(2) by striking the fifth and sixth sentences and inserting the following: "The obverse side of the dollar coin shall bear a likeness of President Dwight D. Eisenhower and the reverse side shall bear a rendering of the Iwo Jima Memorial.".

(d) EFFECTIVE DATE.—Not later than 30 months after the date of enactment of this Act, the Secretary of the Treasury shall place into circulation the one-dollar coins authorized by section 5112(a)(1) of title 31, United States Code, in accordance with the amendments made by subsections (a), (b), and (c).•

By Mrs. MURRAY:

S. 689. A bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes; to the Committee on Environment and Public Works.

THE LANDFILL TECHNICAL IMPROVEMENTS ACT OF 1995

• Mrs. MURRAY. Mr. President, I am introducing today the Landfill Technical Improvement Act of 1995. This legislation will allow us to maximize technical advances of the last decade in carrying out our Nation's environmental protection strategy. It will also promote small business and entrepreneurship and help our Nation compete in the global market for new, environment driven technologies.

By passing the 1984 Hazardous and Solid Waste amendments, Congress required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of organic absorbents in hazardous waste landfills. In the past decade, however, developments in natural absorbent technologies show more efficiency than traditional sorbents produced for fossil fuels.

For example, a company in Bellingham, WA, manufactures organic sorbents from a local paper mill's sludge. Sludge recycled into productive use is kept out of landfills. This small company employs 20 to 30 Washingtonians and, with other similar companies across the country, seeks to expand in the marketplace with this new, recycled product.

Normal landfill conditions are anaerobic, and studies have shown that no biodegradtion takes place in the anaerobic environment of landfills. Thus, in this anaerobic environment of RCRA landfills, these sorbents will not degrade. These organic absorbents, made totally from reclaimed materials, may actually outperform current chemical absorbents. However, because of the 1984 amendments and subsequent EPA regulations, these absorbents have been effectively shut out from disposition in landfills.

This disposition issue threatens to undermine the existence of these new technologies, since that which cannot be disposed economically will not be used. Moreover, innovative and environmentally conscious technologies, such as those developed by this small company in my State, are discriminated against.

The administration has clearly stated its preference for such recycled/reclaimed materials, but this flawed regulation has prejudiced the widespread availability and use of these products. This is to the detriment of our national environmental goals.

This bill remedies this situation, allowing the fullest use of environmentally sound landfill technologies.•

By Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN):

S. 690. A bill to amend the Federal Noxious Week Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL NOXIOUS WEED CONTROL IMPROVEMENT ACT OF 1995

• Mr. AKAKA. Mr. President, today I am introducing the Federal Noxious Weed Control Improvement Act of 1995. Senators CAMPBELL and DORGAN have joined me as cosponsors of this bill. The objective of this legislation is to curb the wave of noxious weeds that is sweeping over productive rangeland, agricultural land, and native ecosystems across America.

I hope my colleagues saw the article on invasive alien species that appeared in the New York Times magazine last November. It vividly described the threats to the tropical ecosystems of Hawaii posed by nonindigenous species.

In Hawaii, gorse, ivy gourd, and the banana poka vine are ravaging native forest and rangeland. But Hawaii is not alone in facing this threat. Nearly 200 species of troublesome imported weeds infest the continental United States.

We see evidence of this problem within a few miles of the Capitol. Drive to the edge of the Potomac or through Rock Creek Park and you will see impenetrable mats of hydrilla and honeysuckle. Another weed, kudzu, topples grown trees and smothers shrubs and plants. In New England, Oriental bittersweet and porcelain berry vine cause similar damage. Purple loosestrife has decimated wetlands across the country from Maine to Washington.

Leafy spurge, spotted knapweed, cheatgrass, thistle, salt cedar, and Medusa-head cover millions of acres of grasslands in Montana, Idaho, Oregon, and Washington. All of these weeds are foreign to the United States. Some are toxic to livestock. Others are heavy consumers of water, or fuel forest and rangeland fires. These weeds ruin the grasslands for birds, elk, and grizzly bears. In Montana alone, cattlemen suffer millions of dollars of forage losses due to spotted knapweed. At its current rate of spread, Montana's projected losses due to spotted knapweed could exceed $100 million by the year 2000. Another weed, leafy spurge, occupies over 2.5 million acres in 30 States. Nationwide, $100 million in direct and indirect losses to livestock are attributable to leafy spurge.

The cost of weed control and losses due to weed infestation are estimated at over $20 billion per year, more than the combined losses for all other pests.

Nearly 16 million acres of Federal land are infested with noxious weeds. On Bureau of Land Management lands, weed infestation expands at a rate of 2,000 acres per day. If current trends continue, a quarter of BLM lands in the continental United States could be overrun with weeds by the turn of the century.

At least one hundred of our national parks face serious harm to their natural resources as a result of invasive foreign plants. Everglades National Park and Big Cypress National Preserve are overrun by the Australian melaleuca tree. More than 400,000 acres of the everglades are infested by this tree, and 50 additional acres are consumed each day. Wildlife habitat and water supplies are also threatened by maleleuca in the Loxahatchee National Wildlife Refuge. Another tree, the Brazilian pepper, is crowding out the mangroves along Florida's southwestern coast. Both of these alien trees make habitat unsuitable for native water birds.

Competition from 25 exotic plants threatens the habitat of rare plants in Great Smoky Mountains National Park. Among the damaging species are stink tree, multi-flora rose, and an imported grass with a scientific name I won't even attempt to pronounce.

River margins and rare desert springs in the beautiful slickrock parks of Utah, including Canyonlands and Zion National Parks, as well as in Death Valley National Park, have become overgrown with tamarisk, a tree which literally sucks the water out of the ground, depriving wildlife and native plants of precious water supplies.

Efforts to safeguard private and public land from these threats are grossly inadequate. In 1993, the Congressional Office of Technology Assessment called U.S. efforts to counter the effects of invasive exotic species "a largely uncoordinated patchwork of laws, regulations, policies, and programs."

The Secretary of Agriculture is responsible for preventing noxious weeds from entering the country either accidentally or as intentional imports, as well as for spearheading control efforts for those noxious weeds that have already become established. However, the Federal Noxious Weed Act of 1974 has not been an effective tool to address this problem.

Under current law, the Secretary of Agriculture must wait until a weed is an established, documented nuisance before action can be taken. That's like waiting until the cows have run away before you close the barn door.

For example, tropical soda apple, a plant in the nightshade family, was introduced from Brazil into pastures in Florida. It was first observed in 1987 and now occupies more than 400,000 acres in Florida. Although cattle cannot eat the plant because of its sharp spines, seeds from this invasive weed easily contaminate hay and other forages. Tropical soda apple presents a particularly difficult control problem because seeds are passed through cattle manure. In Mississippi, Alabama, and Georgia, more than 20 outbreaks have been linked to cattle purchased in Florida. Tropical soda apple can also be transported in commercially packaged manure used for gardening. Despite the danger and the relative ease of dealing with the original infestation, it took the U.S. Department of Agriculture 8 years to declare it a noxious weed. During that time, the problem has become so widespread that containment may be beyond hope.

To correct weaknesses in the Federal Noxious Weed Act of 1974, my bill would grant emergency authority to prohibit the entry of foreign weeds that have not been formally added to the Federal noxious weed list. Weeds could also be added to the list through a petition process. Also, the bill would prohibit the international movement of Federal noxious weeds across State lines except under permit. Finally, this legislation would establish a Noxious Weed Technical Advisory Group to evaluate weed species, develop appropriate classification criteria for noxious weeds, and make recommendations to implement the act.

As the hearings that I chaired during the 103d Congress clearly demonstrated, the lack of coordination between Federal agencies that are responsible for the control of alien weeds is a serious problem. Twenty-four Federal agencies located in 8 different Cabinet departments have responsibility for pest control. They enforce more than an dozen major laws, and a host of minor ones.

With so many statutes and so many agencies, Federal policy resembles a piece of swiss cheese, and noxious, foreign pests are streaming through the holes in policy and enforcement. Hawaii and other States suffer the consequences of piecemeal Federal enforcement.

I ask my colleagues to support the prompt passage of this bill. I hope that we can consider this legislation as part of the 1995 farm bill. All of our constituents will benefit from a stronger and more secure foundation for agriculture and conservation of our natural resources.

I ask unanimous consent that the text of the Federal Noxious Weed Control Improvement Act of 1995 be printed in the RECORD.

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

S. 690

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 "Federal Noxious Weed Control Improvement Act of 1995".

TITLE I—NOXIOUS WEEDS

SEC. 101. IMPROVEMENT IN THE EXCLUSION, ERADICATION, AND CONTROL OF NOXIOUS WEEDS IN THE UNITED STATES.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Foreign and Federal Noxious Weed Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Definitions.
"TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES
"Sec. 101. Movement of Federal noxious weed into or through the United States.
"Sec. 102. Identification of Federal noxious weeds.
"Sec. 103. Quarantines.
"Sec. 104. Measures to prevent dissemination of foreign and Federal noxious weeds.
"Sec. 105. Search of persons, premises, and goods.
"Sec. 106. Penalties.
"Sec. 107. Cooperation with other Federal, State, and local agencies.
"Sec. 108. Authorization of appropriations.
"TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS
"Sec. 201. Definitions.

"Sec. 202. Federal agency involvement.
"Sec. 203. Authorization of appropriations.
"TITLE III—GENERAL PROVISIONS
"Sec. 301. Effect on inconsistent State and local laws.
"Sec. 302. Regulations.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) the importation or introduction in interstate commerce of foreign noxious weeds, except under controlled conditions, is detrimental to the environment, agriculture, and commerce of the United States and to the public health in that the growth and spread of weeds in the United States—

"(A) interfere with the growth of useful plants;

"(B) clog waterways and interfere with navigation;

"(C) cause disease or have other adverse effects on the environment; and

"(D) directly or indirectly interfere with natural resources, agriculture, forestry, native ecosystems, and the management of ecosystems;

"(2) uncontrolled distribution within the United States of foreign noxious weeds, after importation or introduction of the weeds, has similar detrimental effects;

"(3) the distribution of noxious weeds poses long-term problems for natural resources, agriculture, and native or natural ecosystems and ecosystem management, including—

"(A) economic injury to natural resources, agriculture, and the economy of the United States;

"(B) impedance of interstate and foreign commerce; and

"(C) diminishment of biodiversity in native ecosystems of the United States; and

"(4) in light of the adverse consequences of uncontrolled importation or distribution of foreign noxious weeds, the regulation of foreign noxious weeds as provided in this Act is necessary to protect interstate and foreign commerce and the public welfare.

"SEC. 3. DEFINITIONS.

"As used in this Act:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Noxious Weed Technical Advisory Panel established under section 102(e).

"(2) AUTHORIZED INSPECTOR.—The term 'authorized inspector' means an employee of the Department, or an employee of any other agency of the Federal Government or of any State or other governmental agency that is cooperating with the Department in the administration of this Act, who is authorized by the Secretary to perform assigned duties under this Act.

"(3) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

"(4) EMERGENCY.—The term 'emergency' means an unforeseen combination of circumstances or the resulting state that calls for immediate action, as determined by the Secretary.

"(5) FEDERAL NOXIOUS WEED.—The term 'Federal noxious weed' means a foreign noxious weed that is identified as appropriate for control under this Act and included in the Federal noxious weed list established pursuant to a regulation issued under section 102(b).

"(6) FEDERAL NOXIOUS WEED LIST.—The term 'Federal noxious weed list' means the list prepared by the Secretary that contains the names of all Federal noxious weeds.

"(7) FOREIGN NOXIOUS WEED.—The term 'foreign noxious weed' means a plant species, including all reproductive parts of the species, that the Secretary determines—

"(A) is of foreign origin;

"(B) can directly or indirectly interfere with an agroecosystem, native ecosystem, or the management of an ecosystem, or cause injury to public health; and

"(C)(i) has not been introduced into the United States;

"(ii) is determined by the Secretary to be likely to be introduced into the United States;

"(iii) is new to the United States; or

"(iv) has not expanded beyond susceptibility to containment within a geographic region or ecological range of the United States.

"(8) INTERFERE.—The term 'interfere' means to injure, harm, or impair an agroecosystem or native or natural ecosystem in the environment or commerce.

"(9) INTERSTATE MOVEMENT.—The term 'interstate movement' means movement from any State into or through any other State.

"(10) MOVE.—The term 'move' means deposit for transmission in the mails, ship, offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture or a designee of the Secretary.

"(12) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

"(13) UNITED STATES.—The term 'United States', when used in a geographic sense, means all of the States and territories and possessions.

"TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES

"SEC. 101. MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR THROUGH THE UNITED STATES.

"(a) PERMIT REQUIRED.—No person shall knowingly move any Federal noxious weed, into or through the United States or interstate, unless the movement is—

"(1) authorized under a general or specific permit from the Secretary; and

"(2) made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as the Secretary may issue under section 302 to prevent the dissemination into or within the United States, or interstate, of the Federal noxious weed.

"(b) REFUSAL TO ISSUE PERMIT.—

"(1) IN GENERAL.—The Secretary may refuse to issue a permit under subsection (a) for the movement of a Federal noxious weed if the Secretary determines that the movement would involve a danger of dissemination of the Federal noxious weed into or within the United States or interstate.

"(2) REASON FOR REFUSAL.—If the Secretary refuses to issue a permit under paragraph (1), the Secretary shall publish the reasons for the refusal in the Federal Register.

"(c) PROHIBITIONS.—No person shall knowingly sell, purchase, barter, exchange, give, deliver, or receive any Federal noxious weed that has been moved in violation of subsection (a).

"SEC. 102. IDENTIFICATION OF FEDERAL NOXIOUS WEEDS.

"(a) FEDERAL NOXIOUS WEEDS LIST.—The Secretary shall maintain a Federal noxious weed list containing the names of all Federal noxious weeds identified by the Secretary under subsection (b).

"(b) INCLUSION BY REGULATION.—

"(1) REGULATION PROCESS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), a plant species may be identified as a Federal noxious weed and included in the Federal noxious weed list only pursuant to a regulation issued by the Secretary.

"(B) NOTICE AND HEARING.—The regulation shall be issued only after publication of a notice of the proposed regulation and, when requested by any interested person, a public hearing on the proposed regulation.

"(C) BASIS.—The regulation shall—

"(i) be based on the information received at any such hearing, comments, and other information available to the Secretary; and

"(ii) require a determination by the Secretary that—

"(I) the plant is a foreign noxious weed (within the meaning of section 3(7)); and

"(II) the dissemination of the weed in the United States may reasonably be expected to interfere with natural resources, agriculture, forestry, or a native ecosystem or the management of an ecosystem, or cause injury to public health.

"(2) EMERGENCY DESIGNATION.—

"(A) IN GENERAL.—In an emergency, the Secretary may temporarily designate a plant species as a Federal noxious weed if the Secretary determines that the plant species meets the definition of a foreign noxious weed.

"(B) DURATION.—The temporary designation shall remain in effect until the Secretary initiates and completes the regulation process in accordance with paragraph (1).

"(C) NOTICE.—The Secretary shall provide notice of the temporary designation to interested parties, including importers, State agencies, and the general public, at the time the emergency is declared.

"(c) ADDITIONS TO AND REMOVALS FROM NOXIOUS WEED LIST.—

"(1) PETITION PROCESS.—

"(A) IN GENERAL.—Any interested person may petition the Secretary to add a plant species to, or remove a plant species from, the Federal noxious weed list.

"(B) DETERMINATION.—To the maximum extent practicable, not later than 90 days after receiving a petition, the Secretary shall determine whether the petition presents an assessment of potential damage based on scientific information indicating that the plant species involved should be added to or removed from the Federal noxious weed list.

"(C) PUBLICATION.—The Secretary shall publish each determination made under this paragraph in the Federal Register.

"(2) REVIEW BY ADVISORY PANEL.—If the Secretary determines that a petition presents scientific information described in paragraph (1)(B), the Secretary shall forward the petition to the Advisory Panel for the review and advice of the panel.

"(3) FINDINGS.—Not later than 1 year after receiving a petition under paragraph (1) determined to present scientific information described in paragraph (1)(B), and after considering the advice of the Advisory Panel, the Secretary shall make 1 of the following findings:

"(A) The petitioned action is not warranted.

"(B) The petitioned action is warranted, in which case (except as provided in subparagraph (C)) the Secretary shall commence the procedure described in subsection (b)(1) to add the plant species involved to, or remove the plant species from, the Federal noxious weed list.

"(C) The petitioned action is warranted, except that—

"(i) immediate promulgation of a regulation implementing the petitioned action is precluded by pending proposals to identify Federal noxious weeds; and

"(ii) expeditious progress is being made to add the plant species to the Federal noxious weed list.

"(4) PUBLICATION.—The Secretary shall publish a finding made under paragraph (3) in the Federal Register, with a description and evaluation of the reasons and data on which the finding is based.

"(d) CLASSIFICATION SYSTEM AND INTEGRATED MANAGEMENT PLAN.—

"(1) CLASSIFICATION SYSTEM.—The Secretary shall develop a classification system to describe the status and action levels for foreign noxious weeds and Federal noxious weeds. The classification system shall include, for each foreign noxious weed or Federal noxious weed, the current geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

"(2) INTEGRATED MANAGEMENT PLAN.—The Secretary shall develop an integrated management plan for each foreign noxious weed or Federal noxious weed introduced into the United States for the geographic region or ecological range where the weed is found in the United States. The plan may include the use of a permanent or temporary quarantine established under section 103.

"(3) CONSULTATION.—The Secretary shall develop the classification system and integrated management plans in consultation with the Advisory Panel.

"(e) NOXIOUS WEED TECHNICAL ADVISORY PANEL.—

"(1) ESTABLISHMENT.—The Secretary shall appoint a Noxious Weed Technical Advisory Panel consisting of 6 individuals to—

"(A) assist the Secretary in—

"(i) the identification of foreign noxious weeds for inclusion on the Federal noxious weed list;

"(ii) the development of integrated management plans; and

"(iii) other matters relating to the administration of this Act; and

"(B) recommend to the Secretary any foreign noxious weed that should be added to or deleted from the Federal noxious weed list.

"(2) MEMBERS.—The members of the Advisory Panel shall be appointed by the Secretary from among persons who have professional or working knowledge of agroecosystems or native or natural ecosystems management. In appointing the members, the Secretary shall ensure that there is 1 representative from each of the North Central, Northeastern, Southern, Southwestern, Northwestern, and Western regions of the United States, and that each of following entities is represented:

"(A) An environmental organization.

"(B) A State agency with weed management responsibility.

"(C) A land grant college or university.

"(D) A weed science society.

"(E) A trade association.

"(F) An ecologist.

"(3) EX OFFICIO MEMBERS.—The Advisory Panel shall also include a representative of each of the following agencies, who shall serve as exofficio members of the Advisory Panel:

"(A) The Animal and Plant Health Inspection Service of the Department.

"(B) The Agricultural Research Service of the Department.

"(C) A Representative of the Federal Interagency Committee for the Management of Noxious and Exotic Weeds.

"(D) A Federal agency with land management responsibilities.

"(4) COMPENSATION.—A member of the Advisory Panel who is not a Federal employee shall receive compensation while on official business in the form of reimbursement for travel and per diem expenses, to be paid by the Secretary in accordance with subchapter I of chapter 57 of title 5, United State Code.

"(5) ANNUAL REPORT.—The Advisory Panel shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the activities of the Advisory Panel during the preceding year.

"SEC. 103. QUARANTINES.

"(a) IN GENERAL.—The Secretary may establish by regulation such quarantines as are necessary to prevent the importation or introduction, or control the distribution, of a Federal noxious weed.

"(b) TEMPORARY QUARANTINE.—

"(1) AUTHORIZED.—If the Secretary has reason to believe that an infestation of a foreign noxious weed exists in any State, the Secretary may by order—

"(A) temporarily quarantine the State or a portion of the State; and

"(B) restrict or prohibit the interstate movement from the quarantined area of any products and articles of any character, and means of conveyance, capable of carrying the foreign noxious weed.

"(2) TIME PERIOD OF QUARANTINE.—A temporary quarantine ordered under paragraph (1) may not extend for more than 1 year after the date on which the order is issued, unless the order is renewed by the Secretary.

"(3) EXPEDITED CONSIDERATION FOR LISTING.—Not later than the end of the 1-year period referred to in paragraph (2), the Secretary shall determine whether or not the foreign noxious weed involved should be added to the Federal noxious weed list established pursuant to section 102(b). The Secretary shall make the determination in consultation with the Advisory Panel.

"(c) PROHIBITION.—It shall be unlawful for any person to move interstate or intrastate from a quarantined area any product, article, or means of conveyance specified in the regulation or order establishing the quarantine, except in accordance with the regulation or order.

"(d) RELATIONSHIP OF QUARANTINES TO OTHER ACTIVITIES.—The establishment of a quarantine shall not be required in order for the Secretary to regulate the interstate movement, sale, or distribution of a foreign noxious weed.

"SEC. 104. MEASURES TO PREVENT DISSEMINATION OF FOREIGN AND FEDERAL NOXIOUS WEEDS.

"(a) EMERGENCY DISPOSAL.—

"(1) DISPOSAL AUTHORITY.—Subject to subsection (c), if the Secretary determines that action under this paragraph is necessary as an emergency measure to prevent the dissemination of any foreign noxious weed or Federal noxious weed, the Secretary may seize, quarantine, treat, destroy, or otherwise dispose of any product or article of any character, or means of conveyance, that—

"(A) is moving into or through the United States or interstate, with bond or otherwise; and

"(B) the Secretary has reason to believe is infested by the foreign noxious weed or Federal noxious weed, in violation of this Act or any regulation issued under this Act.

"(2) METHOD OF DISPOSAL.—Subject to subsection (c), the Secretary may dispose of a product, article, or means of conveyance seized under this subsection in such manner as the Secretary considers appropriate.

"(b) ORDERS REQUIRING DISPOSAL.—

"(1) DISPOSAL ORDERS.—

"(A) IN GENERAL.—Subject to subsection (c), the Secretary may order the owner (or agent of the owner) of any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed subject to disposal under subsection (a) to treat, destroy, or otherwise dispose of the product, article, or means of conveyance of a foreign noxious weed or Federal noxious weed, without cost to the Federal Government and in such manner as the Secretary considers appropriate.

"(B) ENFORCEMENT.—The Secretary may apply to the United States District Court or the judicial district in which the owner or agent resides or transacts business or in which the product, article, means of conveyance of a foreign noxious weed or Federal noxious weed is found, for enforcement of the order by injunction.

"(C) PROCESS.—Process in the case may be served in any judicial district in which the defendant resides or transacts business or may be found. A subpoena for a witness who is required to attend a court in any judicial district in such a case may be served in any other judicial district.

"(c) DESTRUCTION, EXPORT, OR RETURN AS THE LEAST DRASTIC ACTION.—No product, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section, unless in the opinion of the Secretary there is no less drastic action that would be adequate to prevent the dissemination of a foreign noxious weed or Federal noxious weed within the United States or interstate.

"(d) CIVIL ACTION AGAINST UNITED STATES BY OWNER.—

"(1) IN GENERAL.—The owner of any product, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under this section may bring an action against the United States in a Federal district court, not later than 1 year after the destruction or disposal, to recover just compensation for the destruction or disposal (other than compensation for loss due to delays incident to determining the eligibility of the product, article, or conveyance for movement under this Act), if the owner establishes that the destruction or disposal was not authorized under this Act.

"(2) PAYMENT OF JUDGMENT.—Any judgment rendered in favor of the owner shall be paid out of sums in the Treasury of the United States appropriated for the administration of this Act.

"SEC. 105. SEARCH OF PERSONS, PREMISES, AND GOODS.

"(a) WARRANTLESS SEARCHES.—An authorized inspector, if properly identified, shall have the authority, without a warrant, to stop any person or means of conveyance moving into or through the United States, and to inspect any product or article of any character moving into or through the United States, if the authorized inspector has probable cause to believe that the person or means of conveyance is moving a foreign noxious weed or Federal noxious weed regulated under this Act, or a product or article containing a foreign noxious weed or Federal noxious weed regulated under this Act.

"(b) WARRANT SEARCHES.—

"(1) IN GENERAL.—An authorized inspector shall have authority, with a warrant, to

enter any premises in the United States for purposes of an inspection or other action necessary to carry out this Act.

"(2) ISSUANCE OF WARRANTS.—A judge of the United States or of a court of record of any State, or a United States magistrate judge, may within the jurisdiction of the judge or magistrate judge, on proper oath or affirmation showing probable cause to believe that there are on certain premises any product, article, or means of conveyance contaminated with a foreign noxious weed or Federal noxious weed plant regulated under this Act, issue a warrant for the entry of the premises for purposes of any inspection or other action necessary to carry out this Act, except as otherwise provided in section 107.

"(3) EXECUTION OF WARRANTS.—The warrant may be executed by any authorized inspector or any United States marshal.

"SEC. 106. PENALTIES.

"(a) IN GENERAL.—Any person who knowingly violates section 101 or 103, or any regulation issued to carry out section 101 or 103, shall be fined not more than $100,000 or imprisoned not more than 1 year, or both.

"(b) PECUNIARY GAIN OR LOSS.—If any person derives pecuniary gain from an offense described in subsection (a), or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than an amount that is the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the imposition of a fine or sentence under subsection (a).

"SEC. 107. COOPERATION WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES.

"(a) COOPERATION AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall cooperate with other Federal agencies, agencies of States and political subdivisions of States, agriculture producer associations and similar organizations, and individuals in carrying out operations or measures in the United States to prevent, retard, eradicate, suppress, control, or manage the spread of a foreign noxious weed or Federal noxious weed.

"(2) COOPERATORS.—The Secretary may appoint employees of other Federal agencies, and employees of agencies of any State or political subdivision of the State, to assist in the administration of this Act, pursuant to cooperative agreements with the agencies, if the Secretary determines that the appointments would facilitate administration of this Act.

"(b) CONDITIONS ON COOPERATION.—In performing an operations or measure authorized by subsection (a), the cooperating State or other governmental agency shall be responsible for the authority necessary to carry out the operation or measure on all lands and properties, subject to coordination with landowners and land managers within the State or other jurisdiction involved.

"SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this title.

"(b) LIMITATION.—Unless specifically authorized in other laws or provided for in appropriations, no part of sums made available under subsection (a) shall be used to pay the cost or value of property disposed of under section 104.

"TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS

"SEC. 201. DEFINITIONS.

"As used in this title:

"(1) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this title.

"(2) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the Federal Government responsible for administering or managing Federal lands under the jurisdiction of the department, agency, or bureau.

"(3) FEDERAL LAND.—The term 'Federal land' means land managed by or under the jurisdiction of the Federal Government.

"(4) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means a system for the planning and implementation of a program, using an interdisciplinary approach, to comprehensively manage an undesirable plant species or group of species using all available methods, including—

"(A) education;

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices, such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

"(5) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, that—

"(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling the undesirable plant species over the long term;

"(ii) scientific studies and current technologies;

"(iii) the physiology and habitat of a plant species and the associated environment of the plant species; and

"(iv) the economic, social, ecological, and human health consequences of carrying out the approach.

"(6) STATE AGENCY.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision of a State, responsible for the administration or implementation of laws of the State regulating undesirable plants.

"(7) UNDESIRABLE PLANT.—The term 'undesirable plant' means a plant species that is classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. A species listed as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be designated as an undesirable plant under this paragraph and the term shall not include a plant indigenous to an area where control measures are to be taken under this title.

"SEC. 202. FEDERAL AGENCY INVOLVEMENT.

"(a) DUTIES OF AGENCIES.—The head of each Federal agency shall—

"(1) designate an office and person adequately trained in the management of undesirable plants to develop and coordinate an undesirable plant management program for the control of undesirable plants on Federal land under the jurisdiction of the agency;

"(2) establish and adequately fund an undesirable plant management program through the budgetary process of the agency;

"(3) complete and carry out cooperative agreements with State agencies regarding the management of undesirable plants on Federal land under the jurisdiction of the agency; and

"(4) establish integrated management systems to control or contain undesirable plants targeted under cooperative agreements.

"(b) ENVIRONMENTAL IMPACT STATEMENTS.—If an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to carry out an integrated management system to manage undesirable plants under this section, a Federal agency shall complete the assessment or statement not later than 1 year after the requirement for the assessment or statement is determined.

"(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

"(1) IN GENERAL.—A Federal agency shall enter into a cooperative agreement with a State agency to coordinate the management of undesirable plants on Federal land under the jurisdiction of the Federal agency.

"(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

"(A) prioritize and target undesirable plants or groups of undesirable plants to be controlled or contained within a specific geographic area;

"(B) describe the integrated management system to be used to control or contain the targeted undesirable plants or group of undesirable plants; and

"(C) detail the means of carrying out the integrated management system, define the duties of the Federal agency and the State agency in carrying out the system, and establish a timeframe for the initiation and completion of the tasks specified in the system.

"(d) EXCEPTION.—A Federal agency shall not be required to carry out programs on Federal land under this section unless similar programs are being carried out generally on State or private land in the same area.

"(e) COORDINATION.—

"(1) IN GENERAL.—The Secretary of Agriculture, Secretary of Defense, Secretary of Energy, Secretary of the Interior, and Secretary of Transportation, acting through the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, shall take such actions as are necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

"(2) DUTIES.—The Federal Interagency Committee for the Management of Noxious and Exotic Weeds, in consultation with the appropriate Assistant Secretaries, shall—

"(A) identify regional priorities for noxious weed control in cooperation with the appropriate States;

"(B) incorporate into technical guides regionally appropriate technical information; and

"(C) disseminate the technical information to interested State, local, and private entities.

"(3) COST SHARE ASSISTANCE.—The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in the area agree to participate in a noxious weed management program.

"SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as are necessary for fiscal years 1995 through 1999.

"TITLE III—GENERAL PROVISIONS

"SEC. 301. EFFECT ON INCONSISTENT STATE AND LOCAL LAWS.

"This Act shall not invalidate the law of any State or political subdivision of a State relating to foreign noxious weeds or Federal noxious weeds, except that a State or political subdivision of a State may not permit any action that is prohibited under this Act.

"SEC. 302. REGULATIONS.

"The Secretary may issue such regulations as are necessary to carry out this Act.".

SEC. 102. EFFECT OF AMENDMENT ON PREVIOUS LISTING OF NOXIOUS WEEDS.

(a) DEFINITION OF NOXIOUS WEED.—In this section, the term "noxious weed" has the meaning given the term in section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)), as in effect on the day before the date of enactment of this Act.

(b) INCLUSION ON NEW FEDERAL LIST OF NOXIOUS WEEDS.—Each noxious weed identified by the Secretary of Agriculture in a regulation issued before the date of enactment of this Act shall be considered to be a Federal noxious weed and included on the Federal noxious weed list for purposes of the Foreign and Federal Noxious Weed Act (as amended by section 101).

TITLE II—STATE TERMINAL INSPECTION

SEC. 201. INSPECTION OF ANIMALS AND OTHER ORGANISMS.

The matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" under the heading "MISCELLANEOUS" of the Act of March 4, 1915 (commonly known as the "Terminal Inspection Act") (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) in the second paragraph—

(A) by striking "plants and plant products" each place it appears and inserting "plants, plant products, animals, and other organisms";

(B) by striking "plants or plant products" each place it appears and inserting "plants, plant products, animals, or other organisms";

(C) by striking "plant-quarantine law or plant-quarantine regulation" each place it appears and inserting "plant-quarantine or other law or regulation"; and

(D) in the last sentence, by striking "be forward" and inserting "be forwarded"; and

(2) in the third paragraph, by striking "plant or plant product" and inserting "plant, plant product, animal, or other organism".

SEC. 202. INSPECTION OF ITEMS ON STATE LISTS.

The second sentence of the second paragraph of the matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" under the heading "MISCELLANEOUS" of the Act of March 4, 1915 (commonly known as the "Terminal Inspection Act") (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended—

(1) by striking "Upon his approval of said list, in whole or in part, the Secretary of Agriculture" and inserting "On the receipt of the list by the Secretary of Agriculture, the Secretary"; and

(2) by striking "said approved lists" and inserting "the list".

SEC. 203. WARRANTS.

The second paragraph of the matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" under the heading "MISCELLANEOUS" of the Act of March 4, 1915 (commonly known as the "Terminal Inspection Act") (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended by inserting after the second sentence the following: "On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph.".●

By Mr. SHELBY (for himself, Mr. STEVENS, Mr. INOUYE, Mr. THURMOND, Mr. MACK, and Mr. HEFLIN):

S. 691. A bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans' Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1995

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1995. Prostate cancer is the leading cancer and the second leading cause of cancer death among American men. Over 215,000 Americans will be diagnosed with the disease this year and over 40,000 men will die from it.

Despite recent advances in the early detection and treatment of prostate cancer, the number of cases and the number of deaths continue to rise. Prostate cancer is as common today in men as breast cancer is in women, and the death rates for the two diseases are similar as well. Over this decade, prostate cancer cases and deaths are expected to continue their rapid rise—with cases increasing by 37 percent and deaths by 90 percent between 1985 and 2000.

Early detection has been greatly improved with the development of the prostate specific antigen [PSA] test—a simple and inexpensive blood test for the presence of prostate cancer. As a result, the American Urological Association and the American Cancer Society now recommend that men age 50 and over get an annual screening with the PSA test. Treatment has been improved through new surgical techniques that remove the cancer without disastrous side effects, and through new drug therapy that can extend life expectancy and improve patient comfort for patients with advanced stage cancer.

These improvements have meant the difference between life and death for many men. The ability to detect prostate cancer in the first stage of the disease has made it possible to surgically remove the cancer when it is still confined to the prostate. Over 70 percent of patients treated in this way never have a recurrence of the disease. Waiting until the second stage or later, which was necessary under previous techniques, greatly increases the risk that the cancer has spread, with small hope for a cure.

I know how important it is to get screening and early treatment for prostate cancer—I am a prostate cancer survivor. I had a PSA test—I had a positive score—I had my prostate removed—and I am here to tell about it as a result. A number of my colleagues in this Chamber—Senator DOLE, Senator STEVENS, among them—are here with us today because their prostate cancer was spotted early and treated effectively. General Schwarzkopf, the hero of the gulf war, is another man nearly felled by prostate cancer, but saved through screening and surgery. General Schwarzkopf has become a national spokesman for prostate cancer detection. General Schwarzkopf and all of us in Congress are lucky to have the kind of insurance coverage we do through the military and Federal employees health benefit plans and the access we have to the finest medical facilities and doctors at Walter Reed Hospital among other places.

We can all be sure we get our annual PSA test and any treatment we may need.

The tragedy is that 13 million American men who are at the highest risk for this disease do not have health insurance coverage for the best early detection methods and drug therapies. They do not have it because we, the Congress, have not seen fit to provide it for them through the Medicare and veterans health programs. Medicare covers the old diagnostic test but does not provide for an annual PSA test. The veterans health services could provide annual tests for their resident and inpatient populations, but rarely do the tests or the follow-on surgery. Both of these programs cover part of the hormonal drug therapy for treatment of advanced prostate cancer, but leave out the oral drug which is particularly effective when given in combination therapy. These omissions are particularly troubling because these programs cover the overwhelming majority of men who have the disease.

Finally, it is remarkable that we have had these breakthroughs in detection and treatment given that we have so completely neglected funding for prostate cancer research. Prostate cancer is a disease that has a similar incidence and death rate to breast cancer yet receives one-fourth as much research money. This is a serious oversight that we should correct to increase the pace of research and develop conclusive evidence on what really works and does not work in treating prostate cancer.

The Prostate Cancer Diagnosis and Treatment Act of 1995 would take three important steps to halt the progression of this disease. First, it would nearly double spending on research to develop more effective treatments of the disease. Second, it would make PSA tests

available under the Medicare and Veterans Health programs. Third, it would extend Medicare and Veterans Health coverage for prostate cancer drugs to cover the advanced combination therapy including oral drugs that can significantly extend and improve the lives of prostate cancer victims.

Mr. President, it is important that we increase our efforts to combat this deadly form of cancer and address these deficiencies in our Federal health coverage and research programs. I urge my colleagues to join me in sponsoring the legislation that could make a difference for thousands of men who might otherwise have suffered greatly or died an untimely death from prostate cancer.

By Mr. KYL:

S. 694. A bill to prevent and punish crimes of sexual and domestic violence, to strengthen the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

THE SEXUAL VIOLENCE PREVENTION AND VICTIMS RIGHTS ACT

• Mr. KYL. Mr. President, I ask unanimous consent that the summary of the Sexual Violence Prevention and Victims Rights Act be printed in the RECORD.

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

PROVISIONS OF THE SEXUAL VIOLENCE PREVENTION AND VICTIM'S RIGHTS ACT OF 1995

TITLE I—EQUAL PROTECTION FOR VICTIMS

Sec. 101. Right of the victim to restitution.

Makes issuance of a full order of restitution for the victim mandatory in all cases under the federal criminal code, and adopts other reforms to strengthen restitution for victims.

Sec. 102. Right of the victim to an impartial jury.

Protects the right of victims to an impartial jury by equalizing the number of preemptory challenges afforded to the defense and the prosecution in jury selection. (Current law affords defendants 10 preemptory challenges, but affords the prosecution only 6, in felony cases.)

Sec. 103. Right of the victim to fair treatment in legal proceedings.

Establishes higher standards of professional conduct for lawyers in federal cases to protect victims and other witnesses from abuse, and to promote the effective search for truth. Specific measures include prohibition of: harassing or dilatory tactics, knowingly presenting false evidence or discrediting truthful evidence, willful ignorance of matters that could be learned from the client, and concealment of information necessary to prevent violent or sexual abuse crimes.

Sec. 104. Rebuttal of attacks on the victim's character.

Provides that if a defendant presents negative character evidence concerning the victim, the government's rebuttal can include negative character evidence concerning the defendant.

Sec. 105. Use of notice concerning release of offender.

Repeals provision that notices to state and local law enforcement concerning the release of federal violent and drug trafficking offenders can only be used for law enforcement purposes. This removes an impediment to other legitimate uses of such information, such as advising victims or potential victims that the offender has returned to the area.

Sec. 106. Balance in the composition of rules committees.

Provides for equal representation of prosecutors with defense lawyers on committees in the judiciary that make recommendations concerning rules affecting criminal cases.

Sec. 107. Victim's right of allocution in sentencing.

Extends the right of victims to address the court concerning the sentence to all criminal cases. Current law provides such a right for victims only in violent crime and sexual abuse cases, though the offender has the right to make an allocutive statement in all cases.

TITLE II—SEXUAL VIOLENCE, DOMESTIC VIOLENCE, AND OFFENSES AGAINST THE FAMILY

Sec. 201. Implementation of evidence rules for sexual assault and child molestation cases.

Provides that F.R.E. 413–15, which establish general rules of admissibility for similar crimes evidence in sexual assault and child molestation cases, will take effect immediately.

Sec. 202. HIV testing of defendants in sexual assault cases.

Provides effective procedures for HIV testing of defendants in sexual assault cases, with disclosure of test results of the victim.

Sec. 203. Clarifying amendment to extraterritorial child pornography offense.

Clarifies that the extraterritorial child pornography offense, like the domestic child pornography offenses, covers cases involving the transmission of child pornography by computer.

Sec. 204. Evidence of defendant's disposition towards victim in domestic violence cases and other cases.

Clarifies that evidence of a defendant's disposition towards a particular individual—such as the violent disposition of a domestic violence defendant towards the victim—is not subject to exclusion as impermissible evidence of "character."

Sec. 205. Battered women's syndrome evidence.

Clarifies that "battered women's syndrome" evidence is admissible under the federal expert testimony rule, to help courts and juries understand the behavior of victims in domestic violence cases and other cases.

Sec. 206. Death penalty for fatal domestic violence offenses.

Authorizes capital punishment under the federal interstate domestic violence offenses, for cases in which the offender murders the victim.•

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 695. A bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes; to the Committee on Energy and Natural Resources.

THE TALLGRASS PRAIRIE NATIONAL PRESERVE ACT

Mrs. KASSEBAUM. Mr. President, I rise today with my colleague from Kansas, Senator DOLE, to introduce legislation to create a tallgrass prairie preserve in the Flint Hills of Kansas.

At a time when some in Congress are asking hard questions about the cost and role of some units in the national park system, one may wonder why I am proposing the addition of another preserve to an already overburdened system. I am aware and sympathetic to those who complain that some members of Congress have taken a parochial interest in the park system, passing bills to create parks and historical sites more for their economic benefits to neighboring communities than because the area is nationally significant, either naturally or historically.

James Ridenour, former director of the National Park Service under President Bush, calls this the "thinning of the blood" of park system and points out that we are spreading limited personnel and scarce funds too thin. As a consequence, we have been spending an increasing percentage of Federal dollars on sites with questionable significance and devoting less to protecting our Nation's naturally significant resources. However, Mr. Ridenour strongly supports the bill being introduced today as a unique solution to the creation of an important addition to the park system.

This legislation was crafted in response to these concerns. It creates for the first time a private-public partnership, where capital from a private conservation organization is combined with limited funds from the Federal Government to create a national preserve open to the American public. We will be doing this at a fraction of the cost that the Federal Government would otherwise spend if it were to purchase the property for preservation. By taking this approach, we will be preserving for the first time an ecosystem that is found nowhere in the park service system. The approach taken in this bill is the kind of new thinking we in Congress must explore if we are to wisely spend scarce Federal dollars to protect important natural and historic areas in the future.

For those who have never been to the Flint Hills of Kansas, let me explain why this area is so unique and special. From Nebraska to Oklahoma there remains a narrow swath of tallgrass prairie—the remnants of a once vast tallgrass prairie ecosystem that covered 400,000 square miles from Ohio to the Rocky Mountains, from Canada to Texas. Today, less than 1 percent of this ecosystem remains, much of it in the Flint Hills, which are too steep and too rocky to farm.

There is no better example of this tallgrass prairie ecosystem in the Flint Hills than the 10,894-acre Spring Hill Ranch in Chase County. Hundreds of species of native plants and grasses grow on the ranch. Nearly 200 kinds of birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. The National Park Service, after an extensive survey of the property in 1991, concluded the property was nationally significant became of its natural resources and said

it deserved conservation as a unit of the national park system.

Beyond the natural splendor of the ranch, the property includes a house, barn, and several outbuildings listed on the National Register of Historic Places because of their unique second empire architectural style. Each of these buildings was built in the 1880s from hand-cut cottonwood limestone quarried in the area. They illustrate the elegance and style of the ranch's first owner, a local cattle baron. A mile way from the house, over a rise in the land, also sets a one-room prairie school built in 1882.

For the past 4 years, I have been involved in efforts to preserve this ranch and open it to the public. Last year, the National Park Trust, a private conservation organization, purchased the ranch and has been working with members of the Kansas congressional delegation and officials with the Department of the Interior to develop legislation to preserve the ranch through a private-public partnership. The results, which have come only after painstaking negotiations with the Trust, Interior officials, and representatives of Kansas' agricultural and conservation groups, is reflected in the legislation I am introducing today.

The Tallgrass Prairie National Preserve Act will allow the National Park Service to purchase or accept donations of up to 180 acres, or less than 2 percent of the ranch. In meetings I have had with Secretary of the Interior Bruce Babbitt, he has stated that he would like to see the National Park Service own, maintain, and operate this historic core area, which includes the house, barn, and outbuildings.

The rest of the ranch will continue in private ownership, but the Secretary of the Interior is given the authority in this bill to enter into a cooperative agreement with the National Park Trust to provide interpretative and resource management assistance for the rest of the ranch, as well as police and emergency services.

What is different about this proposal and why it makes such sense from the standpoint of the Federal Government is that the American people will have access to and use of the 10,894-acre ranch for the cost of operating a 180-acre site. The National Park Trust, in a letter that I will ask be printed in the RECORD following my statement, has committed to donating to the Federal Government at no cost up to the 180 acres of the ranch's historic core. This donation, estimated by the trust to exceed $2 million in value, was one of the elements we negotiated to make this bill a true private-public partnership.

Mr. President, as Congress looks for innovative ways to make Government work better, I believe the approach taken in this bill signals departure from the way the Federal Government has protected important natural and historic areas in the past. I am pleased officials with the Department of the Interior have been so willing to work with me to explore this partnership. They have gone to great lengths to ensure the quality of this Park Service unit will not be compromised, while remaining open to suggestions to new ways of approaching issues. As former Director Ridenour says in a letter endorsing the legislation, this bill "represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future."

In addition to the care that was taken to draft this private-public partnership, equal care was given to address the legitimate concerns of area ranchers. In this bill, National Park Service ownership is limited to 180 acres, and no further expansion is permitted. Language was incorporated into the bill to address concerns regarding fence maintenance and to require compliance with State noxious weed, pesticide, animal health, and water laws. The bill establishes an advisory committee consisting of conservationists, landowners, local community officials, and range management specialists to help determine how the ranch should be managed. The bill also incorporates language that requires the Federal Government to be a good partner with neighboring communities and work cooperatively to deliver emergency and other services.

Mr. President, we have a wonderful opportunity to protect for future generations a portion of the tallgrass prairie—the only ecosystem not currently represented in the National Park System. Passage of this bill will give the American public an opportunity to enjoy and explore this beautiful area and grow to appreciate its history and importance.

I ask unanimous consent that a letter from the National Park Trust and a letter from James Ridenour be included in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill and other material be printed in the RECORD.

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

S. 695

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 "Tallgrass Prairie National Preserve Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas.

(2) In 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas.

(3) Such study concludes that the Spring Hill Ranch—

(A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) which represent outstanding examples of Second Empire and other 19th Century architectural styles; and

(B) is suitable and feasible as a potential addition to the National Park System.

(4) The National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—

(A) to purchase a portion of the ranch, as specified in this Act; and

(B) to manage the ranch in order to—

(i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and

(ii) provide for the enjoyment of the ranch in such manner, and by such means, as will leave such scenery, natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas.

(2) To preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Advisory Committee established under section 7.

(2) PRESERVE.—The term "Preserve" means the Tallgrass Prairie National Preserve established under section 4.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRUST.—The term "Trust" means the National Park Trust, Inc. (which is a District of Columbia nonprofit corporation), or any successor-in-interest, subsidiary, affiliate, trustee, or legal representative of the National Park Trust, Inc. that possesses legal or equitable ownership or management rights with respect to land and improvements on land that constitutes any portion of the Preserve.

SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) IN GENERAL.—In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is hereby established the Tallgrass Prairie National Preserve.

(b) DESCRIPTION.—The Preserve shall consist of the lands, waters, and interests therein, including approximately 10,894 acres, generally depicted on the map entitled "Boundary Map, Flint Hills Prairie National Monument" numbered NM-TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L-106 at pages 328 through 339, inclusive. In the case of any difference between such map and legal description, such legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map or legal description, the Secretary is directed to make such minor changes. The map shall be on file

and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the Preserve in accordance with this Act, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—The regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply within the boundaries of the Preserve.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this Act relating to the Preserve, the Secretary may, with the consent of the landowner—

(1) directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve; and

(2) maintain and operate programs in connection with the Preserve.

(d) LIABILITY.—

(1) LANDOWNERS.—Notwithstanding any other provision of law, no person who owns any land or interest in land within the Preserve shall be liable for injury to, or damages suffered by, any other person who is injured or damaged while upon the land within the Preserve if—

(A) such injury or damages result from any act or omission of the Secretary or any officer, employee, or agent of the Secretary; or

(B) such liability would arise solely by reason of the ownership by the defendant of such land or interest in land and such injury or damages are not proximately caused by the wanton or willful misconduct of the defendant.

(2) LIABILITY OF UNITED STATES AND OFFICERS AND EMPLOYEES OF THE UNITED STATES.—(A) Nothing in this subsection or in any other provision of this Act may be construed to exempt the Federal Government, or any officer or employee of the Federal Government, from any liability for any act or omission for which the Federal Government, or such officer or employee, as the case may be, would otherwise be liable under any applicable provision of law.

(B) Nothing in this subsection or in any other provision of this Act may be construed to impose on the Federal Government, or any officer or employee of the Federal Government, any liability for any act or omission of any other person or entity for any act or omission of such other person or entity for which the Federal Government, or such officer or employee, as the case may be, would otherwise not be liable under any applicable provision of law.

(e) FEES.—Notwithstanding any other provision of law, the Preserve shall be considered a designated unit of the National Park System, including for the purposes of charging entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a).

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary is authorized to expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use. The Secretary may enter into one or more cooperative agreements with public or private agencies, organizations, and institutions to further the purposes of this Act (as specified in section 2(b)), including entering into a memorandum of understanding with the appropriate official of the county in which the Preserve is located to provide for such services as law enforcement and emergency services.

(2) DONATIONS.—Notwithstanding any other provision of law, the Secretary may solicit, accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the termination date of the third full fiscal year beginning after the date of establishment of the Preserve, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A)(i) appropriate officials of the Trust; and

(ii) the Advisory Committee established under section 7; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie ecosystem within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch, lands of adjoining landowners, and surrounding communities.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable Federal and State water laws and waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 4(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 4(b)).

SEC. 6. LIMITED AUTHORITY TO ACQUIRE.

(a) IN GENERAL.—The Secretary is authorized and directed to acquire, by donation or purchase with donated or appropriated funds, at fair market value—

(1) not more than 180 acres of real property within the boundaries of the Preserve (as described in section 4(b)) and the improvements thereon; and

(2) rights-of-way on roads that are not owned by the State of Kansas within the boundaries of the Preserve.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made pursuant to chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 7. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an advisory committee to be known as the "Tallgrass Prairie National Preserve Advisory Committee".

(b) DUTIES.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out such duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan required by section 5(g).

(c) MEMBERSHIP.—The Advisory Committee shall consist of the following 13 members, who shall be appointed by the Secretary as follows:

(1) Three members shall be representatives of the Trust.

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

(3) Three members shall be representatives of conservation or historic preservation interests.

(4) Three members, who shall be appointed as follows:

(A) One member shall be selected from a list of nominations submitted to the Secretary by the Chase County Commission in the State of Kansas.

(B) One member shall be selected from a list of nominations jointly submitted to the Secretary by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.

(C) One member shall be selected from a list of nominations submitted to the Secretary by the Governor of the State of Kansas.

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

(A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.

(B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

(2) REAPPOINTMENT.—Each member may be reappointed to serve for a subsequent term.

(3) EXPIRATION.—Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

(4) VACANCIES.—A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

(e) CHAIRPERSON.—The Secretary shall appoint one of the members who is a representative from the Trust appointed under subsection (c)(1) to serve as Chairperson.

(f) MEETINGS.—Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

(g) QUORUM.—A majority of the members of the Advisory Committee shall constitute a quorum.

(h) COMPENSATION.—Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(i) CHARTER.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the Advisory Committee.

SEC. 8. RESTRICTION ON AUTHORITY.

Nothing in this Act shall give the Secretary authority to regulate lands outside the boundaries of the Preserve.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out this Act.

NATIONAL PARK TRUST,
Washington, DC, April 6, 1995.

Hon. Senator KASSEBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR KASSEBAUM: It is a privilege for the National Park Trust to endorse the legislation you are introducing to establish a Tallgrass Prairie National Preserve in Kansas. We commend you for your leadership in recognizing the importance of America's tallgrass prairie, which once covered more than 140 million acres across our nation's heartland, but today only survives in remnant swatches.

The Spring Hill/Z Bar Ranch encompasses a magnificent unspoiled swath of the Flint Hills. Its rolling, nearly treeless landscape with grasses, sometimes reaching ten feet in height, sustains the biological riches of a vanishing American landscape. Nearly 200 kinds of birds, 29 species of reptiles and amphibians, and 31 species of mammals can be found on the property. Its distinctive century-old limestone buildings, looming large amid ocean-like waves of prairie, give enduring voice to local traditions and can serve as an appropriate setting to tell the story of Native Americans and pioneers and our nation's westward expansion. Because of its outstanding natural and cultural resources, the National Park Service's 1991 special resource study concluded that the property met the standards as a unit of the National Park System.

The National Park Trust acquired the Spring Hill/Z Bar Ranch last June as a first important step toward ensuring that this country's tallgrass heritage is preserved and interpreted for all Americans. The Trust is a 501(c)(3) non-profit educational and charitable corporation which is celebrating more than ten years as the land conservancy of the national parks. Its mission is to assist the National Park Service in the acquisition of inholdings from willing sellers, and to acquire and protect properties, such as the Spring Hill/Z Bar Ranch, that merit protection as units of the National Park System.

Now more than ever, the acquisition of properties for inclusion in the National Park System is limited by shrinking federal funds. In view of the condition of the federal budget and because inclusion of a tallgrass prairie unit is believed by many to be the highest priority for the National Park System, the Trust will consider as its May meeting a proposal to donate up to 180 acres of the historic core area of the ranch, with a value of more than $2 million, to the national Park Service. The property would be donated once the federal designation has occurred and the National Park Service has completed its study to determine the amount of acreage that is needed. It is our hope that this potential donation indicates the strength of our conviction that the Spring Hill/Z Bar Ranch is of great national significance and deserves to be part of the National Park System.

We also continue our pledge to manage the remainder of the property not under the direct control of the National Park Service in a manner that is compatible with the preserve's general management plan—a plan that will be developed by the National Park Service in cooperation with a citizen advisory committee.

We welcome this opportunity to support this legislation and look forward to its completion so that this deserving resource can be part of the National Park System.

Sincerely,

J. PAUL DUFFENDACK,
Chairman, Tallgrass Prairie Interim Management Committee, Member, National Park Trust Board of Trustees.

INDIANA UNIVERSITY,
Bloomington, IN, April 3, 1995.

DEAR SENATOR KASSEBAUM: This is a letter in support of your efforts to set aside a tall grass prairie in Kansas. You may recall that I was Director of the National Park Service in the Bush Administration.

In lectures I have been giving around the country, I have been saying that the last great natural park to be purchased is a tall grass prairie park. We may have some trades between various federal agencies from time to time, but the tall grass park is one in which private ownership will be involved.

You have reached a unique solution to creating the park. Private ownership has been recognized and respected while the core area of 180 acres would become the management responsibility of the NPS. This represents the kind of creative thinking that will have to take place to guarantee that we take care of our great parks in the future.

A tall grass prairie is a missing link in our system. This statement comes from a former director who in leery of creating additional parks. In my book, National Parks Compromised, I talk of the concern I have with "thinning the blood" of our system with parks with little or no national significance. A tall grass addition to the system would not be a "Thinning of the blood", especially in the creative manner you are bringing it into the system.

Good luck and thank you for your efforts.

Sincerely,

JAMES M. RIDENOUR,
Director, Eppley Institute for Parks and Public Lands.

Mr. DOLE. Mr. President, for several years there have been attempts to create a national tall grass prairie preserve on nearly 11,000 acres in Kansas, known as the Z-Bar Ranch. Proposals for this preserve have faced valid opposition from concerned citizens and landowners in the area. Today, Senator KASSEBAUM is introducing legislation which I expect will establish a successful public/private partnership.

I commend Senator KASSEBAUM's leadership efforts to establish a prairie park in Kansas. In January 1992, she organized the Spring Hill/Z-Bar Ranch Foundation to raise money for the purchase of the ranch. This private foundation also addressed many of the concerns of local residents and landowners.

Last summer, the Z-Bar Ranch was sold to a private trust. But establishing Z-Bar as a national preserve requires legislation. Senator KASSEBAUM has worked diligently to strike a balance which is acceptable to all parties. This bill authorizes the Federal Government to purchase or to accept a donation of up to 180 acres of the Z-Bar Ranch.

I have always supported Senator KASSEBAUM's efforts to encourage private participation in the establishment of a national prairie preserve. With a private/public partnership, we can officially recognize the tall grass prairie while limiting the involvement of the Federal Government.

This year, the National Park Trust, who currently owns the ranch, offered to donate the core area of land to the Federal Government. This will minimize the cost of establishing the preserve. In my view, a compromise which includes minimal Federal ownership and continued local input sets this proposal apart from other efforts.

The tall grass prairie is a vital part of the natural environment and heritage of the high plains. We must protect and preserve it. Anyone who has driven through the Flint Hills of Kansas appreciates the beauty of this prairie. I am pleased to join Senator KASSEBAUM today in cosponsoring this legislation. Her success in creating a partnership between public and private efforts will

help preserve the history of the Midwest.

By Mr. KENNEDY:

S. 696. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve school-to-work opportunities systems so that all students have an opportunity to acquire the knowledge and skills needed to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

THE CAREER PREPARATION EDUCATION REFORM ACT

Mr. KENNEDY. Mr. President, it is a privilege, on behalf of the Clinton administration, to introduce the Career Preparation Education Reform Act. This measure will reform vocational education and contribute to the development of school-to-work opportunities. This legislation represents major change. It consolidates more than 20 current Perkins Act programs and gives States an increased role and increased flexibility.

The legislation ensures that funds for in-school youth are administered at the local level by local schools, and that Federal funds are allocated by a more effective needs-based formula.

This legislation adopts a new approach. It stresses high performance for all students. It places greater emphasis on outcomes and the reporting of results. It links outcomes with corrective actions, including sanctions and rewards. It requires each State's plan to describe how the State will serve at-risk students. And it uses a local allocation formula which targets funds to the neediest communities.

The report of the National Assessment of Vocational Education found that at-risk and special education students are too often concentrated in programs that do not adequately prepare them for careers or higher education. By raising performance for all students and ensuring that planning, reporting and evaluation reflect this priority, these students will be better served.

At-risk students should have a greater opportunity to receive the quality services and assistance they need to be successful. We intend to pay close attention to this issue as this legislation moves through Congress.

This bill encourages States to use their vocational education, elementary and secondary education, and second-chance programs to develop comprehensive, integrated, and effective school-to-work systems.

It proposes two funding streams—a State grant and a national program authority. It increase the amount of the State grant distributed to schools and colleges under the formula.

It calls on vocational education to support development of the in-school part of school-to-work systems.

It takes a new approach to meeting the needs of special populations by emphasizing quality for all students.

It no longer requires separate State boards for vocational education or separate State advisory councils.

It gives States the waivers necessary to develop comprehensive education systems.

It proposes a performance partnership with the States in cooperation with the Secretary of Labor, in order to develop a system to measure performance, that ensures accountability and provides information on program success.

This legislation closely parallels other education reform initiatives on education reform and career preparation. I look forward to working closely with other Senators to achieve the bipartisan support we need in order to do a better job of preparing students for the world.

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. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Career Preparation Education Reform Act of 1995".

ORGANIZATION OF THE ACT

SEC. 2. This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

TITLE II—EFFECTIVE DATES; TRANSITION

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*; hereinafter referred to as "the Act") is amended in its entirety to read as follows:

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. (a) Short Title.—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.
"Sec. 2. Declaration of policy, findings, and purpose.
"Sec. 3. Authorization of appropriations.
"TITLE I—PREPARING STUDENTS FOR CAREERS
"PART A—IMPROVING STATE AND LOCAL PROGRAMS
"Sec. 101. Priorities.
"Sec. 102. State leadership activities.
"Sec. 103. Local activities.
"Sec. 104. Combination of funds.
"Sec. 105. State plans.
"Sec. 106. State administration.
"Sec. 107. Local applications.
"Sec. 108. Performance goals and indicators.
"Sec. 109. Evaluation, improvement, and accountability.
"PART B—ALLOCATING STATE AND LOCAL RESOURCES
"Sec. 111. Allotments.
"Sec. 112. Within-State allocation.
"Sec. 113. Distribution of funds.
"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS
"Sec. 201. Awards for excellence.
"Sec. 202. National activities.
"Sec. 203. National assessment.
"Sec. 204. National research center.
"Sec. 205. Data systems.
"Sec. 206. Career preparation for Indians and Native Hawaiians.
"TITLE III—GENERAL PROVISIONS
"Sec. 301. Waivers.
"Sec. 302. Effect of Federal payments.
"Sec. 303. Identification of State-imposed requirements.
"Sec. 304. Out-of-State relocations.
"Sec. 305. Definitions.

"DECLARATION OF POLICY, FINDINGS, AND PURPOSE

"Sec. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by changing technologies and increasing international economic competition, the Nation must put in place a system that enables all students to obtain the education needed to pursue productive and adaptable careers.

"(b) DECLARATION OF FINDINGS.—The Congress finds that—

"(1) although employment and earnings increasingly depend on educational attainment and the ability to acquire and transfer skills among jobs in broad clusters of occupations or industry sectors, a majority of high school graduates in the United States lack sufficient curriculum focus to prepare them for completing a two-year of four-year college degree or for entering careers with high-skill, high-wage potential;

"(2) enactment of the Goals 2000: Educate America Act has helped to establish a new framework for education reform, based on challenging State academic standards and industry-based skill standards for all students;

"(3) enactment of the School-to-Work Opportunities Act of 1994 has helped to catalyze the development, in all States, of statewide system offering opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

"(4) the GI Bill for America's Workers, of which this Act is a key component, will further strengthen the capacity of States, schools, and businesses, working together, to upgrade the skills of youth and to prepare them for high-wage careers;

"(5) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining occupational and academic skills, as well as employment, but not these programs must become part of the larger reforms taking place under the School-to-Work Opportunities Act of 1994;

"(6) when properly aligned with related Federal statutes and the broader reforms that States and localities carry out under

the Goals 2000: Educate America Act, this Act can enhance the capacity of States to establish school-to-work opportunities systems that serve all students, enable a greater number of students to achieve to challenging State academic standards and industry-based skill standards, and contribute to enabling all Americans to prosper in a highly competitive, technological economy;

"(7) certain individuals (including students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, incarcerated youth, migrant children, foster children, school dropouts, and women) often face great challenges in acquiring the academic knowledge and occupational skills needed for successful employment and thus may need special assistance and services to allow them to participate fully in career preparation activities;

"(8) Federal resources currently support a maze of employment-related education and training programs that are often focused on specific content areas or populations, have conflicting or overlapping requirements, and are not administered in an integrated manner, thus inhibiting the capacity of State and local administrators to implement programs that meet the needs of individual States and localities;

"(9) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the expansion of school-to-work opportunities systems in all States, as well as for services and activities that ensure that all students, including students with special needs, have full access to the programs offered through those systems; and

"(10) the Federal Government can also assist States and localities by carrying out nationally significant research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities that support State and local efforts to implement successfully services and activities that are funded under this Act, as well as to implement State and local career preparation activities that are supported with their own resources.

"(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-based skill standards and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

"(1) build on the efforts of States and localities under the School-to-Work Opportunities Act, as well as the Goals 2000: Educate America Act and other legislation;

"(2) integrate reforms of vocational education with overall State reforms of academic preparation in schools;

"(3) promote, in particular, the development of activities and services that integrate academic and occupational instruction, link secondary and postsecondary education, link school-based and work-based learning, coordinate efforts for in-school and out-of-school youth, and enable students to complete career majors in broad occupational clusters;

"(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve school-to-work opportunities systems, as well as integrating these services and activities with services and activities supported with other Federal, State, and local funds, such as those under the Job Training Partnership Act, in exchange for clear accountability for results;

"(5) provide all students, including students who are members of special populations, with the opportunity to participate in the full range of career preparation services and activities; and

"(6) benefit from national research, development, demonstration, dissemination, evaluation, capacity-building, data collection, training, and technical assistance activities supporting the development, implementation, and improvement of school-to-work opportunities systems.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3. (a) STATE AND LOCAL ACTIVITIES.—There are authorized to be appropriated to carry out title I, section 201, section 206(a), and section 206(d) of this Act $1,141,088,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

"(b) NATIONAL ACTIVITIES.—There are authorized to be appropriated to carry out title II, except sections 201, 206(a), and 206(d) of this Act, $37,000,000 for the fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

"TITLE I—PREPARING STUDENTS FOR CAREERS

"PART A—IMPROVING STATE AND LOCAL PROGRAMS

"PRIORITIES

"SEC. 101. In order to prepare students for a wide range of opportunities in high-skill, high-wage careers, funds under this title shall be used to support the development, implementation, and improvement of school-to-work opportunities systems in secondary and postsecondary schools, as set forth in title I of the School-to-Work Opportunities Act of 1994. State and local recipients shall give priority to services and activities designed to—

"(1) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards;

"(2) promote the integration of academic and vocational education;

"(3) support career majors in broad occupational clusters or industry sectors;

"(4) effectively link secondary and postsecondary education;

"(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of the industry they are preparing to enter;

"(6) combine school-based and work-based instruction, including instruction in general workplace competencies;

"(7) provide school-site and workplace mentoring; and;

"(8) provide career guidance and counseling for students at the earliest possible age, including the provision of career awareness, exploration, and guidance information to students and their parents that is, to the extent possible, in a language and form that the students and their parents understand.

"STATE LEADERSHIP ACTIVITIES

"SEC. 102. Each State that receives a grant under this title shall, from amounts reserved for State leadership activities under section 112(c), conduct services and activities that further the development, implementation, and improvement of its statewide school-to-work opportunities system and that are integrated, to the maximum extent possible, with broader educational reforms underway in the State as well as activities the State carries out under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, title II of the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965, including such activities as—

"(1) providing comprehensive professional development for vocational teachers, academic teachers, and career guidance personnel that—

"(A) will help such teachers and personnel to meet the goals established by the State under section 108; and

"(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

"(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-based skill standards;

"(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

"(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, as well as single parents and single, pregnant women, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

"(5) improving career guidance and counseling for students, including use of one-stop career centers;

"(6) expanding and improving the use of educational technology;

"(7) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, and community-based organizations, to provide models, such as youth development partnerships as described in section 202(a)(3) and tech-prep education, for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-based skill standards;

"(8) promoting the dissemination and use of occupational information, including use of one-stop career centers;

"(9) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 108 or other appropriate criteria;

"(10) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

"(11) serving special populations and individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

"LOCAL ACTIVITIES

"SEC. 103. (a) GENERAL REQUIREMENTS.—Each local recipient that receives a subgrant under this title shall use funds to—

"(1) conduct services and activities that further the development, implementation, and improvement of the school-to-work opportunities system in the State;

"(2) provide services and activities that are of sufficient size, scope, and quality to be effective; and

"(3) focus assistance under this title on schools or campuses that serve the highest numbers or percentages of students who are members of special populations.

"(b) AUTHORIZED ACTIVITIES.—Each local recipient that receives a subgrant under this title may use funds to—

"(1) provide services and activities that promote the priorities described in section 101, such as—

"(A) developing curricula, including establishing and expanding career majors;

"(B) acquiring and adapting equipment, including instructional aids;

"(C) providing professional development activities;

"(D) providing services, directly or through community-based organizations, such as curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, and child care, to meet the education needs of students who are members of special populations;

"(E) providing tech-prep education services and activities;

"(F) carrying out activities that ensure active and continued involvement of business and labor in the development, implementation, and improvement of a school-to-work opportunities system in the State;

"(G) matching students with the work-based learning opportunities of employers; and

"(H) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job and continuing their education and training; and

"(2) carry out other services and activities that meet the purpose of this Act.

"(c) EVALUATION ACTIVITIES.—In order to improve educational practices and performance of all students, including students who are members of special populations, each local recipient that receives a subgrant under this title may use such funds to carry out the evaluation under section 109(a)(1) or 109(a)(2).

"(d) EQUIPMENT.—Equipment acquired or adapted with funds under this title may be used for other instructional purposes when not being used to carry out this title if such acquisition or adaptation was reasonable and necessary for providing services or activities under this title and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this title.

"COMBINATION OF FUNDS

"SEC. 104. (a) IN GENERAL.—In order to develop, implement, and improve school-to-work opportunities systems, States and local recipients that are assisted under this Act may combine funds from programs listed in subsection (e) in accordance with subsections (b) through (d).

"(b) STATE LEADERSHIP ACTIVITIES.—A State may combine funds authorized under section 112(c) with funds available for State leadership activities under one or more of the programs listed in subsection (e) in order to carry out State leadership activities that are authorized under this title as well as under such other program or programs.

"(c) LOCAL ACTIVITIES.—A local recipient may combine funds authorized under section 112(a) with funds available for services and activities related to the development, implementation, or improvement of school-to-work opportunities systems in one or more of the programs listed in subsection (e) in order to provide services and activities that are authorized under this title as well as under such other program or programs.

"(d) ADMINISTRATION.—Nothing in this section shall be construed to—

"(1) require a State or local recipient under this Act to maintain separate records tracing any services or activities conducted with funds combined under this section to the individual program or programs listed in subsection (e) under which funds were authorized; or

"(2) waive or amend any requirement of the programs listed in subsection (e), except as authorized in section 301.

"(e) INCLUDED PROGRAMS.—Funds may be combined for programs, services, or activities authorized under—

"(1) this Act;

"(2) the School-to-Work Opportunities Act of 1994;

"(3) the Goals 2000: Educate America Act;

"(4) the Elementary and Secondary Education Act of 1965; and

"(5) the Job Training Partnership Act.

"STATE PLANS

"SEC. 105. (a) STATE PLAN.—Any State desiring to receive a grant under section 111(f) for any fiscal year shall submit to, or have on file with, the Secretary a five-year State plan in accordance with this section. The State may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, section 14302 of the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and any other Federal education and training program. If the State has an approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on that plan. If the State does not have an approved plan under section 213(d) of the School-to-Work Opportunities Act of 1994, it shall base its plan under this section on an objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system and in meeting the priorities described in section 101.

"(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 112, the agencies that shall approve the State plan under subsection (a) are—

"(A) the State educational agency; and

"(B) each of the State agencies responsible for higher education (including community colleges) that the State chooses.

"(2) The Secretary shall approve a State plan under subsection (a) if the plan meets the requirements of this section and is of sufficient quality to meet the purpose of this Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

"(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (f), the State shall consult widely with individuals, employers, and organizations in the State that have an interest in education and training, such as those described in section 213(d)(5) of the School-to-Work Opportunities Act of 1994, and individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

"(2) The State educational agency shall submit the State plan under this section, and any revisions to the State plan under subsection (f), to the Governor for review and comment and shall ensure that any comments the Governor may have are included with the State plan or revision when the State plan or revision is submitted to the Secretary.

"(d) CONTENTS.—(1) Each State plan under subsection (a) shall describe how the State will use funds under this title to—

"(A) develop, implement, or improve the statewide school-to-work opportunities system and address the priorities described in section 101;

"(B) ensure that all students, including students who are members of special populations, have the opportunity to achieve to challenging State academic standards and industry-based skill standards and will be prepared for postsecondary education, further learning, and entrance into high-skill, high-wage careers;

"(C) establish performance goals and indicators described in section 108;

"(D) further the State's approved State plan under section 213(d) of the School-to-Work Opportunities Act of 1994 or address the needs identified in the State's objective assessment of its progress in developing, implementing, and improving its school-to-work opportunities system; and

"(E) carry out State leadership activities under section 102.

"(2) Each State plan under subsection (a) shall also describe how the State will integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State.

"(e) ASSURANCES.—Each State plan under subsection (a) shall contain assurances that the State will—

"(1) comply with the requirements of this Act and the provisions of the State plan; and

"(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

"(f) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary. State plan revisions shall be approved by the State educational agency and each of the State agencies responsible for higher education (including community colleges) that approved the State plan.

"STATE ADMINISTRATION

"SEC. 106. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under section 111(f) shall, consistent with State law, designate an education agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

"(1) the development, submission, and implementation of the State plan;

"(2) the efficient and effective performance of the State's duties under this Act; and

"(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as business, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators.

"(b) SPECIAL ACTIVITIES.—Any State that receives a grant under section 111(f) shall—

"(1) gather and disseminate data on the effectiveness of services and activities related to the State's school-to-work opportunities system in meeting the educational and employment needs of women and students who are members of special populations;

"(2) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this title;

"(3) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities;

"(4) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and helping to ensure that the needs of men and women in training for nontraditional jobs are met; and

"(5) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels.

"LOCAL APPLICATIONS

"SEC. 107. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this title are—

"(1) local educational agencies;

"(2) area vocational education schools that provide education at the postsecondary level;

"(3) institutions of higher education; and

"(4) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

"(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this title shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 106. In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this title to—

"(1) develop, improve, or implement a school-to-work opportunities system in secondary and postsecondary schools and address the priorities described in section 101, in accordance with section 103;

"(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 108;

"(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State, including those under the Goals 2000: Educate America Act and the School-to-Work Opportunities Act of 1994, as well as related services and activities under the Elementary and Secondary Education Act of 1965, the Job Training Partnership Act, and relevant employment, training, and welfare programs carried out in the State; and

"(4) consult with students, their parents, and other interested individuals or groups, in developing their services and activities.

"PERFORMANCE GOALS AND INDICATORS

"SEC. 108. (a) IN GENERAL.—(1) Any State desiring to receive a grant under section 111(f) shall—

"(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of services and activities under this title;

"(B) express such goals in an objective, quantifiable, and measurable form;

"(C) establish performance indicators that the State and local recipients will use in measuring or assessing progress towards achieving such goals; and

"(D) provide biennial reports to the public and to the Secretary, in accordance with section 109(c), on the State's progress in achieving its goals, including information on the progress of students who are members of special populations.

"(2) Any State may also use amounts it receives for State leadership activities under section 112(c) to evaluate its entire school-to-work opportunities system in secondary and postsecondary schools and to carry out activities under paragraph (1)(D).

"(b) PERFORMANCE INDICATORS.—The Secretary shall, in collaboration with the Secretary of Labor, work with States to ensure that their performance goals under this section are consistent with challenging State academic standards and industry-based skill standards and their State goals established under the School-to-Work Opportunities Act of 1994 and title II of the Job Training Partnership Act. Performance goals established under paragraph (1)(A) of subsection (a) shall be in accord with the National Education Goals and with the purpose of this Act. Performance indicators established under paragraph (1)(C) of subsection (a) shall include at least—

"(1) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-based skill standards;

"(2) receipt of a high school diploma, skills certificate, and postsecondary certificate or degree; and

"(3) job placement, retention, and earnings, particularly in the career major of the student.

"(c) TRANSITION.—Before it establishes performance goals and indicators under subsection (a), each State receiving funds under this title shall use the system of standards and measures developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act. A State shall use its performance goals and indicators established under subsection (a) not later than July 1, 1997.

"(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals and indicators under subsection (a). Notwithstanding any other provision of law, the Secretary may use funds appropriated for title II to provide technical assistance under this section.

"EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

"SEC. 109. (a) LOCAL EVALUATION.—(1) Each local recipient of a subgrant under this title shall biennially evaluate, using performance goals and indicators described in section 108, and report to the State regarding, its use of funds under this title to develop, implement, or improve a school-to-work opportunities system at the local level and the effectiveness of its services and activities supported under this title in achieving the priorities described in section 101, including the progress of students who are members of special populations.

"(2) Such local recipient may evaluate portions of its school-to-work opportunities system that are not supported with funds under this title, including its entire system. If such recipient does so, it need not evaluate separately that portion of its school-to-work opportunities system supported with funds under this title.

"(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation under subsection (a) and applicable performance goals and indicators established under section 108, that a local recipient is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101, the State shall work jointly with the local recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after three years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

"(c) STATE REPORT.—The State shall, once every two years on a schedule determined by the Secretary, report to the Secretary on the quality and effectiveness of its services and activities provided through its grant under title I, based on the performance goals and indicators established under section 108.

"(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities that are in accord with the priorities described in section 101, based on the performance goals and indicators established under section 108, the Secretary shall work with the State to implement improvement activities.

"(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after the implementation of the improvement activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators established under section 108, the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this title. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101.

"PART B—ALLOCATING STATE AND LOCAL RESOURCES

"ALLOTMENTS

"SEC. 111. (a) AWARDS FOR EXCELLENCE.—In each fiscal year after the fiscal year 1998, from the amount made available under section 3(a) for title I, the Secretary may reserve not more than 10 percent for carrying out section 201.

"(b) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount made available under section 3(a) for title I, the Secretary shall reserve 1.50 percent of which—

"(1) 1.25 percent shall be for carrying out section 206(a); and

"(2) 0.25 percent shall be for carrying out section 206(d).

"(c) ALLOTMENT TO STATES.—(1) Subject to paragraph (2), from the remainder of the sum available for title I, the Secretary shall allot to each State for each fiscal year—

"(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

"(B) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

"(2)(A) Notwithstanding any other provision of law and subject to subparagraph (B), for any fiscal year through the fiscal year 1998 no State shall receive for services and activities authorized by title I of this Act less than 90 percent of the sum of the payments made to the State for the fiscal year 1995 for programs authorized by title II and parts A, B, and E of title III of the Carl D. Perkins Vocational and Applied Technology Education Act.

"(B) If for any fiscal year the amount appropriated for services and activities authorized by title I and available for allotment under this section is insufficient to satisfy the provisions of subparagraph (A), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

"(C) Notwithstanding any other provision of law, the allotment for this title for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

"(d) ALLOTMENT RATIO.—The allotment ratio of any State shall be 1.00 less the product of—

"(1) 0.50; and

"(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

"(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

"(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

"(e) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (c) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

"(f) STATE GRANTS.—From the State's allotment under subsection (c), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 105.

"(g) DEFINITIONS AND DETERMINATIONS.—For purposes of this section—

"(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available;

"(2) the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year; and

"(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

"WITHIN-STATE ALLOCATION

"SEC. 112. (a) IN GENERAL.—(1) For each of the fiscal years 1996 and 1997, the State shall award as subgrants to local recipients at least 80 percent of its grant under section 111(f) for that fiscal year.

"(2) For each of the fiscal years 1998 through 2005, the State shall award as subgrants to local recipients at least 85 percent of its grant under section 111(f) for that fiscal year.

"(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed five percent of its grant under section 111(f) for each fiscal year for administering its State plan, including developing the plan, reviewing local applications, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

"(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

"(c) STATE LEADERSHIP.—The State shall use the remainder of its grant under section 111(f) for each fiscal year for State leadership activities described in section 102.

"DISTRIBUTION OF FUNDS

"SEC. 113. (a) DISTRIBUTION OF FUNDS AT THE SECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this title available for secondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

"(2) In applying the provisions of paragraph (1), the State shall—

"(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

"(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

"(C) distribute funds to an area vocational education school in any case in which—

"(i) the area vocational education school and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

"(ii) the area vocational education school serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

"(b) DISTRIBUTION OF FUNDS AT THE POSTSECONDARY LEVEL.—(1) Except as provided in subsections (c), (d), and (e), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this title available for postsecondary school education services and activities that are conducted in accordance with the priorities described in section 101. Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled by such institution or consortium in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

"(2) For the purpose of this section—

"(A) the term 'eligible institution' means—

"(i) an institution of higher education;

"(ii) a local educational agency providing education at the postsecondary level;

"(iii) an area vocational education school providing education at the postsecondary level; and

"(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

"(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

"(c) ALTERNATIVE DISTRIBUTION FORMULA.—The State may distribute funds under subsection (a) or (b) using an alternative formula if the State demonstrates to the Secretary's satisfaction that such alternative formula better meets the purpose of this Act, is in accord with the priorities described in section 101, and that—

"(1) in the case of funds distributed to secondary schools—

"(A) the formula described in subsection (a) does not result in a distribution of funds to the local educational agencies or consortia that serve secondary school students with the greatest need for services and activities under this title, including students who are members of special populations; and

"(B) the alternative formula would better serve the needs of these students; and

"(2) in the case of funds distributed to postsecondary schools—

"(A) the formula described in subsection (b) does not result in a distribution of funds to the eligible institutions or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (g); and

"(B) the alternative formula would result in such a distribution.

"(d) MINIMUM SUBGRANT AMOUNTS.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this title unless the amount allocated to that agency under subsection (a) or (c) equals or exceeds $15,000.

"(B) The State may waive the requirement in subparagraph (A)) in any case in which the local educational agency—

"(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

"(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101.

"(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this title unless the amount allocated to that institution under subsection (b) or (c) equals or exceeds $50,000.

"(B) The State may waive the requirement in subparagraph (A)) in any case in which the eligible institution—

"(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

"(ii) is a tribally controlled community college.

"(e) SECONDARY-POSTSECONDARY CONSORTIA.—The State may distribute funds available in any fiscal year for secondary and postsecondary schools, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

"(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101; and

"(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

"(f) REALLOCATIONS.—The State shall reallocate to one or more local educational agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (a) through (e), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101.

"(g) ECONOMICALLY DISADVANTAGED STUDENTS.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

"(1) eligibility for free or reduced-price meals under the National School Lunch Act, the program for aid to dependent children under part A of title IV of the Social Security Act, or benefits under the Food Stamp Act of 1977;

"(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

"(3) any other index or disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

"AWARDS FOR EXCELLENCE

"SEC. 201. The Secretary may, from the amount reserved under section 111(a) for any fiscal year after the fiscal year 1998, and through a peer review process, make performance awards to one or more States that have—

"(1) exceeded in an outstanding manner the performance goals set in section 108;

"(2) implemented exemplary school-to-work opportunities systems in secondary and postsecondary schools in accordance with the priorities described in section 101; or

"(3) provided exemplary education services and activities for students who are members of special populations.

"NATIONAL ACTIVITIES

"SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities with regard to the services and activities carried out under this Act. The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, and the Elementary and Secondary Education Act of 1965.

"(2) Research and development activities carried out under this section may include support for States in their development of performance goals and indicators established under section 108. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

"(3) Activities carried out under this section may include support for youth development partnerships that are promoted by the Secretary and the Secretary of Labor, working with other agencies and entities such as the Corporation for National and Community Service, and that facilitate innovative arrangements at the State and local level among business, community-based organizations, labor organizations, and educational institutions.

"(4) Activities carried out under this section may include support for occupational and career information systems.

"(5) The Secretary shall coordinate technical assistance activities carried out under this section with related technical assistance activities carried out under the Job Training Partnership Act and title XIII of the Elementary and Secondary Education Act of 1965.

"(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, and counselors) to help to ensure that all students receive an education that enables them to enter high-skill, high-wage careers. Entities eligible to receive funds under this subsection are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

"(2)(A) Professional development activities supported under this subsection shall—

"(i) be tied to challenging State academic standards and industry-based skill standards;

"(ii) take into account recent research on teaching and learning;

"(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

"(iv) include strong substantive and pedagogical components; and

"(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction, and using occupational and career information.

"(B) Funds under this subsection may be used for such activities as pre-service and in-service training and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of school-to-work opportunities systems.

"(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and occupational instruction. The Secretary shall coordinate the professional development activities carried out under this subsection with related activities carried out under the Job Training Partnership Act and title II of the Elementary and Secondary Education Act of 1965, as well as with other related professional development activities supported by the Department.

"NATIONAL ASSESSMENT

"SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

"(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of business, industry, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

"(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

"(1) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

"(2) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, or entry into high-skill, high-wage careers;

"(3) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-based skill standards; and

"(4) the systems improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 108, are effective.

"(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2000, and a final report on or before July 1, 2004.

"NATIONAL RESEARCH CENTER

"SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through a grant or contract, establish one or more national centers in the areas of applied research, development, and dissemination. The Secretary shall consult with the Secretary of Labor and with States prior to establishing one or more such centers.

"(2) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

"(3) The national center in existence on the date of the enactment of the Career Preparation Education Reform Act of 1995 shall continue to receive assistance under this section in accordance with terms of its current award.

"(b) ACTIVITIES.—(1) The applied research, development, and dissemination activities carried out by the national center or centers shall include—

"(A) activities that assist recipients of funds under this Act to meet the requirements of section 103; and

"(B) such other activities as the Secretary determines to be appropriate to achieve the purpose of this Act.

"(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Economic and Educational Opportunities of the House of Representatives.

"DATA SYSTEMS

"SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of school-to-work opportunities systems and on the effectiveness of State and local services and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation education activities and services. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

"(b) CONTENTS.—The data system shall—

"(1) provide information to evaluate, to the extent feasible, the participation and performance of students, including students who are members of special populations;

"(2) include data that are at least nationally representative;

"(3) report on career preparation in the context of education reform; and

"(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

"(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of school-to-work opportunities systems, in the development of data collections and reports under this section.

"(2) In maintaining the data system, the Secretary shall—

"(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

"(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

"(3) The Secretary and the Secretary of Labor shall jointly define common terms and definitions that all State grantees and local applicants shall use in program administration, data collection and reporting, and evaluation at all levels for programs supported under this Act and the Job Training Partnership Act.

"(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on career preparation at the secondary school level for a nationally representative sample of students, including students who are members of special populations, which shall allow for fair and accurate assessment and comparison of the educational achievement of students in the areas assessed. Such assessment may include international comparisons.

"(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

"(A) result in the identification of characteristics or performance of individual schools or students;

"(B) result in the ranking or comparing of schools or local educational agencies;

"(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

"(D) corrupt the use or value of data collected for the National Assessment.

"CAREER PREPARATION FOR INDIANS AND NATIVE HAWAIIANS

"SEC. 206. (a) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under section 111(b)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

"(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

"(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

"(ii) evaluate the quality and effectiveness of services and activities provided under this subsection; and

"(iii) help to ensure that students served under this subsection achieve to challenging academic and skill standards, receive high school diplomas, skill certificates, and post-secondary certificates or degrees, and enter employment related to their career major.

"(2)(A) The Secretary shall make such a grant or cooperative agreement—

"(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

"(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

"(B)(i) A grant or cooperative agreement under this subsection with any tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection.

"(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act or the Act of April 16, 1934.

"(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organization or school.

"(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those that apply to grants or cooperative agreements to States under this Act.

"(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

"(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

"(b) ASSISTANCE TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.—(1) The Secretary may make five-year grants to tribally controlled postsecondary vocational institutions to provide basic support for educating Indian students, including support for the operation, maintenance, and capital expenses of such institutions.

"(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

"(A) be governed by a board of directors or trustees, a majority of whom are Indians;

"(B) demonstrate adherence to stated goals, a philosophy, or a plan of operation that fosters individual Indian economic self-sufficiency;

"(C) have been in operation for at least three years;

"(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for post-secondary vocational education;

"(E) offer technical degrees or certificate-granting programs; and

"(F) enroll the full-time equivalent of not less than 100 students, or whom a majority are Indians.

"(3) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

"(c) ACCOUNTABILITY.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

"(d) ASSISTANCE TO NATIVE HAWAIIANS.—From the funds reserved under section 111(b)(2) for each fiscal year, the Secretary shall make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

"(e) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Bureau-funded school' has the same meaning given 'Bureau funded school' in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

"(2) The term 'full-time equivalent Indian students' means the sum of the number of Indian students enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at each institution.

"(3) The terms 'Indian' and 'Indian tribe' have the meaning given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

"TITLE III—GENERAL PROVISIONS

"WAIVERS

"SEC. 301. (a) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary or the Secretary of Labor, as appropriate, of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop school-to-work opportunities systems in the State.

"(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, and the Secretary of Labor may waive any statutory or regulatory requirement under the Job Training Partnership Act, for a State that requests such a waiver—

"(A) if, and only to the extent that, the Secretary or the Secretary of Labor determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop school-to-work opportunities systems in the State;

"(B) if the State waives, or agrees to waive, any similar requirements of State law;

"(C) if, in the case of a statewide waiver, the State—

"(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

"(ii) has submitted the comments of such recipients to the appropriate Secretary; and

"(D) if the State provides such information as the Secretary or the Secretary of Labor reasonably requires in order to make such determinations.

"(2) The Secretary or the Secretary of Labor, as appropriate, shall act promptly on any request submitted under paragraph (1).

"(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary or the Secretary of Labor may extend such period if the Secretary or the Secretary of Labor determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

"(c) PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

"(A) this Act;

"(B) part A of title I of the Elementary and Secondary Education Act 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

"(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

"(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

"(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

"(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

"(G) the School-to-Work Opportunities Act of 1994.

"(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

"(d) Waivers Not Authorized.—The Secretary or the Secretary of Labor may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

"(1) the basic purposes or goals of the affected programs;

"(2) maintenance of efforts;

"(3) comparability of services;

"(4) the equitable participation of students attending private schools;

"(5) parental participation and involvement;

"(6) the distribution of funds to States or to local recipients;

"(7) the eligibility of an individual for participation in the affected programs;

"(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

"(9) prohibitions or restrictions relating to the construction of buildings or facilities.

"(e) Termination of Waivers.—The Secretary or the Secretary of Labor, as appropriate, shall periodically review the performance of any State for which that Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

"EFFECT OF FEDERAL PAYMENTS

"SEC. 302. (a) Student Financial Assistance.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act and aid to dependent children, that is funded in whole or in part with Federal funds.

"(2) For purposes of this subsection, attendance costs are—

"(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for student attending the institution on at least a half-time basis, as determined by the institution.

"(b) Institutional Aid.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the amount of State aid, with respect to public education within the State.

"IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

"SEC. 303. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guideline, shall be identified as a State-imposed requirement.

"OUT-OF-STATE RELOCATIONS

"SEC. 304. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"DEFINITIONS

"SEC. 305. As used in this Act:

"(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

"(2) The term 'all students' has the same meaning as given that term under section 4(2) of the School-to-Work Opportunities Act of 1994.

"(3) The term 'area vocational education school' means—

"(A) a specialized public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market; or

"(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

"(4) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

"(5) The term 'career major' has the same meaning as given that term under section 4(5) of the School-to-Work Opportunities Act of 1994.

"(6) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

"(7) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

"(8) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

"(9) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

"(10) The 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

"(11) The term 'Secretary' means the Secretary of Education.

"(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

"(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, foster children, migrant children, school dropouts, students who are identified as being atrisk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

"(14) Except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(15) The term 'State educational agency' has the same meaning as given that term section 4(24) of the School-to-Work Opportunities Act of 1994.

"(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

"(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.".

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1996.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) Upon enactment of the Career Preparation Education Reform Act of 1995, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1996 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking "in section 521(22) of the Carl D. Perkins Vocational Education Act" and inserting in lieu thereof "section 4(10) of the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (28), by striking "Vocational Education Act" and inserting in lieu thereof "Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995";

(2) in section 121(a)(2), by adding at the end thereof the following sentence: "The State may submit such plan as part of a State plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.";

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

"(8) consult with the appropriate State agency under section 106 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of results in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;"; and

(B) in paragraph (11)(B), by striking "section 113(b)(14) of the Carl D. Perkins Vocational Education Act" and inserting in lieu thereof "section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act";

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(B) in paragraph (2)(D)(iii), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(5) in section 125—

(A) in subsection (a), by inserting after "coordinating committee" a comma and "as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,";

(B) in subsection (b)(1), by striking out "Vocational" and inserting in lieu thereof "Career Preparation"; and

(C) in subsection (c), by inserting after "Coordinating Committee" a comma and "as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,";

(6) in section 205(a)(2), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(7) in section 265(b)(3), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(8) in section 314(g)(2), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(9) in section 427(a)(1), by striking "local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations" and inserting in lieu thereof "local agencies, or private organizations";

(10) in section 455(b), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(11) in section 461(c), by stiking out "Vocational" and inserting in lieu thereof "Career Preparation";

(12) in section 464—

(A) in subsection (a), by striking out "Carl D. Perkins Vocational Education Act)" and inserting in lieu thereof "Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)";

(B) in subsection (b), by striking out "In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the" and inserting in lieu thereof "The"; and

(C) in subsection (c), by striking out "this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and" and inserting in lieu thereof "this Act and";

(13) in section 605(c), by striking out "Vocational Education Act)" and inserting in lieu thereof "Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1996)";

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council."; and

(B) in paragraph (2)(A)(ii), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(15) in section 703(a)(2), by striking the comma after "section 123(a)(2)(D)" and "except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act."

AMENDMENTS TO THE SMITH-HUGHES ACT

SEC. 302. The Act of February 23, 1917 (20 U.S.C. 11 *et seq.*) is amended—

(1) in section 1 (20 U.S.C. 11), by inserting "through the fiscal year 1995" after "annually appropriated";

(2) in section 2 (20 U.S.C. 12)—

(A) by inserting "through the fiscal year 1995" after "there is annually appropriated"; and

(B) by inserting "through the fiscal year 1995" after "There is appropriated for each fiscal year";

(3) in section 3 (20 U.S.C. 13)—

(A) by inserting "through the fiscal year 1995" after "there is annually appropriated"; and

(B) by inserting "through the fiscal year 1995 after "There is appropriated";

(4) in section 4 (20 U.S.C. 14)—

(A) by inserting "through the fiscal year 1995" after "there is annually appropriated"; and

(B) by inserting "through the fiscal year 1995" after "And there is appropriated"; and

(5) in section 7 (20 U.S.C. 15), by inserting "through the fiscal year 1995" after "There is authorized to be appropriated".

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 303. THE ADULT EDUCATION ACT (20 U.S.C. 1201 *et seq.*) is amended—

(1) in section 322(a)(4), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 342—

(A) in subsection (c)(11), by striking "Carl D. Perkins Vocational Education Act of 1963" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(B) in subsection (d), by striking "Vocational" and inserting in lieu thereof "Career Preparation"; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

"(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;".

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 304. The School-to-Work Opportunities Act (20 U.S.C. 1601 *et seq.*) is amended—

(1) in section 202(a)(3), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 203 (b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation"; and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(4) in section 403(a), by striking "the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1))";

(5) in section 404—

(A) by inserting "and" after "(29 U.S.C. 1733(b))"; and

(B) by striking "and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(c))";

(6) in section 502(b)(6), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation"; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking "section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)" and inserting in lieu thereof "section 112(c) of the Carl D. Perkins Career Preparation Education Act"; and

(B) in subsection (e), by striking "section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)" and inserting in lieu thereof "section 102 of the Carl D. Perkins Career Preparation Education Act".

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 305. The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 *et seq.*) is amended—

(1) in section 1114(b)(2)(C)(v), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 9115(b)(5), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(3) by amending section 14302(a)(2)(C) to read as follows: "(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;" and

(4) in section 14307(a)(1), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 306. The Goals 2000: Educate America Act (20 U.S.C. 5801 *et seq.*) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995, until not later than July 1, 1998, and the performance goals and indicators developed pursuant to section 108 of the Carl D. Perkins Career Preparation Education Act thereafter"; and

(B) in subsection (1), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation"; and

(2) in section 311(b)(6), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 307. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*) is amended—

(1) by amending section 127(2) to read as follows:

"(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D. Perkins Career Preparation Education Act to support tech-prep education services and activities;";

(2) in section 481(a)(3)(A), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act";

(3) in section 484(1)(1), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act"; and

(4) in section 503(b)(2)(B)(vi), by striking "in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act".

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 *et seq.*) is amended by striking out "Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*)" and inserting in lieu thereof "Career Preparation Education Act".

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 *et seq.*) is amended by inserting "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995 or the State agency or agencies designated under section 106(a) of the Carl D. Perkins Career Preparation Education Act,".

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 *et seq.*) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after "(20 U.S.C. 2397h(3))" a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995,".

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(a)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 *et seq.*) is amended by inserting before the semicolon at the end thereof a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995".

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Educational Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mr. BRADLEY, and Ms. MOSELEY-BRAUN):

S. 697. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

THE DOMESTIC VIOLENCE IDENTIFICATION AND REFERRAL ACT

• Mrs. BOXER. Mr. President, I introduce the Domestic Violence Identification and Referral Act with my colleagues Senator MIKULSKI, Senator MURRAY, Senator MOSELEY-BRAUN, and Senator BRADLEY. Representative WYDEN and Representative MORELLA are introducing identical legislation in the House.

Spouse abuse, child abuse, and elder abuse injures millions of Americans each year, and is growing at an alarming rate. An estimated 2 to 4 million women are beaten by their spouses or former spouses each year. In 1992, 2.9 million children were reported abused or neglected, about triple the number reported in 1980. Studies also show that spouse abuse and child abuse often go hand-in-hand.

Doctors, nurses, and other health care professionals are on the front lines of this abuse, but they cannot stop what they have not been trained to see or talk about. The Domestic Violence Identification and Referral Act addresses this need by encouraging medical schools to incorporate training on domestic violence into their curriculums.

There is a need for this legislation. While many medical specialties, hospitals and other organizations have

made education about domestic violence a priority, this instruction typically occurs on the job or as part of a continuing medical education program. A 1994 survey by the Association of American Medical Colleges [AAMC] found that 60 percent of medical school graduates rated the time devoted to instruction in domestic violence as inadequate.

The bill I am introducing today would give preference in Federal funding to those medical and other health professional schools which provide significant training in domestic violence. It defines significant training to include identifying victims of domestic violence and maintaining complete medical records, providing medical advice regarding the dynamics and nature of domestic violence, and referring victims to appropriate public and nonprofit entities for assistance.

The bill also defines domestic violence in the broadest terms, to include battering, child abuse, and elder abuse.

I hope my colleagues agree that this legislation is a critical next step in the fight to bring the brutality of domestic violence out in the open. It mobilizes our Nation's health care providers to recognize and treat its victims—and will ultimately save lives by helping to break the cycle of violence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 697

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 "Domestic Violence Identification and Referral Act of 1995".

SEC. 2. ESTABLISHMENT, FOR CERTAIN HEALTH PROFESSIONS PROGRAMS, OF PROVISIONS REGARDING DOMESTIC VIOLENCE.

(a) TITLE VII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 791 of the Public Health Service Act (42 U.S.C. 295j) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by adding at the end the following subsection:

"(c) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

"(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

"(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

"(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

"(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

"(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing (as defined in section 853), a program for the training of physician assistants, or a program for the training of allied health professionals.

"(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

"(A) the health professions entities that are receiving preference under paragraph (1);

"(B) the number of hours of training required by the entities for purposes of such paragraph;

"(C) the extent of clinical experience so required; and

"(D) the types of courses through which the training is being provided.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.".

(b) TITLE VIII PROGRAMS; PREFERENCES IN FINANCIAL AWARDS.—Section 860 of the Public Health Service Act (42 U.S.C. 298b–7) is amended by adding at the end the following subsection:

"(f) PREFERENCES REGARDING TRAINING IN IDENTIFICATION AND REFERRAL OF VICTIMS OF DOMESTIC VIOLENCE.—

"(1) IN GENERAL.—In the case of a health professions entity specified in paragraph (2), the Secretary shall, in making awards of grants or contracts under this title, give preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training in carrying out the following functions as a provider of health care:

"(A) Identifying victims of domestic violence, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

"(B) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice, including, at a minimum, providing medical advice regarding the dynamics and nature of domestic violence.

"(C) Referring the victims to public and nonprofit private entities that provide services for such victims.

"(2) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of nursing or other public or nonprofit private entity that is eligible to receive an award described in such paragraph.

"(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Domestic Violence Identification and Referral Act of 1995, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report specifying—

"(A) the health professions entities that are receiving preference under paragraph (1);

"(B) the number of hours of training required by the entities for purposes of such paragraph;

"(C) the extent of clinical experience so required; and

"(D) the types of courses through which the training is being provided.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'domestic violence' includes behavior commonly referred to as domestic violence, sexual assault, spousal abuse, woman battering, partner abuse, child abuse, elder abuse, and acquaintance rape.".●

By Mr. COHEN (for himself and Ms. SNOWE):

S. 698. A bill to designate the Federal building at 33 College Avenue in Waterville, Maine as the "George J. Mitchell Federal Building", and for other purposes; to the Committee on Environment and Public Works.

THE GEORGE J. MITCHELL FEDERAL BUILDING ACT OF 1995

● Mr. COHEN. Mr. President, at the request of the City of Waterville, Maine, I am introducing S. 698, legislation to name a federal building in Waterville the "George J. Mitchell Federal Building."

As most of you know, George Mitchell and I shared more than the position of Senator from Maine. We both grew up in similar circumstances with very similar backgrounds. George Mitchell is half Irish and half Lebanese. I am half Irish and half Jewish. Both of us graduated from Bowdoin College and both became lawyers before entering public service. We worked together over the years on many issues of concern to Maine people and wrote a book together on the Iran-Contra Affair.

From a quiet young lawyer in Waterville, Maine, came a great leader who has done his country and his State proud. George Mitchell was born in Waterville in 1933. Waterville is located 18 miles north of the State capitol on the west bank of the Kennebec River. It was settled in 1764 and became Maine's 137th town in 1802. Waterville is home to Colby College, Hathaway Shirt Company, and the Redington Museum which exhibits a number of 18th and 19th century artifacts from the region including the revolver used by Lieutenant Charles Shorey, of Waterville, at the Battle of Gettysburg.

George attended St. Joseph's grammar school and graduated from Waterville High School in 1950. He graduated from Bowdoin in 1954; served in the U.S. Army Counterintelligence Corps in Berlin, Germany, from 1954–56; and then went on to Georgetown University to get his law degree.

George Mitchell's litany of accomplishments are many: lawyer, trial attorney in the Antitrust Division in the

U.S. Department of Justice in Washington, D.C.; executive assistant to U.S. Senator Ed Muskie; U.S. Attorney for Maine; and U.S. District Judge for Maine.

In 1980, he was appointed by Governor Brennan to fill the unexpired term of Senator Muskie who was appointed by President Carter to be Secretary of State. There is a Chinese proverb that says "when drinking the water, it is important to remember those who dug the well." To really understand George's success, one need look no further than to the fact that Ed Muskie was his mentor. Ed, like George, began his political career in Waterville as a young lawyer and state legislator. Ed provided George with the basic principles of public service which have guided him over the years. It was no surprise that George Mitchell demonstrated many of the qualities which typify Senator Muskie and Maine: intelligence, integrity, and independence. Senator Mitchell was elected Senate Majority Leader in 1988 and served his colleagues and the institution with distinction.

George Mitchell was a gifted public servant. His voice reminds us that public service is a noble calling. It was both a pleasure and an honor to have served with him. I hope my colleagues will work with me in passing this legislation as a means of paying tribute to the many years of outstanding service Senator Mitchell has given to the State of Maine and the country.●

● Ms. SNOWE. Mr. President, it is my pleasure today to offer my strong support for legislation to honor our colleague and my predecessor, former Senate Majority Leader George J. Mitchell. This legislation, which I am proud to cosponsor with my colleague, the senior Senator from Maine, would designate the Federal building at 33 College Avenue in Waterville, Maine, as the "George J. Mitchell Federal Building."

There is perhaps no more fitting tribute to George Mitchell than naming the Federal building in his home town—Waterville, Maine—in his honor. George Mitchell is a man who dedicated himself to government. Following his graduation from Georgetown Law School in Washington, George Mitchell devoted himself to public service: at the U.S. Justice Department; as the leader of his party in the State of Maine; as one of Maine's gubernatorial candidates; as a Federal, U.S. District judge; and, for the past 14 years, as Maine's junior Senator. George Mitchell devoted himself to government because he believed in government, and it is appropriate today that we name the seat of our Federal Government in his hometown in his honor.

George Mitchell's story is well known in Waterville, Maine. His mother was a first-generation Lebanese immigrant; his father, an orphan, was a janitor at Colby College. They instilled strong values in their son. George Mitchell dedicated himself to learning, to knowledge and justice, and throughout his youth he surpassed the arbitrary ceilings our society so often builds. He graduated from Bowdoin College, served in the Army, and then went on to law school. He typified the Maine work ethic, and that ethic served him well as an attorney, a judge, and as a United States Senator.

George Mitchell came to the U.S. Senate when another distinguished Mainer, Senator Edmund Muskie, resigned his seat to become Secretary of State. Immediately, Senator Mitchell put a lifetime of experience to work. He became one of the earliest advocates—and chief sponsors—of the landmark Clean Air legislation that passed a decade later, in 1990. He recognized the importance of standing up for Maine—and also made his mark on our Nation's political system. Because of his dedication to his party's ideals, he was chosen as this body's Majority Leader in 1988, and served in that important and prestigious position until his retirement from the Senate.

Always, during his tenure, George Mitchell remembered the people who sent him to Washington. As Maine's Second District Representative, I was honored to serve alongside George Mitchell throughout his tenure in the United States Senate. We worked together on a bipartisan basis to ensure that the men and women of Maine were treated fairly, and had opportunities extended to other Americans.

With this legislation, we make an appropriate acknowledgement of George Mitchell's years of leadership in the public arena. This is but a small token of our appreciation: a fitting gesture which the city of Waterville has requested.

So in closing, I urge all of my colleagues to join me in support of this legislation and to extend to George Mitchell the hometown honor he so deeply deserves.●

By Mr. COHEN (for himself and Mr. LEVIN):

S. 699. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 7 years, and for other purposes; to the Committee on Governmental Affairs.

THE OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT OF 1995

● Mr. COHEN. Mr. President, today I am introducing S. 699, legislation on behalf of myself and Senator LEVIN to reauthorize the Office of Government Ethics (OGE).

To quote American statesman John C. Calhoun: "The very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or party."

This sums up the way we expect our government officials to conduct themselves. Government service is a privilege that carries with it tremendous responsibilities. Public servants in all three branches of government have an important obligation to the citizens who have put their faith and trust in them. Government officials should abide by a certain code of conduct and adhere to high ethical standards so that our citizens may have confidence in the integrity of their government.

Unfortunately, however, many Americans are disenchanted with their public officials. As a result, the need for strict ethical standards, and vigilant oversight of compliance with our ethics laws, is as great as ever. Almost daily headlines purport allegations of "unethical" or "inappropriate" conduct by government officials in one form or another. These stories only further erode the public's confidence in the integrity of their government officials which is already at one of the lowest points in our recent history.

Senator LEVIN and I have long been proponents of strong ethics laws. We serve as the Chairman and the Ranking Minority Member on the Subcommittee on Oversight of Government Management which has jurisdiction over ethics matters within the Executive Branch. Senator LEVIN and I have made many changes to strengthen the ethics laws since the Ethics in Government Act of 1978, which created OGE, was passed. We authored the Independent Counsel provisions of the Ethics in Government Act which provides for the appointment of an independent counsel to investigate allegations of criminal wrongdoing by top level Executive Branch officials, and we worked together to strengthen the revolving door laws. Moreover, Senator LEVIN and I have consistently sought to aid OGE in its mission of providing overall direction to the Executive Branch in developing policies to prevent conflicts of interest and ensure ethical conduct by Executive Branch officers and employees.

The reauthorization bill Senator LEVIN and I are introducing today is nearly identical to the legislation we introduced last Congress which was passed by the Senate in October. Unfortunately, however, no action was taken by the House of Representatives prior to Congress' adjournment.

OGE's authorization expired on September 30 of last year. It is very important, therefore, that the Congress move as quickly as possible to reauthorize the agency. The bill will reauthorize OGE for 7 years. This is a slightly longer reauthorization than we have sought in previous years. As in the past, we want to avoid the need to reauthorize OGE during the firs year of a Presidential term when a large portion of OGE's resources are devoted to the nominee clearance process.

The bill would also, for the first time, grant OGE gift acceptance authority to address the problem that arises when Federal Government facilities are not adequate either in terms of size or equipment resources to accommodate OGE's ethics education and training programs which are held around the country. This authority is intended to enable OGE to accept the use of certain non-Federal facilities, such as an auditorium that might be offered by a State or local government or a university, which may be better suited for OGE's needs.

As I have often noted in the past, the Office of Government Ethics is a small office with large responsibilities. Over the years, we have imposed more responsibilities on OGE and we haven't always provided the necessary staff or resources to carry out those responsibilities. Specifically, I would note the additional functions OGE had to perform when it became an independent agency in 1989 and in complying with the Ethics Reform Act of 1989. Congress moved to make OGE a separate agency because it was believed that OGE was not independent enough. In addition, Congress wanted to enhance the agency's prestige and authority within the Executive Branch given its important and sensitive responsibilities.

While OGE's budget has increased rather significantly since we last reauthorized the agency in 1988, OGE still has a lean budget with which to operate when you consider the critically important responsibilities of the agency. That said, in light of looming budget deficits, OGE, like all agencies will be called upon to meet its responsibilities in the most cost-effective manner possible. The bill also contains a number of technical changes to the ethics laws.

OGE's mission is critically important in ensuring strict ethical standards in government. I hope my colleagues will move expeditiously to pass this legislation and reauthorize this important agency.●

● Mr. LEVIN. Mr. President, today, Senator COHEN and I, in our capacities as the Chairman and the Ranking Minority Member of the Subcommittee on Oversight of Government Management, are introducing a bill to Reauthorize the Office of Government Ethics (OGE). Reauthorization of the OGE is essential so that the agency can continue to perform its mission to provide overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency. The OGE's previous authorization expired on September 30, 1994.

Senator COHEN and I first introduced this bill bank in August of 1993. The Oversight Subcommittee held a hearing on the reauthorization in April of 1994, with the Director of the OGE, Stepehn Potts, as a witness. The Reauthorization bill was reported out of the Oversight Subcommittee and the Governmental Affairs Committee with strong bipartisan support and was approved by the Senate. The bill subsequently died when the House of Representatives failed to act upon the reauthorization in the last Congress. Therefore, Senator COHEN and I seek to reauthorize the OGE, so that the agency can carry on its very important responsibilities.

OGE was created in 1978 as part of the Office of Personnel Management. Over the years, Congress has given more authority and autonomy to the OGE, making it a separate agency as of October 1, 1989. This was an important step in recognizing the significance of OGE's role and its need for independence. In addition, through Executive Order, President Bush and President Clinton have given the OGE new responsibilities for guiding and implementing an effective ethics program throughout the Executive Branch. The responsibilities of the OGE range from teaching to enforcement; from issuing regulations to providing guidance and interpretation; from reviewing financial disclosure forms to auditing agency ethics programs.

In the process of developing this bill, the Oversight Subcommittee reviewed OGE's budget, its personnel, and its accomplishments. Based on that effort, I am satisfied that the OGE has improved in areas where weaknesses were identified in the past and that the agency is currently on track in performing its duties in an effective, professional matter.

In addition to reauthorizing OGE, this bill would give OGE authority to accept donations or gifts that would facilitate the agency's work. A Federal agency can't accept gifts unless it has specific statutory authority to do so. Many agencies have such authority but, up until now, the OGE has not been one of those agencies. The reason OGE seeks this authority is in connection with it's training mission. OGE conducts multiagency ethics training sessions around the country, and sometimes there is no nearby Federal facility that is appropriate in terms of size and services. This gift acceptance authority would allow the OGE to accept the use of non-Federal facilities—for example, an auditorium and related services such as might be offered by a State or local government or a university.

I hope that the Senate will act quickly in reauthorizing this important agency.●

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. CONRAD, and Mr. GRAHAM):

S. 700. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expiration, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation designed to address a problem that has come to light recently concerning the ability of U.S. citizens to avoid taxes by abandoning their citizenship. We should not countenance the evasion of taxes by those who renounce their citizenship. The Senate should act to address this problem expeditiously, and the bill that I introduce today will, I hope, represent significant progress toward that end. It is a revision of provision passed by the Senate Finance Committee recently, and responds to some of the criticisms that have been raised concerning the original proposal.

A genuine abuse exists in this area. Although the current tax code contains provisions, dating back to 1966, designed to address tax-motivated relinquishment of citizenship, these provisions have proven difficult to enforce and are easily evaded. One international tax expert described avoiding them as child's play. Individuals with substantial wealth can, by renouncing U.S. citizenship, avoid paying taxes on gains that accrued during the period that they acquired their wealth and were afforded the myriad advantages of U.S. citizenship. Moreover, even after renunciation, these individuals can maintain substantial connections with the United States, such as keeping a residence and residing in the United States for up to 120 days a year without incurring U.S. tax obligations. Indeed, reports indicate that certain wealthy individuals have renounced their U.S. citizenship and avoided their tax obligations while still maintaining their families and homes in the United States, being careful merely to avoid being present in this country for more than 120 days each year.

Meanwhile, the rest of Americans who remain citizens pay taxes on their gains when assets are sold or when an estate tax becomes due at death.

It was this Senator who made the first proposal in the Senate to deal with the expatriation tax abuse. On February 6, the President announced a proposal to address the problem in his fiscal year 1996 budget submission. Three weeks ago, on March 15, during Finance Committee consideration of the bill to restore the health insurance deduction for the self-employed, I offered a modified version of the administration's expatriation tax provisions as an amendment to the bill. My amendment would have substituted the expatriation proposal for the repeal of minority broadcast tax preferences as a funding source for the bill. The amendment failed when every Republican member of the committee voted against it. Subsequently, Senator BRADLEY offered the expatriation provision as a free-standing amendment,

with the $3.6 billion in revenue that it raised to be dedicated to deficit reduction. Senator BRADLEY's amendment passed by voice vote. That is how the expatriation tax provision was added to the bill that came before the Senate.

After the Finance Committee reported the bill, but before full Senate action and conference with the House, the Finance Committee held a hearing to further review the issues raised by the expatiation provision. Tax legislation routinely gets polished in its technical aspects as it moves through floor action and conference. At the Finance hearing, we heard criticisms of some technical aspects in the operation of the provision, as well as testimony raising the issue of whether the provision comported with article 12 of the International Covenant on Civil and Political Rights, which the United States ratified in 1992. Section 2 of article 12 states: "Everyone shall be free to leave any country, including his own." Robert F. Turner, a professor of international law at the U.S. Naval War College, argued that the expatriation provision was problematic under the covenant. The State Department's legal experts disagreed, as did two other outside experts whose letters were before the committee. I refer to Prof. Paul B. Stephan III, a specialist in both international law and tax law at the University of Virginia School of Law; and Mr. Stephen E. Shay, who served as International Tax Counsel at Treasury under the Reagan administration.

Mr. President, earlier in the day when I addressed this matter I asked that the materials to which I am presently referring be inserted in the record following my remarks. These materials, and others mentioned in this statement, can be found there.

Although there was considerable support for the legality of the provision, I thought it best to proceed with caution in these circumstances. These are matters of human rights under international law, on which we have rightly lectured others, and involve out solemn obligations under treaties. I sought the views of other experts. Letters concluding that the expatriation provision did not raise any problems under international law were received from Prof. Detlev Vagts of Harvard Law School and Prof. Andreas F. Lowenfeld of New York University School of Law. The State Department issued a lengthier analysis upholding the legality of the provision, and the American Law Division of the Congressional Research Service reached a like conclusion. However, there were dissenting views, most notably Prof. Hurst Hannum of the Fletcher School of Law and Diplomacy at Tufts University, who first wrote to me on March 24.

This is where things stood when the House-Senate conference met on March 28. The weight of authority appeared to be on the side of legality under international law, but there was some question, and the bill had to move at great speed. As my colleagues well know, the legislation restoring the self-employeds' health insurance deduction for calendar year 1994 needed to be passed and signed into law well in advance of this year's April 17 tax filing deadline, so that the self-employed would have time to prepare and file their 1994 tax returns. The decision regarding the expatriation provision had to be made without further opportunity of deliberation. I opted not to risk making the wrong decision with respect to international law and human rights.

The decision to drop the expatriation tax provision from the final conference version of the bill has been the subject of much debate over the last week. I certainly don't presume to speak for the other conferees. But for myself I repeat as I have said on two occasions on this floor over the past week: we should proceed with care when we are dealing with human rights issues, particularly when the group involved is a despised group—that is, millionaires who renounce their citizenship for money.

As the Senator who first proposed the expatriation tax provision, I will see this matter through to a conclusion. We are getting more clarity on the human rights issue, and it appears that a consensus is developing to the effect that the provision does not conflict with our obligations under international law. In particular. it is worth noting that Professor Hannum, who first wrote me on March 24 expressing his concern that that expatriation provision was a problem under international law, has, after receiving additional and more specific information about the expatriation tax, now written a second letter of March 31 stating that he is convinced that neither its intention nor its effect would violate present U.S. obligations under international law. This is the growing consensus, although it is not unanimous.

As for criticisms of the technical difficulties of the original proposal, I believe they can be satisfied. Indeed, I would venture that if some of those criticizing the provision's technical aspects had put even half as much effort into devising solutions as in highlighting shortcomings, we would already be much further along toward a satisfactory statute.

One final point of utmost importance. As we take the time to write this law carefully, billionaires are not slipping through some loophole and escaping tax by renouncing their citizenship. The President announced the original proposal on February 6, and made it effective for taxpayers who initiate a renunciation of citizenship on or after that date. This was an entirely appropriate way to put an end to an abusive practice under current law. Both the proposal that I initiated, and the one that was ultimately adopted by the Finance Committee, also used February 6, 1995, as the effective date of the new provision preventing tax evasion through expatriation. The House conferees had proposed slipping the effective date to March 15, 1995—the date of Senate Finance Committee action on the provision. The two chairmen of the tax-writing committees ultimately—and wisely—resisted that overture, and have issued a joint statement giving notice that February 6 may be the effective date of any legislation affecting the tax treatment of those who relinquish citizenship. Given the potential for abuse under current law, I believe that February 6 must be the effective date for a new rule. In any event, given the President's announcement in the budget, the Finance Committee action, and the joint statement of the two chairmen of the tax-writing committees, individuals who are contemplating renunciation of their U.S. citizenship are on fair notice of the February 6, 1995, effective date.

To repeat, as the Senator who first offered the proposal to end the expatriation tax abuse, I will do everything I can to see that this matter gets resolved. We will do it this session. Fundamental justice to all taxpaying Americans requires no less.

In an effort to advance that goal, I am today introducing legislation embodying a revised expatriation tax proposal. I do so in the interest of ensuring that the issues that have been raised are addressed satisfactorily, and in a timely manner. This bill represents a serious effort to address the criticisms that have been raised, and I believe it represents a major step forward. It will provide an opportunity for comment and further review. In addition, I anticipate that the Joint Committee on Taxation will include an analysis of this bill in its comprehensive study of the subject of expatriation that the Committee staff has been directed to present to the chairmen of the tax-writing committees.

Mr. President, we will end this abuse, and promptly, but in a careful and orderly way, as we should do in matters of this importance.

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 order to be printed in the RECORD, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsection (f)(2), all property held by an expatriate immediately before the expatriation date shall be treated as sold at such time for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale unless such gain is excluded from gross income under part III of subchapter B, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply (and section 1092 shall apply) to any such loss.

"(3) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If an expatriate elects the application of this paragraph with respect to any property—

"(i) this section (other than this paragraph) shall not apply to such property, but

"(ii) such property shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) LIMITATION ON AMOUNT OF ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.—The aggregate amount of taxes imposed under subtitle B with respect to any transfer of property by reason of an election under subparagraph (A) shall not exceed the amount of income tax which would be due if the property were sold for its fair market value immediately before the time of the transfer or death (taking into account the rules of subsection (a)(2)).

"(C) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(D) ELECTION.—An election under subparagraph (A) shall apply only to the property described in the election and, once made, shall be irrevocable.

"(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any individual by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

"(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

"(1) all property which would be includible in his gross estate under chapter 11 if such individual were a citizen or resident of the United States (within the meaning of chapter 11) who died at the time the property is treated as sold,

"(2) any other interest in a trust which the individual is treated as holding under the rules of subsection (f)(1), and

"(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the expatriation date, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, or

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

An individual shall not be treated as an expatriate for purposes of this section by reason of the individual relinquishing United States citizenship before attaining the age of 18½ if the individual has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for less than 5 taxable years before the date of relinquishment.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—

"(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States in at least 8 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a)(1) is treated as occurring. For purposes of the preceding sentence, an individual shall not be treated as a lawful permanent resident for any taxable year if such individual is treated as a resident of a foreign country for the taxable year under the provisions of a tax treaty between the United States and the foreign country and does not waive the benefits of such treaty applicable to residents of the foreign country.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

"(i) any taxable year during which any prior sale is treated under subsection (a)(1) as occurring, or

"(ii) any taxable year prior to the taxable year referred to in clause (i).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of this section—

"(A) GENERAL RULE.—A beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(B) SPECIAL RULE.—The remaining interests in the trust not determined under subparagraph (A) to be held by any beneficiary shall be allocated first to the grantor, if a beneficiary, and then to other beneficiaries under rules prescribed by the Secretary similar to the rules of intestate succession.

"(C) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(D) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(i) the methodology used to determine that taxpayer's trust interest under this section, and

"(ii) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(2) DEEMED SALE IN CASE OF TRUST INTEREST.—If an individual who is an expatriate is treated under paragraph (1) as holding an interest in a trust for purposes of this section—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets immediately before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii).

"(g) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a), notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate, and

"(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) RULES RELATING TO PAYMENT OF TAX.—

"(1) IMPOSITION OF TENTATIVE TAX.—

"(A) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(B) DUE DATE.—The due date for any tax imposed by subparagraph (A) shall be the 90th day after the expatriation date.

"(C) TREATMENT OF TAX.—Any tax paid under subparagraph (A) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(2) DEFERRAL OF TAX.—The payment of any tax attributable to amounts included in gross income under subsection (a) may be deferred to the same extent, and in the same manner, as any tax imposed by chapter 11, except that the Secretary may extend the period for extension of time for paying tax under section 6161 to such number of years as the Secretary determines appropriate.

"(3) RULES RELATING TO SECURITY INTERESTS.—

"(A) ADEQUACY OF SECURITY INTERESTS.—In determining the adequacy of any security to be provided under this section, the Secretary may take into account the principles of section 2056A.

"(B) SPECIAL RULE FOR TRUST.—If a taxpayer is required by this section to provide security in connection with any tax imposed by reason of this section with respect to the holding of an interest in a trust and any trustee of such trust is an individual citizen of the United States or a domestic corporation, such trustee shall be required to provide such security upon notification by the taxpayer of such requirement.

"(i) COORDINATION WITH ESTATE AND GIFT TAXES.—If subsection (a) applies to property held by an individual for any taxable year and—

"(1) such property is includible in the gross estate of such individual solely by reason of section 2107, or

"(2) section 2501 applies to a transfer of such property by such individual solely by reason of section 2501(a)(3),

then there shall be allowed as a credit against the additional tax imposed by section 2101 or 2501, whichever is applicable, solely by reason of section 2107 or 2501(a)(3) an amount equal to the increase in the tax imposed by this chapter for such taxable year by reason of this section.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations to prevent double taxation by ensuring that—

"(1) appropriate adjustments are made to basis to reflect gain recognized by reason of subsection (a) and the exclusion provided by subsection (b),

"(2) no interest in property is treated as held for purposes of this section by more than one taxpayer, and

"(3) any gain by reason of a deemed sale under subsection (a) of an interest in a corporation, partnership, trust, or estate is reduced to reflect that portion of such gain which is attributable to an interest in a trust which a shareholder, partner, or beneficiary is treated as holding directly under subsection (f)(1)(C).

"(k) CROSS REFERENCE.—

"For income tax treatment of individuals who terminate United States citizenship, see section 7701(a)(47)."

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3)."

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any individual who relinquishes (within the meaning of section 877A(e)(3)) United States citizenship on or after February 6, 1995."

(2) Section 2107(c) of such Code is amended by adding at the end the following new paragraph:

"(3) CROSS REFERENCE.—For credit against the tax imposed by subsection (a) for expatriation tax, see section 877A(i)."

(3) Section 2501(a)(3) of such Code is amended by adding at the end the following new flush sentence:

"For credit against the tax imposed under this section by reason of this paragraph, see section 877A(i)."

(4) Section 6851 of such Code is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(5) Paragraph (10) of section 7701(b) of such Code is amended by adding at the end the following new sentence: "This paragraph shall not apply to any long-term resident of the United States who is an expatriate (as defined in section 877A(e)(1))."

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 6, 1995.

(2) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(1)(B) of such Code shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 2. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

(a) IN GENERAL.—Part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for gain or loss on disposition of property) is amended by redesignating section 1061 as section 1062 and by inserting after section 1060 the following new section:

"SEC. 1061. BASIS OF ASSETS OF NONRESIDENT ALIEN INDIVIDUALS BECOMING CITIZENS OR RESIDENTS.

"(a) GENERAL RULE.—If a nonresident alien individual becomes a citizen or resident of the United States, gain or loss on the disposition of any property held on the date the individual becomes such a citizen or resident shall be determined by substituting, as of the applicable date, the fair market value of such property (on the applicable date) for its cost basis.

"(b) EXCEPTION FOR DEPRECIATION.—Any deduction under this chapter for depreciation, depletion, or amortization shall be determined without regard to the application of this section.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE DATE.—The term 'applicable date' means, with respect to any property to which subsection (a) applies, the earlier of—

"(A) the date the individual becomes a citizen or resident of the United States, or

"(B) the date the property first becomes subject to tax under this subtitle by reason of being used in a United States trade or business or by reason of becoming a United States real property interest (within the meaning of section 897(c)(1)).

"(2) RESIDENT.—The term 'resident' does not include an individual who is treated as a resident of a foreign country under the provisions of a tax treaty between the United States and a foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(3) TRUSTS.—A trust shall not be treated as an individual.

"(4) ELECTION NOT TO HAVE SECTION APPLY.—An individual may elect not to have this section apply solely for purposes of determining gain with respect to any property. Such election shall apply only to property specified in the election and, once made, shall be irrevocable.

"(5) SECTION ONLY TO APPLY ONCE.—This section shall apply only with respect to the first time the individual becomes either a citizen or resident of the United States.

"(d) REGULATIONS.—The Secretary shall prescribe regulations for purposes of this section, including regulations—

"(1) for application of this section in the case of property which consists of a direct or indirect interest in a trust, and

"(2) providing look-thru rules in the case of any indirect interest in any United States real property interest (within the meaning of section 897(c)(1)) or property used in a United States trade or business."

(b) CONFORMING AMENDMENT.—The table of sections for part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 1061 and inserting the following new items:

"Sec. 1061. Basis of assets of nonresident alien individuals becoming citizens or residents.

"Sec. 1062. Cross references."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of this

Act, and to any disposition occurring on or before such date to which section 877A of the Internal Revenue Code of 1986 (as added by section 1) applies.

EXPLANATION OF REVISIONS TO H.R. 831 AS PASSED BY THE SENATE

1. APPLICATION TO LONG-TERM RESIDENTS.

The tax on expatriation would apply to "long-term residents." A long-term resident would be an individual who has been a lawful permanent resident of the United States (i.e., a green card holder) in at least 8 of the prior 15 taxable years. For purposes of satisfying the 8-year threshold, taxable years for which such individual was a resident of another country under a treaty tie-breaker rule would be disregarded. The tax on expatriation would apply to a long-term resident when (a) the individual is no longer treated as a lawful permanent resident of the United States as that term is defined in section 7701(b)(6), or (b) the individual is treated as a resident of another country under the tie-breaking provisions of a U.S. income tax treaty (and the individual does not elect to waive treaty benefits). Long-term residents would be considered domiciled in the United States for purposes of calculating the tax on expatriation.

2. FAIR MARKET VALUE BASIS ADJUSTMENT.

An individual who has been a nonresident alien would be considered to have a fair market value basis in property owned by the individual as of the earlier of: (1) the date the individual first became a U.S. citizen or resident, or (2) the date the property first became subject to U.S. tax because it was used in a U.S. trade or business or it was a U.S. real property interest. The fair market value basis would apply for all purposes of computing gain or loss on actual or deemed dispositions (not just the tax on expatriation), but would not apply for purposes of computing depreciation.

Under this provision, the taxpayer would have the burden of proving fair market value. However, in determining whether the individual has satisfied his burden of proof, the Secretary will take into account the difficulty of establishing fair market value (especially for years prior to the enactment of this rule). If adequate evidence regarding the fair market value of a piece of property is not available, a taxpayer may elect to use historical cost to determine any gain on the disposition of the property; the historical cost election would not be available to claim a loss on the disposition of the property. No fair market value basis would be given to the assets of a foreign trust that becomes a domestic trust. This provision would be effective to calculate the tax under section 877A for expatriations occurring on or after February 6, 1995, or for any other dispositions after the enactment date.

3. ELECTION TO BE TREATED AS A U.S. CITIZEN

Each taxpayer would be allowed to irrevocably elect, on an asset-by-asset basis, to continue to be taxed as a U.S. citizen with respect to assets designated by the taxpayer. The taxpayer would therefore continue to pay U.S. income taxes following expatriation on any income generated by a designated asset and on any gain from the disposition of the asset, as well as any excise tax imposed with respect to the asset (see *e.g.*, section 1491). In addition, the asset would continue to be subject to gift, estate, and generation-skipping transfer taxes.

However, the amount of any transfer tax so imposed would be limited to the amount of income tax that would be due if the property were sold for its fair market value immediately before the transfer or death, taking into account any remaining portion of the expatriate's $600,000 exclusion. To make this election, the taxpayer would be required to waive treaty benefits with respect to designated assets. An expatriating individual would be required to provide security to ensure payment of the tax under this election in such form, manner, and amount as the Secretary may require.

4. ADMINISTRATION OF TAX ON EXPATRIATION

The current "sailing permit" requirement of section 6851(d) would be replaced with a new requirement to file a tax return and pay a tentative tax for the portion of the tax year through the date of expatriation. Section 6851(d) and the regulations thereunder currently require any alien who physically leaves the country—regardless of the duration of the trip—to obtain a certificate from the IRS District Director that he has complied with all U.S. income tax obligations. This provision would be modified to require any citizen or resident alien of the United States who becomes a nonresident to file a tax return within 90 days of the date that he ceases to be a U.S. citizen or resident, and pay the relevant tentative tax. No tax return would be required of a departing alien who intends to maintain U.S. residence.

5. TECHNICAL CORRECTIONS

A. Allow deferral of tax on expatriation where estate taxes would be deferred

Payment of the tax on expatriation should be extended in circumstances that are similar to situations in which payment of estate taxes may be extended under current law. Therefore, the time for the payment of the tax on expatriation could be extended for any period at the request of the taxpayer, as provided by section 6161 (without regard to the ten-year limitation of that section). In addition, the tax on expatriation could be deferred on interests in closely-held businesses as provided in section 6166. The tax on expatriation could also be extended for reversionary or remainder interests in property as provided in section 6163. Payment of tax liabilities could also be extended under section 6159 to facilitate the collection of tax liabilities.

B. Method of providing security

If a taxpayer is required to provide security under this section, it is anticipated that in many cases adequate security could be provided by contributing assets to a trust with a responsible U.S. trustee (see section 2056A). Other mechanisms determined to be effective by the Secretary could be used, such as providing a bond or letter of credit. If an expatriating individual is a beneficiary of a trust, and the beneficiary elects to defer payment of the tax on expatriation with respect to the trust interest, a U.S. trustee of that trust will be required to provide security if the beneficiary provides actual notice of such requirement to the domestic trustee.

C. Exceptions for relinquishment of citizenship by certain minors

The tax on expatriation would not apply to an individual who resided in the United States under the substantial presence test of section 7701(b)(1)(A)(ii) for less than five years and relinquishes U.S. citizenship by the age of 18 years and 6 months.

D. Ownership of interests in trusts

The ownership of any interest in a trust which is not determined under the general facts and circumstances rule of section 877A(f)(1)(A) will be allocated to the grantor if the grantor is a beneficiary of the trust. Otherwise, the ownership of the trust interest will be based on the rules of intestate succession. Unless otherwise prescribed by the Secretary, the applicable rules of intestate succession will be the rules under the Uniform Probate Code as promulgated by the American College of Trust and Estate Counsel.

E. Coordination with estate and gift tax rules

The tax on expatriation would be allowed as a credit against U.S. estate or gift taxes to the extent that the property subject to the tax on expatriation is subsequently subject to additional U.S. estate or gift taxes solely by reason of the estate or gift tax expatriation rules (sections 2107 and 2501(a)(3)).

Mr. BRADLEY. Mr. President, I rise this afternoon to introduce, along with Senator MOYNIHAN, a bill that a would close a tax loophole that allows wealthy citizens who renounce their American citizenships to avoid paying their fair share of U.S. taxes. As a member of the Finance Committee, I offered a similar amendment to H.R. 831 that would have closed this loophole. My amendment would have dedicated all of the savings from closing this loophole to deficit reduction. According to estimates of the Joint Committee on Taxation, my amendment would have reduced the deficit by approximately $3.6 billion over the next 10 years.

Unfortunately, although the Finance Committee adopted this amendment on an undivided voice vote and the Senate approved it as part of H.R. 831, the joint House-Senate conference committee reopened this loophole. The bill that we are introducing today would close this loophole once and for all.

Mr. President, this bill is fundamentally about fairness. Not only is it fair to those who enjoyed the benefits of U.S. citizenship to make billions and are now attempting to avoid paying tax on such gain, it is also fair to those Americans who stay behind to shoulder the burdens of citizenship. All this bill would do is treat those who renounce their citizenship on par with Americans who stay and pay their share of the tax burden.

While U.S. citizenship confers tremendous benefit, it also requires responsibility. Although we may not always be happy about the amount, most of us willingly pay our fair share of the tax burden. However, for many Americans it becomes just too much when they have to pay not only their share of taxes, but also an additional share for those few, wealthy individuals who made their money in this country, but are now trying to skip town without paying their portion of the tab.

Significantly, this bill would exclude pension income, real estate assets, and the first $600,000 in gain. As a result, of the roughly 850 U.S. citizens who renounced their citizenships in 1994, only a handful would be effected by the elimination of this loophole. In fact, representatives from the Treasury Department testified that provisions

similar to those contained in this bill would affect only 24 Americans each year.

Mr. President, significant deficit reduction will be necessary to put our country back on the right track. However, until we close these special-interest tax loopholes for the few, we cannot ask for the shared sacrifice from the many that will be necessary to reduce the deficit.

By Mr. SIMON:

S. 701. A bill to amend the Internal Revenue Code of 1986 to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations; to the Committee on Finance.

THE EQUITY INCENTIVE ACT OF 1995

• Mr. SIMON. Mr. President, today I am introducing a bill to amend the Internal Revenue Code to limit the interest deduction allowed corporations and to allow a deduction for dividends paid by corporations.

Our current system of taxation encourages American businesses to use debt, rather than equity, to provide needed financing. My bill would encourage firms to shift from greater debt financing to more equity financing by limiting the interest deduction allowed corporations and allowing a deduction for dividends paid by corporations.

My proposal would be revenue neutral, although in the long run it should add to revenue because it would help the economy.

I propose that, while 80 percent of interest payments remain deductible, 20 percent of the interest payments of all but the smallest corporations (including farm corporations) should be disallowed. And 50 percent of dividends should be deductible.

If a corporation borrows money to acquire another company or to buy equipment or for any other purpose, the interest on that debt is deductible, even though the debt can—and often does—put the corporation in a precarious position. But if the same corporation issues stock, and then pays dividends, there is no deduction. The tax laws favor debt.

That same corporation, if it cannot meet the payments of principal and interest, will have to sell itself or go bankrupt, neither of which are desirable goals. But if that corporation issues stock, and there is a downsizing in the economy, the only penalty the corporation must pay is that it cannot issue dividends. It can continue to thrive, employ people, and be a productive part of our society.

Our tax laws have encouraged corporations and banks and law firms to make "the fast buck", rather than take the slow, constructive steps that are necessary to build their businesses and the economy of this Nation. I favor tax laws that give corporations deductions for research, for creating jobs, for adding to the productivity of the Nation.

My proposal would provide the incentive corporations need. It would encourage investment and help the growth of productivity. It would also help eliminate the excessive debt our country has accumulated, and it would go a long way toward strengthening the economy.

I urge my colleagues to support this legislation, Mr. President. It may need to be refined, but the idea is sound. I hope we can make it a part of the Tax Code.•

By Mr. SIMON:

S. 704. A bill to establish the Gambling Impact Study Commission; to the Committee on Governmental Affairs.

THE NATIONAL GAMBLING STUDY COMMISSION ACT

• Mr. SIMON. Mr. President, today I am introducing legislation that would establish an 18 month commission to review the impact gambling has had on State and local governments, and native American tribes. As these entities find themselves strapped for financial resources, many public officials and residents believe gambling can be an economic panacea.

Gambling is now one of the largest growth industries in the country. Legal wagering now totals almost $400 billion compared to $17.3 billion in 1974, according to the last—and only—national gambling study released in 1976 by the Commission on the Review of the National Policy Toward Gambling.

Federal policy on gaming should not be a moral one, rather it should be a practical one. Gambling is a matter of personal choice, and I have no problem with individuals who enjoy and are able to play the lottery or the slots. But I am concerned with the substantial costs to individuals, families, and society. Legalized gambling can lead to problem and pathological gambling, deterioration of family relationships, lost work productivity, unpaid taxes, bankruptcies, higher crime rates, and increased costs to the criminal justice system.

On the other hand, legalized gambling offers the promise of economic development, tourism, increased jobs and tax revenues, which is extremely appealing to State, local and tribal governments that compete with one another for financial resources.

While State governments have primary responsibility for regulating gambling, the scope of gaming has broadened to a national level in recent years. I am introducing the Gambling Impact Study Commission Act to address these issues of national concern, so State, local and tribal governments can make fully informed decisions about future economic development investments.•

By Mrs. KASSEBAUM (for herself and Mr. BROWN):

S. 707. A bill to shift financial responsibility for providing welfare assistance and medical care to welfare-related medicaid individuals to the States in exchange for the Federal Government assuming financial responsibility for providing certain elderly low-income individuals and nonelderly low-income disabled individuals with benefits under the medicare program under title XVIII of the Social Security Act and long-term care benefits under a new Federal program established under title XIX of such act, and for other purposes; to the Committee on Finance.

THE WELFARE AND MEDICAID RESPONSIBILITY EXCHANGE ACT OF 1995

Mrs. KASSEBAUM. Mr. President, I rise today to introduce a revision of the "Welfare and Medicaid Responsibility Exchange Act of 1995" with my colleague Senator BROWN. This legislation incorporates the changes which I indicated would be forthcoming when we introduced the "swap" legislation earlier this year.

The basic principle embodied in both this and the earlier proposal is that true reform will occur only when there is a clear delineation of responsibilities between the federal and state governments.

The legislation we are introducing today shifts to the states responsibility for the nation's largest welfare programs—Aid to Families with Dependent Children (AFDC), Supplemental Food Program for Women, Infants and Children (WIC), Food Stamps, and the AFDC portion of Medicaid. In exchange, the Federal Government will assume responsibility for that portion of the Medicaid program designed to provide acute care and long-term care to elderly and disabled Americans.

Currently, the overlapping regulation and dual administration of the AFDC and Medicaid programs, in particular, has resulted in a significant lack of accountability. In contrast, this legislation makes a clear-cut decision about who will run the welfare programs, who will finance them, who will make key decisions, and who will be responsible for the outcomes.

This legislation will allow both the States and the Federal Government to build a more cohesive safety net for the populations each sector is serving. At the end of a five-year transition period during which the States will be freed from the vast majority of restrictive Federal regulations, the States will have complete autonomy for designing welfare and medical programs for low-income individuals—without Federal mandates, but with their own money at stake.

The Federal Government will be able to improve the efficiency and effectiveness of the Supplemental Security Income (SSI) Medicaid program—a program which now consumes 70 percent

of Medicaid costs yet serves only 30 percent of the Medicaid population—by better coordinating choronic care services for elderly and disabled Medicaid recipients, by promoting competition, and by allowing these individuals to have a broader choice of private health plans. To reduce the reliance on Medicaid, the revised legislation also includes tax incentives for the purchase of private long-term-care insurance and long-term care services, and standards for long-term care insurance. These provisions are similar to those contained in legislation which was introduced earlier this year by Senator COHEN.

I would like to highlight some of the other key components of this revised swap legislation:

State responsibilities: As in the earlier swap legislation (S. 140), the states will assume full costs for the AFDC, WIC, and Food Stamp programs. In addition, however, the states also will assume responsibility for providing health care for "AFDC-related" Medicaid recipients (non-elderly and non-disabled individuals). This population represents about 30 percent of current Medicaid expenditures.

Federal responsibilities: Instead of assuming the full costs of the Medicaid program, under the revised legislation the federal government will assume financial responsibility for the "SSI-related Medicaid" program (elderly and disabled individuals). This group represents the remaining 70 percent of Medicaid costs.

Five-year transition period: The revised legislation still contains a five-year transition period during which states will have freedom to design low-income assistance programs and time to build the infrastructure to support these programs. During this period, an independent Commission will work with Congress to develop the specific provisions of the federal Medicaid program for elderly and disabled individuals. Also, the federal government will continue to provide funding to states during this period so that no state will suffer significant losses of funding.

State maintenance-of-effort: During the transition period, the states must spend the funds made available by the swap and any money previously used as a state match for AFDC, food stamps, WIC, and AFDC-related Medicaid, to provide cash and non-cash assistance to low-income individuals and families. Unlike S. 140, however, the states may direct up to 15 percent of these funds annually to savings or other uses.

Medicaid during the transition: Under the revised legislation, federal Medicaid benefit and coverage requirements for children will be frozen at 1995 levels during the transition. Beyond that, however, the states will be given significant freedom to redesign the AFDC-related Medicaid program without applying for federal waivers.

At the end of the transition period: Under the revised legislation, Congress must determine at the end of five years whether to continue this arrangement or, instead, to grant the states complete autonomy to design welfare and low-income medical care programs. If this complete swap goes into effect, states that experience a significant loss of federal funds and have the greatest need for public services will be eligible for a targeted grant program.

Mr. President, if we are serious about returning substantial authority, autonomy, and responsibility to state and local governments; if we are serious about rejecting the "one-size-fits-all" approach to income support programs which has frustrated those who have sought innovative solutions; and if we are serious about breaking the cycle of dependence that has frayed the current social welfare system; then I believe we must make systemic changes that will have a profound and long-lasting impact on the way services are delivered to needy Americans. We must cross the threshold from a Washington that simply shares power with the states to a Washington that actually surrenders power.

This legislation goes a long way toward achieving that goal. I hope my colleagues will join me in working toward its passage.

By Mr. NICKLES:

S. 708. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RATEPAYER ACT

• Mr. NICKLES. Mr. President, I introduce legislation to repeal section 210 of the Public Utility Regulatory Policies Act of 1978 ("PURPA").

Section 210 of PURPA is no longer in the public interest. It is costing consumers billions of dollars in higher electric bills. It is interfering with the increasingly competitive wholesale market for electricity. It has been overtaken by changes in energy policy, particularly the transmission access and PUHCA reform provisions of the Energy Policy Act of 1992. It is no longer needed to promote a once-fledgling independent power industry. In short, it is time to repeal section 210 of PURPA.

Enacted in 1978, PURPA was one of several laws created by President Carter to address the energy crisis. All involved heavy government interference in the marketplace; all but PURPA have since been repealed.

PURPA was created to stimulate the construction of non-conventional electric powerplants, referred to by PURPA as a qualifying facility [QF]. A QF can be a cogeneration powerplant of unlimited size, or a small power production facility of less than 80 megawatts. A cogeneration powerplant is a facility which produces heat along with electric power. A small power production facility is as a renewable driven electric power generator, such as a windmill, a biomass or waste-fueled powerplant, a geothermal generator, a solar power facility, or a hydroelectric dam.

Section 210 of PURPA encourages QFs in two ways. First it requires electric utilities to purchase the power they produce—whether or not it is needed. Second, it requires electric utilities to pay an avoided cost price for the electricity purchased from the QF—which may or may not bear any relationship to actual market price.

When PURPA was enacted, everyone thought that it would benefit primarily unconventional power generating facilities, such as solar, geothermal, wind, and waste. These were unproven technologies at the time, and even with the host of benefits provided by PURPA plus tax incentives, it was not clear that they could ever be profitable. Instead, PURPA has primarily benefitted the more traditional turbine-powered cogenerators. According to data provided by the Edison Electric Institute, more than three-fourths of installed QF generation capacity are cogenerators. Small power producers—solar, geothermal, wind and waste—account for less than one-forth of installed QF generation capacity.

PURPA was also enacted on the assumption that it would not increase the price of electricity to consumers. Congress thought that it had guarded against this by limiting the price of QF electricity to the avoided cost—the price that the electric utility would have incurred had it generated the electricity itself or had it purchased it from someone else. But it did not work out that way. The Edison Electric Institute estimates that nationwide PURPA will add $38 billion to the future price of electricity, calculated in net present value. This continues to occur for several reasons.

First, in many instances PURPA's avoided cost rate is being based on fuel price projections which often prove to be wildly wrong. Second, several States are setting the avoided cost rate above true avoided cost in order to encourage QFs. QFs are viewed as being socially desirable, even if not the cheapest source of power. The FERC has recently acknowledged that over the years it has given State public utility commissions wide latitude in implementing PURPA in order to maximize the development of QFs. Third, environmental adders continue to be included in the avoided cost rate to promote certain types of QF facilities. This further increases the price of QF power above true avoided cost. Fourth, because PURPA requires QF power to be purchased whether or not it is needed, utility-owned generation will continue to be idled, which someone has to pay for. Thus, unless we repeal PURPA

section 210, this will continue for new QF contracts.

Mr. President, some will argue that section 210 ought to be retained because it fosters competition in the wholesale power marketplace, but that is not true. The essence of competition is allowing choice, not mandating what must be purchased. Moreover, there are other key reasons why the wholesale electric power market has become competitive. They include the following: First, state public utility commissions have required their utilities to become more competitive. Second, Congress opened the wholesale market to all electric generators through transmission access and PUHCA reform. Third, and most importantly, the market itself denies everyone the luxury of avoiding competition. Thus, the repeal of PURPA section 210 will not adversely affect competition.

Mr. President, while everyone agrees that renewable energy can and should play a role in the future energy mix, that should not be accomplished through PURPA's mandated purchase requirement. In this connection, I might note that there are other programs on the books to promote renewables. For example, section 1212 of the Energy Policy Act of 1992 provides a renewable energy production incentive of 1.5 cents per kilowatt hour, subject to appropriations, for solar, wind, biomass, and geothermal powerplants. Section 1914 provides a tax credit of 1.5 cents per kilowatt hour for wind and closed-loop biomass. This is not subject to appropriations. Section 1916 provides a permanent extension of the energy investment credit for solar and geothermal properties.

Mr. President, I am a strong believer in contract sanctity. The bill I am introducing does not abrogate existing contracts; they will continue to operate by their own terms. Section 4 of the bill specifically states that "Nothing in this Act abrogates any existing contract."

Mr. President, it is clear the time has come to repeal section 210 of PURPA. It is distorting competition and it is hurting consumers. It is time to substitute the discipline of the marketplace for the judgment of regulators. In short, it is time for PURPA section 210 to go. I urge may colleagues to join me in my efforts to update our energy policy to benefit consumers and our economy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 708

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Electric Utility Ratepayer Act."

SEC. 2. FINDINGS.

The Congress findings that—

(1) implementation of section 210 of the Public Utility Regulatory Policies Act of 1978 results in many consumers paying excessive rates for electricity;

(2) the Energy Policy Act of 1992 gives producers of electricity additional access to the wholesale electric market through transmission access and exemption from the Public Utility Holding Company Act; and

(3) in light of the increasingly competitive wholesale electric marketplace being brought about by the Energy Policy Act of 1992, there no longer is any justification for section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 3. REPEAL.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is hereby repealed.

SEC. 4. TRANSITION.

Nothing in this Act abrogates any existing contract.

SEC. 5. EFFECTIVE DATE.

The provisions of this act are effective April 7, 1995.●

By Mr. BOND (for himself and Mr. BRYAN):

S. 709. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

Mr. BOND. Mr. President, I join my colleague, Senator BRYAN, in introducing the Consumer Reporting Reform Act of 1995. We have spent several sessions of Congress in perfecting this legislation, and I expect this bill to enjoy wide bipartisan support. In particular, this legislation balances the needs of the consumer to have accurate credit information, while ensuring that the credit industry provides such information without the imposition of unreasonable regulatory burdens.

The Fair Credit Reporting Act is overdue for revision and reform. I know that we have all heard too many horror stories about inaccurate credit information and the inability of consumers to get the information corrected. The Fair Credit Reporting Act was written long before computer technology was as sophisticated as it is today. These technological advances have meant a drastic increase in the amount of information that can be kept and is kept on individuals. Current law simply does not adequately protect consumers.

For example, currently the law only requires that credit bureaus reinvestigate within a reasonable period of time. It was not uncommon for it to take months, even years, to get a credit report corrected and cleaned up. And even in cases where a consumer does succeed in getting the incorrect information removed or corrected, there is nothing to prevent the incorrect information from being put back on the credit report.

I believe that the single most important consumer protection provision in this legislation is the 30-day limit on the reinvestigation procedure. If the disputed information cannot be verified or is found to be inaccurate within 30 days, then it is corrected or removed from the credit report and cannot be reinserted without a notice to the consumer.

This is the cornerstone of the legislation—the most significant improvement over current law.

In addition, I realize that the credit bureaus have voluntarily instituted a 30-day standard in recent years, but there is no force of law behind it to hold them to it. I congratulate the credit bureaus for taking steps to make the system more accurate, but I feel that legislation is still needed. It was the threat of this legislation that has cleaned up the system, and I think we have an obligation to finish the job. This legislation, in particular, will address concerns about accuracy in the system and the need for consumer privacy.

I emphasize that I have met with many of my constituents to listen to their horror stories of trying to fix mistakes on their credit reports. They have met with many of the same obstacles that millions of other consumers have faced—months of waiting for their credit reports to be fixed, credit grantors who are unresponsive, and no one to talk to who will listen to their complaints. As you know, these problems are not new. I have been hearing about these problems for years and trying to find a way to address them. This legislation is designed to address these problems.

Because it traditionally takes a long time for the credit bureaus to respond and fix credit reports, the bill requires the process to be completed in 30 days. As I have said, if the information in the report cannot be verified by the creditor who submitted it within 30 days, it will be removed from the report. In addition, it cannot be reinserted later unless the consumer is notified.

When a consumer goes through the reinvestigation process with the credit bureau and the problem is still not fixed, our bill gives the consumer the right to sue the creditor who will not fix the information it submitted to the credit bureau.

This bill also contains limited Federal preemption to ensure that there are uniform Federal standards to govern a number of procedural issues which are part of credit reporting and which will reduce the burdens on the credit industry from having to comply with a variety of different State requirements. For example, the bill preempts requirements regarding prescreening, information shared among affiliates, reinvestigation timetables, obsolescence time periods and certain disclosure forms.

In addition, the civil liability section makes it absolutely clear that there

are only private causes of action against a furnisher after that furnisher has had an opportunity to reinvestigate and fix any mistakes.

I believe that this legislation is a well-balanced bill. All interested parties benefit from this bill. The free flow of accurate information will help all sides by promoting good economic decisions in our free market economy. Consumers get increased disclosure and a 30-day reinvestigation time period and the credit industry gets a limited Federal preemption, the ability to share information among affiliates, and broader prescreening abilities.

Mr. BRYAN. Mr. President, I join Senator BOND today in introducing amendments to the Fair Credit Reporting Act. I want to again express my appreciation for the efforts of Senator BOND. I have enjoyed teaming up with him on a number of issues and look forward to continuing this friendship and productive working relationship.

As those who follow this issue know, Senator BOND and I came extremely close to getting similar legislation enacted into law last Congress. Versions of this bill passed the Senate 87 to 10 and passed the House of Representatives on several occasions. Unfortunately because this came up at the end of the session, one Senator was able to block this bill's enactment into law. I am confident we can get this legislation to the President's desk this year.

This legislation is similar to the version that passed the Senate and House of Representatives last year. Senator BOND and I have made some refinements but the guts of the bill are intact.

The heart of this legislation is the investigation process which is undertaken when a consumer discovers a mistake on his or her credit report. We all know that mistakes will occur when you are entering billions of pieces of data in computer banks every month. That is inevitable.

What is not inevitable is the frustration consumers experience getting these mistakes removed from their files. This bill requires credit bureaus and the businesses which supply information to verify it within 30 days or remove it from a consumer's file. Thereby, the burden of proof is transferred from consumers to businesses to verify the accuracy of the information in a file.

I was struck by the testimony of Nevadans who were forced to jump through a serious of hoops to prove that the information in their file was faulty. They spent countless hours on the telephone trying to track down information and to explain to credit bureau representatives what mistakes have been made. Through no fault of their own, these people were put through the ringer. This legislation should rectify this situation.

The bill also brings businesses who furnish information into the regulatory process. Without such a provision, bad actors can wreak havoc on the credit reporting system and on consumers. I would have preferred a higher standard of liability for these businesses but believe this is a good first step.

On this point, I must express my total disgust at the behavior of the J.C. Penney Co. In my entire career of public service, I have never seen a more disingenuous lobbying effort by any organization, and I will not soon forget it.

This legislation tries to craft a delicate balance on the issue of State preemption. Senator BOND and I are both former Governors so we take States' rights very seriously. We have tried to only preempt those areas of this law which affect the operational efficiencies of businesses but do not harm consumers. Setting a national uniform standard for disclosure forms or timetables, does not set the consumer movement back, yet should help the business community operate more efficiently.

I would like to put everyone on notice that I feel very strongly that we should not preempt States' rights in the area of liability—particularly if we set a low-liability standard as we do in this bill. Certain members of the business community have and will continue to push to preempt this area of State law, but I will fight such efforts and will have to reconsider the merits of this bill, should I lose on this issue.

I believe the issues in this bill have been compromised and refined over several years of consideration and do not need much more massaging. They represent an equitable balance with benefits to both the consumers and businesses. I hope we can move this along swiftly. I urge my colleagues support.

By Mr. KERREY:

S. 710. A bill to promote interoperability in the evolving information infrastructure maximum competition, innovation, and consumer choice, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS INTEROPERABILITY ACT

Mr. KERREY. Mr. President, earlier this week I came to the floor of the Senate to discuss my concerns relating to the pending Telecommunications Competition and Deregulation Act of 1995, S. 652. I have been concerned that this bill does not do enough to promote competition and consumer choice. As we on Capitol Hill work to revamp the regulatory regimes governing the telephone and cable television companies of today, a much larger dynamic is taking hold in our country.

The digital age is upon us, and we must try to take this larger picture into view if we are to be truly effective in our efforts to pass telecommunications reform that will serve our country, not only today, but tomorrow, and for the years to come. We need to take this opportunity, not only to address the regulatory issues currently being discussed, but to think about what kind of world we want this digital age to create.

Today, I am introducing legislation, the Communications Interoperability Act of 1995, that I hope will stimulate a vigorous public debate on how we can best achieve a truly ubiquitous National Information Superhighway. I am introducing this bill as a discussion vehicle, and welcome reactions or comments on this legislation from interested parties.

The National Information Superhighway, or National Information Infrastructure (NII) as it is called, is evolving as we speak. This new digital age brings with a convergence of technology and vast new opportunities for Americans to gather and disseminate information. This NII pays no mind to the lines between industry sectors that have existed in the past. The NII is a conglomeration of pieces, including, various high-speed, interactive, narrow and broadband networks that exist today and will emerge tomorrow. It is the satellite, terrestrial, and wireless technologies that deliver content to homes, businesses, and other public and private institutions. The NII is a term that encompasses all the pieces and conveys a vision for a nationwide, invisible, seamless, dynamic web of transmission mechanisms, information appliances, content and people. This ubiquitous network of networks has the potential to improve the quality of life for all Americans—regardless of location, age, economic status, or physical handicap. However, this potential will only be realized if we have interoperability in our information infrastructure.

Interoperability is the ability of two or more systems to interact with one another. Interoperability allows diverse systems made by different vendors to communicate with each other so users do not have to make major adjustments to account for differences in products and services. Open interfaces at critical points of connection will allow interoperability to occur.

Interoperability will allow components of the NII to work together easily and transparently. A high school student in Nebraska will be able to use research resources located anywhere in the country, and discuss that research with students at distant schools. It will allow teachers in Nebraska to share information about experiences with other teachers around the country. If, while on vacation, a person becomes ill, a doctor in another State will be able to easily reach the family physician in Nebraska to consult and access complete medical records online.

Interoperability will make the NII accessible to the broadest number of

people—both users and vendors. Users will not be limited to a particular vendor's products. Vendors will be able to make their services available to anyone who wants to use them. A small business or entrepreneur in Nebraska will be able to fully realize their potential because from their home office they will have the ability to easily reach customers across the Nation and around the world.

Interoperability allows all Americans to be both information consumers and information providers. This means that a citizen in Lincoln, NE, will not only be able to access the vast amount of information using an information appliance of her choice, at the same time, she will also be able to publish her newsletter on fishing in Nebraska to interested readers wherever they reside.

Interoperability promotes competition among technologies, providers, and media, leading to the greatest number of choices, the lowest prices, and maximum innovation. Interoperability based on open interfaces, will help promote a level playing field for the future of communications. Rather than attempting to create or adapt regulations to ever changing technologies, open interfaces, and interoperability will help ensure access and competition by allowing new entrants into the marketplace.

Interoperability must be led by industry, but Congress can help by promoting the vision of an interoperable information infrastructure. I am not suggesting that Government get involved setting standards or dictating what technologies the private sector should use. What I am suggesting is that we all have an interest in monitoring the private sector process and facilitating the development of a system that will best serve American business, and American citizens.

Without interoperability, we will simply have pockets of information and services that will not be nearly as valuable because they will not be easily linked to other parts of the infrastructure. Interoperability will allow information to be transmitted between different technologies, allowing for the most efficient distribution of services. In some areas, wire lines or fiber optic cable may be dominant, while in other more rural areas we may need to rely on satellite and wireless technologies. Unless all these divergent parts of the system are interoperable, the digital age will divide us into information haves and have nots. I am concerned about the potential for rural States like mine to be left behind as the digital age charges forward.

The distinguished Senator from Maine introduced legislation earlier this week to promote competition and consumer choice in consumer electronics used in conjunction with the current cable system. Certainly an important piece of the overall infrastructure, but as the distinguished Senator pointed out in his introductory statement, this bill is only focused on one particular area of telecommunications. The legislation I am introducing today focuses on the bigger picture, providing a broader, over-arching vision for our digital information age.

By looking ahead, and providing some policy objectives we can use this opportunity to address not only past and current regulatory issues, but to project some expectations for the future of communications. Expectations which include an information infrastructure that strengthens our educational system, expands commerce, improves the delivery of health care, and enhances participatory democracy.

I hope we will embrace this opportunity to herald the future.

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. 710

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 "Communications Interoperability Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the rapid convergence of communications, computing and video technologies holds the promise of bringing revolutionary improvements in the delivery of a variety of information and other communications services to the American public;

(2) interoperability will promote competition among technologies, providers, and media, leading to the greatest choices, lowest prices, highest value, and maximum innovation;

(3) interoperability at key interfaces of the developing information infrastructure of the United States will ensure that existing and new components work together easily, quickly, and transparently as the components of today's telephone system;

(4) interoperability will help ensure that the information and communications infrastructure of the future will be accessible to the broadest number of people, both users and vendors of products and services;

(5) open interfaces at critical connection points are essential to achieving interoperability and the smooth transfer of information throughout the system; and

(6) the development of an interoperable information infrastructure based on open interfaces is in the interest of all Americans, and the Federal Government should act as a facilitator to achieve this goal.

SEC. 3. DEFINITIONS.

As used in this Act:

"(1) INTEROPERABILITY.—The term "interoperability" means—

"(A) the ability of two or more systems (such as devices, databases, networks, or technologies) to interact in concert with one another, in accordance with a prescribed method, to achieve a predictable result;

"(B) the ability of diverse systems made by different vendors to communicate with each other so that users do not have to make major adjustments to account for differences in products or services; and

"(C) compatibility among systems at specified levels of interaction, including physical compatibility.

The compatibility described in subparagraph (C) should be achieved through open interface specifications.

"(2) INTERFACE SPECIFICATIONS.—The term "interface specifications" means the technical parameters for the manner in which systems, products, and services communicate with each other and may be limited to the information necessary to achieve interoperability, leaving the implementation and remaining product design to the creative abilities of competitive suppliers.

SEC. 4. PROMOTING INTEROPERABILITY.

The Federal Communications Commission, and other appropriate Federal Government agencies (such as the National Institute of Standards and Technology), shall monitor the voluntary industry standards processes, and assist private sector standards bodies in the identification and promotion of open and interoperable interface specifications as needed.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Mr. ABRAHAM, and Mr. GRASSLEY):

S.J. Res. 32. Joint resolution expressing the concern of the Congress regarding certain recent remarks that unfairly and inaccurately maligned the integrity of the Nation's law enforcement officers; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS JOINT RESOLUTION

Mr. HATCH. Mr. President, I rise today to introduce a joint resolution expressing the Nation's gratitude to its law enforcement officers, and ask that it be passed by unanimous consent.

Every day, the brave men and women of our Nation's police forces put their lives on the line as they patrol our streets to keep the rest of us safe. These fine public servants are far too often all that stands between the rule of law and the tyranny of crime and chaos.

The job of a law enforcement officer is increasingly dangerous. Across America, 70 law enforcement officers were murdered in the line of duty in 1993. Assaults on officers are commonplace. Yet these men and women go out every day and perform their jobs with courage and integrity.

Attacks from criminals, however, are not the only assaults out law enforcement officers are suffering from today. They are also being victimized by malicious, mean-spirited, and misleading verbal attacks from those who should know better.

Officers daily put their lives in jeopardy to prevent crime, and to investigate crimes that have been committed, in order to bring the guilty to justice. They are expected to act perfectly, with often imperfect information, and must ensure both the safety of the community and the integrity of the criminal justice process.

The Nation's police officers perform these tasks admirably. And On those

rare and regrettable occasions when they falter, it is the police who are most aggrieved, seeking to redress the failure to uphold the public's trust. They recognize that without that trust, they cannot enforce the laws.

So we must never forget the faith with which the police attempt to discharge their duty. Whenever the public is led to believe without cause that their law enforcement officers are less than true to their oaths "to serve and protect," the rule of law is endangered. For any society in which the law is in disrepute, or its fair enforcement in doubt, is only a shore step away from a society without law.

America owes a debt of gratitude to its police officers that it really cannot repay. However, Congress can and should take this opportunity to acknowledge that debt, and express the American People's thanks for the continuing service of its law enforcement heroes.

Mr. President, I urge my colleagues to join me in support of this joint resolution.

Mr. BIDEN. Mr. President, today, I and Senator HATCH are introducing a joint resolution to express the concern of the Congress regarding some recent remarks that inaccurately malign the integrity of the Nation's law enforcement officers.

It has been my privilege to work closely with our Nation's State and local police officers throughout my career. And, whether I have been dealing with officers who protect citizens in one of Delaware's smallest towns or those who patrol our Nation's largest cities, I have been impressed by the level of honor, commitment and integrity they have consistently upheld. Indeed, the evidence is that vast majority of our Nation's law enforcement officers are conscientious public servants who have a job where they must literally be willing to lay their life on the line everyday they go to work.

Let me be clear, I do not being to claim that there are no "bad apples" among the Nation's 540,000 police officers—as in every profession, there are "bad apples" who violate the law. But, this does not justify any sweeping indictment of the ethics of the entire police profession, any more than a case of malpractice by a doctor justifies sweeping criticism of the entire medical profession.

Because I believe it is simply unfair to make allegations about a whole profession based on the actions of a tiny minority and because I have enjoyed such a close and, I hope, mutually respectful relationship with our Nation's police officers, I am introducing this legislation so that the Congress is on record as recognizing the integrity of our Nation's police profession. I am happy to be joined by Senator HATCH on this measure, and I look forward to other Senators joining us in this effort.

The morale of our Nation's police officers is dependent upon the respect they feel from all of us, such is the case for any profession. This resolution is but one of many chances the Senate will have this year to indicate our confidence in our Nation's police. Later this year, I expect that the Senate will be faced with legislation that will nullify the provisions of the Violent Crime Control Act of 1994 that will add 100,000 more police to our streets. Those who believe that our Nation's police do not live up to the highest ethical standards may oppose this effort to add 100,000 officers to their ranks. But, those of us who know that the overwhelming majority of our police meet these high standards, must protect this effort to add 100,000 state and local police to America's neighborhoods.

I admit that the resolution I introduce today offers but some small measure of rhetorical support. The real support for our Nation's police will be shown by continuing our commitment to add 100,000 more officers to the ranks of those who protect us all. I urge my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 248

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 248, a bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 256, supra.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 360

At the request of Mr. SMITH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 360, a bill to amended title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

At the request of Mr. SMITH, the name of the Senator from Alaska [Mr. STEVENS] was withdrawn as a cosponsor of S. 360, supra.

S. 389

At the request of Mr. JOHNSTON, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 389, a bill for the relief of Nguyen Quy An and his daughter, Nguyen Ngoc Kim Quy.

S. 401

At the request of Mr. LEAHY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider.

S. 426

At the request of Mr. SARBANES, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 427

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 427, a bill to amend various acts to establish offices of women's health within certain agencies, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 459

At the request of Mr. BOND, the names of the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 459, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 520, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for adoption expenses.

S. 524

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 524, a bill to prohibit insurers from denying health insurance coverage, benefits, or varying premiums based on the status of an individual as a victim of domestic violence and for other purposes.

S. 526

At the request of Mr. GREGG, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 526, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 548

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 548, a bill to provide qualify standards for mammograms performed by the Department of Veterans Affairs.

S. 584

At the request of Mr. ROBB, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

S. 630

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 630, a bill to impose comprehensive economic sanctions against Iran.

S. 637

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 637, a bill to remove barriers to interracial and interethnic adoptions, and for other purposes.

S. 641

At the request of Mr. KENNEDY, the names of the Senator from Virginia [Mr. ROBB], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 641, a bill to reauthorize the Ryan white CARE Act of 1990, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. SMITH], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Florida [Mr. GRAHAM], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 448

At the request of Mr. HARKIN his name was added as a cosponsor of Amendment No. 448 proposed to H.R. 1158, a bill making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 106—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas, in the case of *Pittston Coal Group, Inc. v. I.U., UMWA*, Case No. 93-0162-A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved That Marisa Spatafore is authorized to testify in the case of *Pittston Coal Group, Inc., v. I.U., UMWA*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is directed to represent Senator Rockefeller, Marisa Spatafore, and any other Member or employee of the Senate from whom testimony or documents may be sought in connection with this case.

SENATE RESOLUTION 107—RELATIVE TO THE NCAA WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas the UConn women's team won the school's first-ever national basketball championship by defeating the University of Tennessee by the score of 70-64;

Whereas the UConn Huskies became only the second women's basketball team in NCAA history to finish the season undefeated, and the first basketball team of any kind in NCAA history to finish 35-0;

Whereas UConn Head Coach Geno Auriemma was the recipient of the Naismith National Coach of the Year Award, as well as the Associated Press Coach of the Year and the United States Basketball Writers Association Coach of the Year awards;

Whereas UCONN forward and co-captain Rebecca Lobo was the consensus choice of those same organizations as the National Player of the Year, and was named the Most Outstanding Player of the NCAA Women's Final Four;

Whereas Rebecca Lobo was also named the GTE Women's Basketball National Academic All-American of the Year for her outstanding achievement in the classroom;

Whereas the UConn Women Huskies enthralled the entire state of Connecticut, providing it with one of its finest moments;

Whereas the UConn Women Huskies elevated the sport of women's basketball to new heights, and inspired a generation of young girls in Connecticut to aspire toward their own "hoop dreams": Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship

SENATE RESOLUTION 108—DESIGNATING NATIONAL ATOMIC VETERANS DAY

Mr. WELLSTONE (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. DASHCHLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. REID, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas July 16, 1995, is the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, New Mexico;

Whereas the members of the Armed Forces who have been exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device are considered to be America's "atomic veterans";

Whereas atomic veterans are in many ways one of the most neglected groups of United States veterans;

Whereas atomic veterans served their country patriotically and proudly, believing fully that the United States Government would protect them from any serious hazards to their health;

Whereas atomic veterans were not told of the hazards they faced from exposure to ionizing radiation, often were provided with little protection from such exposure even when deployed at or near ground zero immediately after test detonations of nuclear weapons, on occasion were not provided film badges to measure their exposure to radiation during such detonations, and were provided with no follow-up medical care or other monitoring to determine the health consequences of such exposure;

Whereas for 40 years after World War II Federal law contained no provisions specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases; and

Whereas many of the 250,000 members of the Armed Forces who participated in post-World War II atmospheric nuclear testing were forbidden from publicly revealing such participation for reasons of national security and received no recognition for their important contributions to the United States and the Armed Forces: Now, therefore, be it

Resolved, That—

(1) July 16, 1995, is designated as "National Atomic Veterans Day"; and

(2) the President is authorized and requested to issue a proclamation calling on the departments and agencies of the Federal Government, State and local governments, and the people of the United States to observe that day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

BUMPERS AMENDMENT NO. 540

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to amendment No. 461 proposed by him to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

Strike "$0" and insert in lieu thereof the following: "$50,000,000. *Provided*, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 C.F.R. 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), substantially similar entities, or other recipients that are new-to-export entities."

AKAKA AMENDMENTS NOS. 541–542

(Ordered to lie on the table.)

Mr. AKAKA submitted two amendments intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 541

On page 31, strike line 9 and insert the following: "Public Law 103–333, $10,988,000 are rescinded. Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded. Notwithstanding any other provision of this Act, the amount rescinded under the heading 'Office of the Secretary, Policy Research' in chapter VI shall be increased to $4,018,000.".

AMENDMENT NO. 542

On page 1 of the amendment, strike line 2 and all that follows through line 4 on page 2, and insert the following: "Public Law 103–333, $10,988,000 are rescinded. Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded. Notwithstanding any other provision of this Act, the amount rescinded under the heading 'Office of the Secretary, Policy Research' in chapter VI shall be increased to $4,018,000.".

GRAHAM AMENDMENT NO. 543

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (H.R. 1158) supra, as follows:

On page 33, line 23, strike "and $11,000,000 from 2 part C".

GLENN AMENDMENT NO. 544

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (H.R. 1158) supra, as follows:

At the appropriate place, insert the following new section:

NO RESTRICTIONS ON IRS ENFORCEMENT FUNDING OR PERSONNEL

SEC. . Notwithstanding any other provision of this Act, there shall be no rescission of any amount of the $4,385,459,000 made available under the heading "TAX LAW ENFORCEMENT" in Public Law 103–329 and there shall be no restrictions on the hiring or deployment of additional revenue officers during fiscal year 1995.

DOLE AMENDMENTS NOS. 545–546

(Ordered to lie on the table.)

Mr. DOLE submitted two amendments intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 545

At the appropriate place in the amendment add the following:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103–465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDING AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103-330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103-330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

CHAPTER II DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103-394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103-317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of unobligated balances available under this heading pursuant to Public Law 103-75, Public Law 102-368, and Public Law 103-317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSON)

Of the funds made available under this heading in Public Law 103-317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSIONS)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WAGE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103-87 and Public Law 103-306, $125,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph, submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, and Public Law 101-512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, Public Law 102-154, Public Law 101-512, Public Law 101-121, Public Law 100-446, Public Law 100-202, Public Law 99-190, Public Law 98-473, and Public Law 98-146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103-332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public law 103-138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103-138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, and Public Law 103-138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-154, Public Law 102-381, Public Law 103-138, and Public Law 103-332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103-332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,508,700,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II-B and title II-C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103-333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103-333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

(RESCISSION)

Funds made available under this heading in Public Law 103-333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100-485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount of such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

(POLICY RESEARCH)

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II-B, $69,000,000, title V-C, $2,000,000, title IX-B, $1,000,000, title X-D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII-A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $32,380,000 are rescinded from funding for title VII-A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III-A, and -B, $43,888,000 and from title IV-A and -C, $8,891,000; from the Adult Education Act, part B-7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H-1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV-A, chapter 5, $496,000, title IV-A-2, chapter 1, $11,200,000, title IV-A-2, chapter 2, $600,000, title IV-A-6, $2,000,000, title V-C, subparts 1 and 3, $16,175,000, title IX-B, $10,100,000, title IX-E, $3,500,000, title IX-G, $2,888,000, title X-D, $2,900,000, and title XI-A, $500,000; Public Law 102-325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III-A, $5,000,000, title III-B, $5,000,000, and title X-B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $12,916,000 are

rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $47,960,000 are rescinded. Of the funds made available under this heading in Public Law 103-333, $32,760,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103-333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103-283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103-313 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103-331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account $2,000,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot program authorized under section 1002(b) of Public Law 102-240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103-331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103-331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102-143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchases of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project. Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in public Law 103-331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103-122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103-329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

TAX LAW ENFORCEMENT

Of the $4,385,459,000 made available under this heading in Public Law 103-329, $80,000,000 are rescinded. The Internal Revenue Service shall not hire any additional revenue officers in fiscal year 1995 and any additional revenue officers that have been hired in fiscal year 1996 shall be redeployed as call site collectors. The examination and inspection activities of this Secretary of the Treasury conducted pursuant to the provisions of the Internal Revenue Code of 1986 shall be maintained at not less than the level of such activities for fiscal year 1994.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100-690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103-329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

"GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-

27, 102-141, 103-123, 102-293, 103-329, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $80,974,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Netwark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Settle, U.S. Courthouse, $10,949,000
Walla Walls, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000

Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103-327, the $9,920,819,000 restricted by section 509 of Public Law 103-327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $351,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103-327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed for pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $1,000,000,000 funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $1,000,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $615,000,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $88,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $105,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,635,000 are rescinded.

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389 and Public Law 102-139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-327 and Public Law 103-124, $1,304,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103-715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103-127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.—In lieu of preparing a new document under the paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale or preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final days of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver of the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103-329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2010. Of the funds available to the agencies of the federal government, $225,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and

travel accounts; *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions of this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995".

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

AMENDMENT NO. 546

At the appropriate place in the amendment add the following:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCESSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103-465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103-330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103-330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103-330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act

of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

CHAPTER II DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103-394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VII of Public Law 103-317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317 $1,000,000 are rescinded.

In addition, under this heading in Public Law 103-317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of unobligated balances available under this heading pursuant to Public Law 103-75, Public Law 102-368, and Public Law 103-317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior

years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103-87 and Public Law 103-306, $125,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, and Public Law 101-512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, Public Law 102-154, Public Law 101-512, Public Law 101-121, Public Law 100-446, Public Law 100-202, Public Law 99-190, Public Law 98-473, and Public Law 98-146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103-332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103-138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, and Public Law 103-138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-154, Public Law 102-381, Public Law 103-138, and Public Law 103-332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103-332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Buck Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Pay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,508,700,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II-B and title II-C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103-333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103-333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103-333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100-485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

(POLICY RESEARCH)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II-B, $69,000,000, title V-C, $2,000,000, title IX-B, $1,000,000, title X-D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII-A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $32,380,000 are rescinded from funding for title VII-A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III-A, and III-B, $43,888,000 and from title IV-A and IV-C, $8,891,000; from the Adult Education Act, part B-7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H-1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV-A, chapter 5, $496,000, title IV-A-2, chapter 1, $11,200,000, title IV-A-2, chapter 2, $600,000, title IV-A-6, $2,000,000, title V-C, subparts 1 and 3, $16,175,000, title IX-B, $10,100,000, title IX-E, $3,500,000, title IX-G, $2,888,000, title X-D, $2,900,000, and title XI-A, $500,000; Public Law 102-325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III-A, $5,000,000, title III-B, $5,000,000, and title X-B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $47,960,000 are rescinded. Of the funds made available under this heading in Public Law 103-333, $32,760,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103-333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED

MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103-283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $8,186750,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307,283, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103-313 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103-331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account $2,000,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102-240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103-331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103-331, the obligation limitations under this heading in the following Department of

Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102-143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchases of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in public Law 103-331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103-122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103-329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100-690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103-329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

"GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 103-123, 102-393, 103-329, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse, $80,974,000

California:

Menlo Park, United States Geological Survey office laboratory building, $6,868,000

Sacramento, Federal Building-U.S. Courthouse, $142,902,000

San Diego, Federal building-Courthouse, $3,379,000

San Francisco, Lease purchase, $9,702,000

San Francisco, U.S. Courthouse, $4,378,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

San Pedro, Customhouse, $4,887,000

Colorado:

Denver, Federal building-Courthouse, $8,006,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $37,618,000

General Services Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $113,084,000

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000

Jacksonville, U.S. Courthouse, $10,633,000

Tampa, U.S. Courthouse, $14,998,000

Georgia:

Albany, U.S. Courthouse, $12,101,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000

Savannah, U.S. Courthouse annex, $3,000,000

Hawaii:

Hilo, federal facilities consolidation, $12,000,000

Illinois:

Chicago, SSA DO, $2,167,000

Chicago, Federal Center, $47,682,000

Chicago, Dirksen building, $1,200,000

Chicago, J.C. Kluczynski building, $13,414,000

Indiana:

Hammond, Federal Building, U.S. Courthouse, $52,272,000

Jeffersonville, Federal Center, $13,522,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $3,295,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Bowie, Bureau of Census, $27,877,000

Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000

Woodlawn, SSA building, $17,292,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Missouri:

Cape Girardeau, U.S. Courthouse, $3,688,000

Kansas City, U.S. Courthouse, $100,721,000

Nebraska:

Omaha, Federal Building, U.S. Courthouse, $9,291,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Reno, Federal building-U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building-U.S. Courthouse, $3,519,000

New Jersey:

Newark, parking facility, $9,000,000

Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103-327, the $9,920,819,000 restricted by section 509 of Public Law 103-327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $351,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103-327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $1,000,000,000 funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $1,000,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $615,000,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an

additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $88,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $210,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-389 and Public Law 102-139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-327 and Public Law 103-124, $1,304,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103-715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103-127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale or preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extend feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations, including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final days of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION OF COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations) including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103-329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of his Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 15, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2010. Of the funds available to the agencies of the federal government, $225,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts; Provided further, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995."

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

BUMPERS (AND KERRY) AMENDMENT NO. 547

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to amendment No. 461 submitted by Mr. BUMPERS to the bill (H.R. 1158) supra, as follows:

Strike "$0" and insert in lieu thereof the following: "$50,000,000. Provided, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 C.F.R. 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), substantially similar entities, or other recipients that are new-to-export entities. Provided further, that notwithstanding any other provision of this Act, no funds made available in Public Law 103-333 under the heading "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION" under the subheading "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES" shall be rescinded.".

KERRY (AND OTHERS) AMENDMENTS NOS. 548-549

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. REID, and Mr. PELL) submitted two amendments intended to be proposed by them to amendment No. 547 submitted by Mr. BUMPERS to the bill (H.R. 1158) supra, as follows:

AMENDMENT NO. 548

Strike "$50,000,000'. Provided, that none of these funds may be used for non-generic activities by recipients other than those identified at 7 CFR 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), or other recipients that are new-to-export entities" and insert "'$50,000,000': *Provided*, That none of these funds may be used for nongeneric activities by recipients other than those identified in section 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), or 1485.15(c) of title 7 of the Code of Federal Regulations, or other recipients that are new-to-export entities. Notwithstanding any other provision of this Act, no funds made available in Public Law 103-333 under the heading "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION" under the subheading "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES" shall be rescinded."

AMENDMENT NO. 549

Strike "$0." and insert "'$14,700,000'. Notwithstanding any other provision of this Act, $14,700,000 shall be transferred from this appropriation to the account containing funds made available in Public Law 103-333 under the heading 'SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION' under the subheading 'SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'.".

DASCHLE AMENDMENT NO. 550

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to an amendment submitted to the bill (H.R. 1158) supra, as follows:

In the pending amendment, strike all after the first word and insert the following:

IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II-B, $69,000,000, title IV, $100,000,000, title V-C, $2,000,000, title IX-B, $1,000,000, title X-D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII-A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $32,380,000 are rescinded from funding for title VII-A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III-A, and -B, $43,888,000 and from title IV-A and -C, $8,891,000; from the Adult Education Act, part B-7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H-1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV-A, chapter 5, $496,000, title IV-A-2, chapter 1, $11,200,000, title IV-A-2, chapter 2, $600,000, title IV-A-6, $2,000,000, title V-C, subparts 1 and 3, $16,175,000, title IX-B, $10,100,000, title IX-E, $3,500,000, title IX-G, $2,888,000, title X-D, $2,900,000, and title XI-A, $500,000; Public Law 102-325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III-A, $5,000,000, title III-B, $5,000,000, and title X-B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103-333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103-333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103-283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENESES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103-331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103-331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102-240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103-331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103-331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102-143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103-331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103-122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Service Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENT OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103-329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100-690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103-329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 103-123, 102-393, 103-329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse $121,890,000

California:

Menlo Park, United States Geological Survey office laboratory building, $6,868,000

Sacramento, Federal Building-U.S. Courthouse, $142,902,000

San Diego, Federal building-Courthouse, $3,379,000

San Francisco, Lease purchase, $9,702,000

San Francisco, U.S. Courthouse, $4,378,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

San Pedro, Customhouse, $4,887,000

Colorado:

Denver, Federal building-Courthouse, $8,006,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $37,618,000

General Services Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $113,084,000

Florida:

Ft. Myers, U.S. Courthouse, $24,851,000

Jacksonville, U.S. Courthouse, $10,633,000

Tampa, U.S. Courthouse, $14,998,000

Georgia:

Albany, U.S. Courthouse, $12,101,000

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000

Savannah, U.S. Courthouse annex, $3,000,000

Hawaii:

Hilo, federal facilities consolidation, $12,000,000

Illinois:

Chicago, SSA DO, $2,167,000

Chicago, Federal Center, $47,682,000

Chicago, Dirksen building, $1,200,000

Chicago, J.C. Kluczynski building, $13,414,000

Indiana:

Hammond, Federal Building, U.S. Courthouse, $52,272,000

Jeffersonville, Federal Center, $13,522,000

Kentucky:

Covington, U.S. Courthouse, $2,914,000

London, U.S. Courthouse, $1,523,000

Louisiana:

Lafayette, U.S. Courthouse, $3,295,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Bowie, Bureau of Census, $27,877,000

Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000

Woodlawn, SSA building, $17,292,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Missouri:

Cape Girardeau, U.S. Courthouse, $3,688,000

Kansas City, U.S. Courthouse, $100,721,000

Nebraska:

Omaha, Federal Building, U.S. Courthouse, $9,291,000

Nevada:

Las Vegas, U.S. Courthouse, $4,230,000

Reno, Federal building-U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building-U.S. Courthouse, $3,519,000

New Jersey:

Newark, parking facility, $9,000,000

Trenton, Clarkson Courthouse, $14,107,000

New Mexico:

Albuquerque, U.S. Courthouse, $47,459,000

Santa Teresa, Border Station, $4,004,000

New York:

Brooklyn, U.S. Courthouse, $43,717,000

Holtsville, IRS Center, $19,183,000

Long Island, U.S. Courthouse, $27,198,000

North Dakota:

Fargo, Federal building-U.S. Courthouse, $20,105,000

Pembina, Border Station, $93,000

Ohio:

Cleveland, Celebreeze Federal building, $10,972,000

Cleveland, U.S. Courthouse, $28,246,000

Steubenville, U.S. Courthouse, $2,820,000

Youngstown, Federal Building-U.S. Courthouse, $4,574,000

Oklahoma:

Oklahoma City, Murrah Federal building, $5,290,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000

Philadelphia, Nix Federal building-Courthouse, $13,814,000

Philadelphia, Veterans Administration, $1,276,000

Scranton, Federal Building-U.S. Courthouse, $9,969,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,783,707,000.

ADMINISTRATIVE AND TRAVEL REDUCTION

SEC. . In the cases of all appropriations accounts in any Act from which expenses for administrative overhead, travel, transportation, and subsistence (including per diem allowances) are paid, there are hereby rescinded $16,293,000, *Provided*, that, reduction in such expenses shall be applied uniformally by appropriations account.

(b) Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall prepare and transmit to the Congress a report specifying the reductions taken in each appropriations account in compliance with this section.

DODD (AND LIEBERMAN) AMENDMENT NO. 551

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 551

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING DISASTER RELIEF.

(a) FINDINGS.—Congress finds that—

(1) there have been a number of costly natural disasters in recent years, including flooding in the Midwest and California, hurricanes in Hawaii and Florida, and earthquakes along the West Coast;

(2) scientists at the United States Geological Survey and other prominent scientists predict the occurrence of several major natural disasters in coming years;

(3) if an earthquake equal in magnitude to the earthquake that recently hit Kobe, Japan, occurred in the United States, direct losses could exceed the total net worth of the entire United States property insurance industry;

(4)(A) taxpayers have paid over $45,000,000,000 during the last 10 years in disaster assistance; and

(B) studies estimate that the cost for just 1 major future natural disaster could run as high as $50,000,000,000 to $80,000,000,000; and

(5) the Federal Government must reform the current method of Federal financing costs associated with natural disaster relief and develop and implement a financing mechanism that does not add to the deficit or rescind funds that have already been committed to other purposes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should—

(1) establish a disaster relief fund financed through a dedicated revenue source that provides sufficient reserves to respond adequately to extraordinary and catastrophic disasters;

(2) encourage sensible, cost-effective mitigation programs to prevent disaster losses before the losses occur;

(3) strengthen efforts to encourage persons living in areas at high risk of natural disaster to purchase private insurance; and

(4) encourage the insurance industry to establish privately funded pool to spread the risk of natural disasters and minimize the involvement of, and costs to, the Federal taxpayer.

GRAMM AMENDMENTS NOS. 552-554

(Ordered to lie on the table.)

Mr. GRAMM submitted three amendments intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 552

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

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSIONS)

Of the unobligated balances available under this headng, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSIONS)

Of the funds made available under this hearing in Public Law 103-317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

TECHNOLOGY ADMINISTRATION UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

AMENDMENT NO. 553

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

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

AMENDMENT NO. 554

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

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $13,550,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

TECHNOLOGY ADMINISTRATION UNDER THE SECRETARY FOR TECHNOLOGY/ OFFICE OF TECHNOLOGY POLICY SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

DOLE AMENDMENTS NOS. 555-561

(Ordered to lie on the table.)

Mr. DOLE submitted seven amendments intended to be proposed by him to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 555

On page 47, after line 19, insert the following:

Public Law 103-331, $3,600,000, to be distributed as follows: $3,600,000, Boston-Portland, ME transportation corridor project

Public Law 103-122, $9,430,000, to be distributed as follows: $9,430,000, Boston-Poartland, ME commuter rail project

Public Law 102-388, $25,310,000, to be distributed as follows: $25,310,000, Boston-Portland, ME commuter rail project

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AMENDMENT NO. 556

On page 47, after line 19, insert the following:

Public Law 103-331, $10,960,000, to be distributed as follows: $6,000,000, MTC project; $4,960,000, Twin Cities Central Corridor Project;

Public Law 103-122, $2,780,000, to be distributed as follows: $2,780,000, Twin Cities project

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AMENDMENT NO. 557

On page 47, after line 19 insert the following:

Public Law 103-331, $188,720,000, to be distributed as follows: $163,760,000 for the Los Angeles MOS-2 and MOS-3 projects; $4,960,000 for the Orange County Transitway project; and $20,000,000 for the San Francisco BART/ Extension/Tasman Corridor project.

AMENDMENT NO. 558

On page 13, line 25, insert the following before the period

: *Provided further*, That of the funds made available under this heading in Public Law 103-316 for Bassett Creek, Minnesota, Chaska, Minnesota, and Rochester, Minnesota, $6,038,000 are rescinded

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AMENDMENT NO. 559

At the appropriate place insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V, of this Act shall have no force and effect.

AMENDMENT NO. 560

In lieu of the matter proposed, insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budge Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations' status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

AMENDMENT NO. 561

Strike all after the first word and insert the following:

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budge Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporations' status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995: *Provided*, That the language under this heading in title V of this Act shall have no force and effect.

DOLE AMENDMENT NO. 562

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place in the amendment add the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

CHAPTER I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army," $260,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy," $183,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps," $25,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force," $207,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army," $6,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy," $9,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps," $1,300,000: *Provided*, That such amount is designated by

Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force," $2,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army," $11,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force," $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army," $936,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy," $423,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps," $33,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force," $852,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide," $46,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve," $15,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army," $8,300,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program," $13,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $2,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public 103-335, $68,800,000 are rescinded

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $15,400,000 are rescinded

OPERATION AND MAINTENANCE, ARMY RESERVE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $6,200,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $300,000,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $20,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $34,411,000 are rescinded

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-396, $85,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $55,900,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $32,100,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION AND TRANSFER)

Of the funds made available under this heading in Public Law 102-396, $100,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $27,500,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $23,500,000 are hereby transferred and made available for obligation to Operation and Maintenance, Air Force.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-396, $33,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-139, $99,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103-335, $89,500,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $6,100,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $32,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $30,000,000 are rescinded.

DEFENSE PRODUCTION ACT PURCHASES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-139, $100,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEXT AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-139 $5,000,000 are rescinded.

Of the funds available under this heading in Public Law 103-335, $43,000,000 are rescinded.

RESEARCH DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds available under this heading in Public Law 103-335, $68,800,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-138, $49,600,000 are rescinded.

Of the funds available under this heading in Public Law 103-335, $191,200,000 are rescinded.

RESEARCH, DEVELOPMENT, TEXT AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-139, $77,000,000 are rescinded.

Of the funds available under this heading in Public Law 103-335, $436,445,000 are rescinded.

RELATED AGENCIES

NATIONAL SECURITY EDUCATION TRUST FUND

(RESCISSION)

Of the funds available under this heading in Public Law 102-172, $75,000,000 are rescinded.

CHAPTER III

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement of expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5 United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense. This section shall take effect as of March 5, 1995, and shall apply with respect to any payment made on or after that date.

(INCLUDING TRANSFER OF FUNDS)

SEC. 104. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 105. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), is amended by striking out the last proviso and inserting in lieu thereof the following: ": *Provided further*, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is prohibited from receiving payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins".

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 106. (a) Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), is amended to read as follows: "Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: *Provided*, That, in addition to any other reductions required by this section, the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $250,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.".

(b) Subsection 8054(h) of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), is amended to read as follows: "The total amounts appropriated to or for the use of the Department of Defense in titles II, III, and IV of this Act are reduced by an additional $251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.".

(c) Not later than 60 days after enactment of this Act, the Under Secretary of Defense (Comptroller) shall report to the Committees on Appropriations of the Senate and the House of Representatives as to the total, separate amounts of appropriations provided, by title and by appropriations account, in titles II, III, and IV of the Department of Defense Appropriations Act, 1995 (Public Law 103-335), as amended.

SEC. 107. Within sixty days of the enactment of this Act, the President shall submit to Congress a report which shall include the following:

(a) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(1) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(2) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(b) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (a), including—

(1) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(2) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

Sec. 108. None of the funds appropriated to the Department of Defense for the Technology Reinvestment Program under Public Law 103-335 shall be obligated for any new projects for which a selection has not been made until the Under Secretary of Defense for Acquisition and Technology certifies to the Congress that military officers and civilian employees of the military departments constitute a majority of the membership on each review panel at every proposal evaluation step for the Technology Reinvestment Program: *Provided*, That the Under Secretary of Defense for Acquisition and Technology shall submit to the Congress a report describing each new Technology Reinvestment Program project or award and the military needs which the project addresses.

Sec. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

Sec. 110. During the current fiscal year, none of the funds available to the Department of Defense for emergency and extraordinary expenses may be obligated or expended in an amount of $1,000,000 or more for any single transaction without prior notification to the Committees on Appropriations of the Senate and House of Representatives, the Senate Armed Services Committee, and the House National Security Committee.

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

Sec. 112. None of the funds made available to the Department of Defense for any fiscal year for military construction or family housing may be obligated to initiate construction projects upon enactment of this Act for any project on an installation that—

(1) was included in the closure and realignment recommendations submitted by the Secretary of Defense to the Base Closure and Realignment Commission on February 28, 1995, unless removed by the Base Closure and Realignment Commission, or

(2) is included in the closure and realignment recommendation as submitted to Congress in 1995 in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (P.L. 101-510):

Provided, That the prohibition on obligation of funds for projects located on an installation cited for realignment are only to be in effect if the function or activity with which the project is associated will be transferred from the installation as a result of the realignment: *Provided further*, That this provision will remain in effect unless the Congress enacts a Joint Resolution of Disapproval in accordance with the Defense Base Closure and Realignment Act of 1990, as amended (P.L. 101-510).

(RESCISSIONS)

Sec. 113. Of the funds appropriated under Public Law 103-307, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $3,500,000;

Military Construction, Navy, $3,500,000;

Military Construction, Air Force, $3,500,000;

North Atlantic Treaty Organization Infrastructure, $33,000,000;

Base Realignment and Closure Account, Part III, $32,000,000.

Of the funds appropriated under Public Law 102-136, the following funds are hereby rescinded from the following account in the specified amount:

Military Construction, Naval Reserve, $25,100,000.

SEC. 114. The Secretary of Defense shall not allocate a rescission to any military installation that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (Subtitle A of title XXIX of Public Law 101-510; 10 USC 2687 note) in an amount in excess of the proportionate share for each installation for the current fiscal year of the funds rescinded from "Environmental Restoration, Defense" by this Act

SEC. 115. Funds in the amount of $76,900,000 received during fiscal years 1994 and 1995 by the Department of the Air Force pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachments A, B, and C to that Memorandum, shall be merged with appropriations available for research, development, test and evaluation and procurement for fiscal year 1994 and 1995, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract as of the date of enactment of this Act.

SEC. 116. Section 8025 of the Department of Defense Appropriations Act 1995 (Public Law 103-335), is amended by striking out the amount "$203,736,000" and inserting in lieu thereof "$170,036,000".

SEC. 117. In addition to the rescissions made elsewhere in this Act, on September 15, 1995, $100,000,000 shall be rescinded from appropriations under title III of the Department of Defense Appropriations Act, 1993 (Public Law 102-396).

CHAPTER IV

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount to enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation, $21,500,000 is hereby appropriated which shall be available until expended for capital improvements associated with safety-related emergency repairs at the existing Pennsylvania Station in New York City: Provided, That none of the funds herein appropriated shall be used for the redevelopment of the James A. Farley Post Office Building in New York City as a train station and commercial center: Provided further, That the $21,500,000 shall be considered part of the Federal cost share for the redevelopment of the James A. Farley Post Office Building, if authorized.

TITLE II

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-317, $45,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-317 for the Advanced Technology Program, $90,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103-317, $15,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

And on line 17, page 17 of the House of Representatives engrossed bill, H.R. 889, delete "$100,000,000" and insert in lieu thereof "$200,000,000"

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-306 and prior appropriations Acts, $12,500,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds make available under this heading in Public Law 103-87 and Public Law 103-306, $7,500,000 are rescinded.

Of the funds made available under this heading in Public Law 103-87 for support of an officer resettlement program in Russia as described in section 560(a)(5), $15,000,000 shall be allocated to other economic assistance and for related programs for the New Independent States of the Former Soviet Union notwithstanding the allocations provided in section 560 of said Act: *Provided*, That such funds shall not be available for assistance to Russia.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 for new education infrastructure improvement grants, $65,000,000 are rescinded.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $35,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the "advanced automation system", $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available appropriated balances provided in Public Law 93-87; Public Law 98-8; Public Law 98-473; and Public Law 100-71, $12,004,450 are rescinded.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

The Congress finds that the 1990 amendments to the Clean Air Act (Public Law 101-549) superseded prior requirements of the Clean Air Act regarding the demonstration of attainment of national ambient air quality standards for the South Coast, Ventura, and Sacramento areas of California and thus eliminated the obligation of the Administrator of the Environmental Protection Agency to promulgate a Federal implementation plan under section 110(e) of the Clean Air Act for those areas. Upon the enactment of this Act, any Federal implementation plan that has been promulgated by the Administrator of the Environmental Protection Agency under the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California pursuant to a court order or settlement shall be rescinded and shall have no further force and effect.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

Public Law 103-327 is amended in the paragraph under this heading by striking "March 31, 1997" and all that follows, and inserting in lieu thereof: "September 30, 1997: *Provided*, That not to exceed $35,000,000 shall be available for obligation prior to October 1, 1996.".

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the "Mexican Debt Disclosure Act of 1995".

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the exchange stabilization fund;

(3) the program of assistance involves the participation of the Board of Governors of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the exchange stabilization fund and the Board of Governors of the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. PRESIDENTIAL REPORTS.

(a) REPORTING REQUIREMENT.—Not later than June 30, 1995, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall contain a description of the following actions taken, or economic situations existing, during the preceding 6-month period or, in the case of the initial report, during the period beginning on the date of enactment of this Act.

(1) Changes in wage, price, and credit controls in the Mexican economy.

(2) Changes in taxation policy of the Government of Mexico.

(3) Specific actions taken by the Government of Mexico to further privatize the economy of Mexico.

(4) Actions taken by the Government of Mexico in the development of regulatory policy that significantly affected the performance of the Mexican economy.

(5) Consultations concerning the program approved by the President, including advice on economic, monetary, and fiscal policy, held between the Government of Mexico and the Secretary of the Treasury (including any designee of the Secretary) and the conclusions resulting from any periodic reviews undertaken by the International Monetary Fund pursuant to the Fund's loan agreements with Mexico.

(6) All outstanding loans, credits, and guarantees provided to the Government of Mexico, by the United States Government, including the Board of Governors of the Federal Reserve System, set forth by category of financing.

(7) The progress the Government of Mexico has made in stabilizing the peso and establishing an independent central bank or currency board.

(c) SUMMARY OF TREASURY DEPARTMENT REPORTS.—In addition to the information required to be included under subsection (b), each report required under this section shall contain a summary of the information contained in all reports submitted under section 404 during the period covered by the report required under this section.

SEC. 404. REPORTS BY THE SECRETARY OF THE TREASURY.

(a) REPORTING REQUIREMENT.—Beginning on the last day of the first month which begins after the date of enactment of this Act, and on the last day of every month thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report concerning all guarantees issued to, and short-term and long-term currency swaps with, the Government of Mexico by the United States Government, including the Board of Governors of the Federal Reserve System.

(b) CONTENTS OF REPORTS.—Each report described in subsection (a) shall include a description of the following actions taken, or economic situations existing, during the month in which the report is required to be submitted:

(1) The current condition of the Mexican economy.

(2) The reserve positions of the central bank of Mexico and data relating to the functioning of Mexican monetary policy.

(3) The amount of any funds disbursed from the exchange stabilization fund pursuant to the program of assistance to the Government of Mexico approved by the President on January 31, 1995.

(4) The amount of any funds disbursed by the Board of Governors of the Federal Reserve System pursuant to the program of assistance referred to in paragraph (3).

(5) Financial transactions, both inside and outside of Mexico, made during the reporting period involving funds disbursed to Mexico from the exchange stabilization fund or proceeds of Mexican Government securities guaranteed by the exchange stabilization fund.

(6) All outstanding guarantees issued to, and short-term and medium-term currency swaps with, the Government of Mexico by the Secretary of the Treasury, set forth by category of financing.

(7) All outstanding currency swaps with the central bank of Mexico by the Board of Governors of the Federal Reserve System and the rationale for, and any expected costs of, such transactions.

(8) The amount of payments made by customers of Mexican petroleum companies that have been deposited in the account at the Federal Reserve Bank of New York established to ensure repayment of any payment by the United States Government, including the Board of Governors of the Federal Reserve System, in connection with any guarantee issued to, or any swap with, the Government of Mexico.

(9) Any setoff by the Federal Reserve Bank of New York against funds in the account described in paragraph (8).

(10) To the extent such information is available, once there has been a setoff by the Federal Reserve Bank of New York, any interruption in deliveries of petroleum products to existing customers whose payments were setoff.

(11) The interest rates and fees changed to compensate the Secretary of the Treasury for the risk of providing financing.

SEC. 405. TERMINATION OF REPORTING REQUIREMENTS.

The requirements of sections 403 and 404 shall terminate on the date that the Government of Mexico has paid all obligations with respect to swap facilities and guarantees of securities made available under the program approved by the President on January 31, 1995.

SEC. 406. PRESIDENTIAL CERTIFICATION REGARDING SWAP OF CURRENCIES TO MEXICO THROUGH EXCHANGE STABILIZATION FUND OR FEDERAL RESERVE.

(a) IN GENERAL.—Notwithstanding any other provisions of law, no loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through the exchange stabilization fund or by the Board of Governors of the Federal Reserve System may be extended or (if already extended) further utilized, unless and until the President submits to the appropriate congressional committees a certification that—

(1) there is no projected cost (as defined in the Credit Reform Act of 1990) to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately backed to ensure that all United States funds are repaid;

(3) the Government of Mexico is making progress in ensuring an independent central bank or an independent currency control mechanism;

(4) Mexico has in effect a significant economic reform effort; and

(5) the President has provided the documents described in paragraphs (1) through (28) of House Resolution 80, adopted March 1, 1995.

(b) TREATMENT OF CLASSIFIED OR PRIVILEGED MATERIAL.—For purposes of the certification required by subsection (a)(5), the President shall specify, in the case of any document that is classified or subject to applicable privileges, that, while such document may not have been produced to the House of Representatives, in lieu thereof it has been produced to specified Members of Congress or their designees by mutual agreement among the President, the Speaker of the House, and the chairmen and ranking members of the Committee on Banking and Financial Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House.

SEC. 407. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term "appropriate congressional committees" means the Committees on International Relations and Banking and Financial Services of the House of Representatives, the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(2) EXCHANGE STABILIZATION FUND.—The term "exchange stabilization fund" means the stabilization fund referred to in section 5302(a)(1) of title 31, United States Code.

SANTORUM AMENDMENT NO. 563

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra; as follows:

At the end, add the following:

Notwithstanding any other provisions of this Act the following number shall be deemed to be:

S. 617

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, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service, $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal

year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103-465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103-330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103-330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-111, $35,000,000 are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103-330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103-394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for the Board for International Broadcasting to remain available until expended.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $27,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103-317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103-75, Public Law 102-368, and Public Law 103-317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $100,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103-87 and Public Law 103-306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, and Public Law 101-512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, Public Law 102-154, Public Law 101-512, Public Law 101-121, Public

Law 100-446, Public Law 100-202, Public Law 99-190, Public Law 98-473, and Public Law 98-146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103-332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103-138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, and Public Law 103-138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-154, Public Law 102-381, Public Law 103-138, and Public Law 103-332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103-332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National

Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in

Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III-A, $5,000,000, title III-B, $5,000,000, and title X-B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103-333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103-333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103-283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103-331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103-331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102-240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103-331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103-331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102-143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103-331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103-122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103-329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100-690, an additional amount of $13,200,000,

to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103-329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSIONS)

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 103-123, 102-393, 103-329, $241,011,000 are rescinded from the following projects in the following amounts:

Arizona:

Lukeville, commercial lot expansion, $1,219,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

California:

Menlo Park, United States Geological Survey, office laboratory buildings, $980,000

San Francisco, U.S. Court of Appeals annex, $9,003,000

District of Columbia:

Central and West heating plants, $5,000,000

Corps of Engineers, headquarters, $25,000,000

General Service Administration, Southeast Federal Center, headquarters, $25,000,000

U.S. Secret Service, headquarters, $8,900,000

Georgia:

Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000

Atlanta, Centers for Disease Control, $14,110,000

Florida:

Tampa, U.S. Courthouse, $5,994,000

Illinois:

Chicago, Federal Center, $7,000,000

Indiana:

Hammond, U.S. Courthouse, $26,000,000

Maryland:

Avondale, DeLaSalle building, $16,671,000

Massachusetts:

Boston, U.S. Courthouse, $4,076,000

Nevada:

Reno, Federal building—U.S. Courthouse, $1,465,000

New Hampshire:

Concord, Federal building—U.S. Courthouse, $3,519,000

North Dakota:

Fargo, U.S. Courthouse, $1,371,000

Ohio:

Youngstown, Federal building and U.S. Courthouse, site acquisition and design, $4,574,000

Steubenville, U.S. Courthouse, $2,280,000

Oregon:

Portland, U.S. Courthouse, $5,000,000

Pennsylvania:

Philadelphia, Veterans Administration, $1,276,000

Rhode Island:

Providence, Kennedy Plaza Federal Courthouse, $7,740,000

Tennessee:

Greeneville, U.S. Courthouse, $2,936,000

Texas:

Ysleta, site acquisition and construction, $1,727,000

U.S. Virgin Islands:

Charlotte Amalie, St. Thomas, U.S. Courthouse Annex, $2,184,000

Nationwide chlorofluorocarbons program, $12,300,000

Nationwide energy program, $15,300,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103-327, the $9,920,819,000 restricted by section 509 of Public Law 103-327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103-327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of

amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $210,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

BUILDINGS AND FACILITIES

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-389 and Public Law 102-139 for the Center for Ecology Research and Training, $83,000,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-327 and Public Law 103-124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103-715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103-127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands (except land designated as a Federal wilderness area); and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.— In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale in preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final day of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION TO COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations), including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for

prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103-329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. Section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of this Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title 5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Second Supplemental Appropriations and Rescissions Act, 1995".

McCAIN AMENDMENT NO. 564

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place add the following: In Title II—General Provisions, SEC. 2001 Timber Sales, add the following to the end of subsection (6) SALE PREPARATION.: The Director of the Office of Personnel Management, and the Secretary of the relevant Department, shall advise the governmental affairs committees of the House and Senate regarding how the agencies will address the issue of compensation for individuals hired pursuant to this subsection who received an incentive payment, in order to ensure equity for the taxpayer and such federal employees.

This report shall not be conducted in a manner that would hinder the rehiring of any former employees under this Act.

DOLE (AND KYL) AMENDMENT NO. 565

(Ordered to lie on the table.)

Mr. DOLE (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra; as follows:

On page 65, line 13, strike "$210,000,000" and insert $416,000,000".

HOLLINGS AMENDMENT NO. 566

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 530 proposed by Mr. GRAMM to the bill H.R. 1158, supra; as follows:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

For an additional amount for the Manufacturing Extension Partnership, $26,500,000 to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RECISSION)

Of the funds made available under this heading in Public Law 103-317, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

BUMPERS AMENDMENT NO. 567

Mr. BUMPERS proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 6, after line 13, insert the following:

"SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

"The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following:

": *Provided further*, That notwithstanding any other provision of law, up to $10,000,000 of nutrition services and administration funds may be available for grants to WIC State agencies for promoting immunization through such efforts as immunization screening and voucher incentive programs."

THE THEATER MISSILE DEFENSE ACT OF 1995

WARNER (AND OTHERS) AMENDMENT NO. 568

(Ordered referred to the Committee on Armed Services.)

Mr. WARNER (for himself, Mr. DOLE, Mr. THURMOND, Mr. LOTT, Mr. COHEN, Mr. NICKLES, Mr. KYL, Mr. STEVENS, Mr. COCHRAN, and Mr. SMITH) submitted an amendment intended to be proposed by them to the bill (S. 383) to

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provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems; as follows:

At the end of the bill add the following:

TITLE II—DEVELOPMENT AND DEPLOYMENT OF THEATER MISSILE DEFENSES

SEC. 201. SHORT TITLE.

This title may be cited as the "Theater Missile Defense Act of 1995".

SEC. 202. POLICY ON DEVELOPMENT AND DEPLOYMENT OF THEATER MISSILE DEFENSES.

It is the policy of the United States that advanced theater missile defenses should be developed and deployed as soon as possible in order to provide protection for United States military forces stationed or deployed in foreign theaters of operation and for allied forces participating in operations with those United States military forces.

SEC. 203. POLICY ON USE OF FUNDS TO LIMIT THEATER MISSILE DEFENSES UNDER THE ABM TREATY.

(a) FINDINGS.—Congress finds that a missile defense system, system upgrade, or system component capable of countering modern theater ballistic missiles has not been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty unless and until such missile defense system, system upgrade, or system component has been field tested against a ballistic missile which, in that field test, exceeded (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

(b) PROHIBITION.—Appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of—

(1) prescribing, enforcing, or implementing any executive order, regulation, or policy that would apply the ABM Treaty, or any limitation or obligation under such treaty, to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(2) taking any other action to provide for the ABM Treaty, or any limitation or obligation under such treaty, to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(c) COVERED THEATER MISSILE DEFENSES.—(1) Except as provided in paragraph (2), subsection (b) applies with respect to each missile defense system, missile defense system upgrade, and missile defense system component that is capable of countering modern theater ballistic missiles.

(2) Subsection (b) ceases to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when such system, system upgrade, or system component has been field tested against a ballistic missile which, in that test, exceeded (A) a range of 3,500 kilometers, or (B) a velocity of 5 kilometers per second.

(d) ABM TREATY DEFINED.—In this section, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes to Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 204. ADDITIONAL COMMITMENT.

While the other provisions of this title specifically address defenses to counter the growing threat of theater ballistic missiles, Congress also hereby affirms its commitment to ultimately provide the United States with the capability to defend the people and territory of the United States from attack by ballistic missiles.

Mr. WARNER. Mr. President, I rise today, in continuation of my longstanding efforts—working with many others—in support of missile defenses, to introduce the Theater Missile Defense Act of 1995. I am please to have as original cosponsors of this legislation Senator DOLE, Senator THURMOND, Senator LOTT, Senator COHEN, Senator NICKLES, Senator KYL, Senator STEVENS, Senator COCHRAN, and Senator SMITH.

Mr. President, few would argue with the compelling need we are facing for defenses against the growing threat of attack from theater ballistic missiles. Indeed, poll after poll has shown that the overwhelming majority of Americans believe that we already possess a highly effective capability to defend forward-deployed troops—and indeed the United States—from ballistic missile attack today are only slightly better than they were during the gulf war.

Iraqi SCUD missile attacks during Desert Storm brought home to all Americans the vulnerability of United States forward-deployed troops to short-range—theater—ballistic missile attacks from third world nations. Although the Iraqi SCUD's were rudimentary, comparatively inexpensive, weapons which were not considered "militarily significant," they wrought havoc on allied operations, alerts disrupted the front lines as well as the rear echelons. And on February 25, 1991, an Iraqi SCUD missile attack that struck a United States military barracks in Saudi Arabia represented the largest single cause of American casualties during Desert Storm.

Currently, over 30 nations have short-range ballistic missiles. And 77 nations have cruise missiles in their inventories. The defenses being developed to counter theater ballistic missiles will also incorporate some capabilities to counter cruise missiles. In addition, the Department of Defense is actively pursuing a dedicated effort to develop defenses which are focused specifically on the growing curse missile threat.

As the gulf war demonstrated, the threat such missiles pose to the men and women of the U.S. Armed Forces is real, immediate, and growing. We must accelerate the development and deployment of highly effective theater missile defense systems to protect our troops. We owe it to the brave men and women who serve in uniform to provide them with the most advanced defense systems which we are technically and financially capable of producing. Work on such defenses should not in any way be constrained by restrictive and erroneous interpretations of the ABM Treaty—a 23-year-old treaty with the former Soviet Union. I would also like to point out to my colleagues that the restrictions of the treaty currently hamper the defense efforts of only two countries—the United States and Russia. To the extent we allow the U.S. to be "handcuffed" by the limits of this Treaty, the U.S. fails to utilize its full scientific potential while other nations are free to pursue their defenses against ballistic missile attack unrestricted by this treaty.

Mr. President, the ABM Treaty was never intended to limit or restrict theater missile defense systems. The administration concedes this point. In addition, I have had the opportunity to discuss this issue recently with two individuals who were intimately involved in the ABM Treaty negotiations, John Foster and former Secretary of State Henry Kissinger. They both agreed that defenses against theater missiles were never contemplated during the ABM Treaty negotiations. According to Secretary Kissinger, the focus of the negotiations was on defenses against intercontinental ballistic missiles because, "Those were the only systems that were in existence."

But, unfortunately, this administration is pursuing a policy—and is in the process of negotiating some type of legal obligation, or "demarcation agreement," with the Russians—that would allow ABM Treaty limitations to restrict our theater missile defense efforts. Indeed, an administration delegation headed by Deputy Secretary of State Strobe Talbott left last evening for Moscow to discuss a number of issues, possibly including the demarcation talks. I note that Deputy secretary of Defense Deutch dropped off of this trip, in part because of concerns expressed by a number of Members of Congress that he intended to conclude a demarcation agreement wit the Russians while in Moscow.

I hope that the submission of this legislation today will send a clear and unequivocal signal to the administration, and particularly to that delegation headed to Moscow, that the Senate will not sit idly by and allow the administration to sacrifice our theater missile defense capabilities in the interest of concluding a deal with the Russians. I hope the Russians will come to the realization that they need effective, advanced theater missile defenses even more desperately than we do. They are facing hostile nations on their borders which posses these short-range ballistic missile systems.

Mr. President, in the Missile Defense Act of 1991, the Congress urged the President to pursue discussions with the parties to the ABM Treaty to clarify the demarcation line between theater missile defenses and antiballistic missile defenses for the purposes of the ABM Treaty. Those negotiations

should have been undertaken for the sole purpose of making clear that theater missile defense systems were not limited by the ABM Treaty.

Unfortunately, those negotiations are seriously off-track. Recently, I joined with a number of Senators in sending two letters to President Clinton expressing our concern that the administration had indicated a willingness to accept significant performance limitations on our theater missile defense systems, and urging a suspension of those negotiations. Despite these clear expressions of congressional concern, subsequent meetings that I and other Republican Senators have had with high level administration officials in recent weeks have confirmed that the administration is intent on concluding an agreement with the Russians that would limit the great technological potential of the United States to develop and deploy the most effective theater missile defense system we can build. Who is willing to stand up and say we owe less to our armed forces?

In addition, it has become clear to me that the administration does not contemplate submitting any such "demarcation agreement" to the Senate for advice and consent, as required by legislation which I sponsored to last year's Defense authorization bill. I am troubled that the Senate will not be allowed a role in an international agreement that will impose major new limitations and obligations on the United States.

It is time for the Congress to act to ensure the development of the most capable, cost-effective theater missile defense architecture to protect our forward-deployed forces.

Therefore, I am submitting this amendment today, together with my cosponsors, to prohibit the obligation or expenditure of any funds by any official of the Federal Government for the purpose of applying the ABM Treaty, or any limitation or obligation under that Treaty, to the research, development, testing or deployment of a theater missile defense system, upgrade or component. The standard which we have used in this legislation to defined the demarcation between antiballistic missile defenses which are limited by the ABM Treaty, and theater missile defenses which are limited by the ABM Treaty, and theater missile defenses which are not, is similar to the one used by the administration at the beginning of the demarcation negotiations—that is, a missile defense system which is covered by the ABM Treaty is defined as a missile defense system which has been field-tested against a ballistic missile which, in that test, exceeded: First, a range of more than 3,500 kilometers, or second a maximum velocity of more than 5 kilometers per second. Put simply, if a missile defense system has not field-tested in an ABM mode—and therefore has not demonstrated a field-tested capability to counter intercontinental ballistic missiles—it should not be limited in any by the ABM Treaty.

In addition, this amendment declares that it is the policy of the United States that "advanced theater missile defenses should be developed and deployed as soon as possible in order to provide protection for United States military forces deployed in foreign theaters of operation and for allied forces participating in operations with those United States forces."

I don't know of anyone who would disagree with that goal. We should proceed expeditiously with this important mission, and remove the "handcuffs" from our theater missile defense efforts. We should not permit the Russians to hold a veto over theater missile defense systems which are vitally needed by our armed forces.

Mr. President, I want to make clear that this amendment, narrowly drawn to the immediate issue of theater missile defenses, should in no way be interpreted as implying any lessening of the commitment of the co-sponsors to a national missile defense. Indeed, section 4 of the amendment states that,

> Congress also hereby affirms its commitment to ultimately provide the United States with the capability to defend the people and territory of the United States from attack by ballistic missiles.

In this amendment we have dealt in more detail with theater missile defense systems because it is those systems which are in a more advanced stage of development, and which are currently being jeopardized by limitations which the administration may soon sign up to with the Russians.

We are also not attempting with this legislation to either reaffirm or reject the ABM Treaty. That is a debate for another day.

I urge my colleagues to support this important piece of legislation.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

GORTON AMENDMENTS NOS. 569–571

Mr. GORTON proposed three amendments to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 569

On page 17 of Amendment 420, strike lines 14 through 17.

AMENDMENT NO. 570

On page 26, after line 2, insert the following:

"This section shall only apply to permits that were not extended or replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed and also shall include permits that expired in 1994 and in 1955 before the date of enactment of this Act."

AMENDMENT NO. 571

On page 23, strike lines 17–18 and insert in lieu thereof the following:

"Of the available balances under this heading, $3,000,000 are rescinded."

MURKOWSKI AMENDMENT NO. 572

Mr. GORTON (for Mr. MURKOWSKI) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 20, between lines 13 and 14, insert the following:

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332 for the Office of Aircraft Services, $150,000 of the amount available for administrative costs are rescinded, and in expending other amounts made available, the Director of the Office of Aircraft Services shall, to the extent practicable, provide aircraft services through contracting.

STEVENS AMENDMENT NO. 573

Mr. GORTON (for Mr. STEVENS) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On Page 81 after line 18, add a new section as follows:

SEC. .(a.) As provided in subsection (b), an Environmental Impact Statement prepared pursuant to the National Environmental Policy Act or a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer.

(b.) The provision of this section shall apply to the timber specified in the Final Supplement to 1981–86 and 1986–90 Operating Period EIS ("1989 SEIS"), November, 1989, in the North and East Kuiu Final Environmental Impact Statement, January 1993; in the Southeast Chichagof Project Area Final Environmental Impact Statement, September 1992; and in the Kelp Bay Environmental Impact Statement, February 1992, and supplemental evaluations related thereto.

HOLLINGS (AND OTHERS) AMENDMENT NO. 574

Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. BINGAMAN, Mr. BREAUX, Mr. GLENN, Mr. GRAHAM, Mr. LEAHY, Mr. LEVIN, Mr. KOHL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. KERRY, Mrs. MURRAY, Mr. PELL, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. ROBB) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 9 of the substitute amendment, strike line 1 through line 23 and insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

PRIVATIZATION ARRANGEMENTS ACT OF 1995

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 575

(Ordered referred to the Committee on Armed Services.)

Mr. KEMPTHORNE (for himself, Mr. BROWN, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill (S. 570) to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 3. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) AUTHORITY.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

"Sec.
"2540. Establishment of loan guarantee program.
"2540a. Transferability.
"2540b. Limitations.
"2540c. Fees charged and collected.
"2540d. Defense Export Loan Guarantee Revolving Fund.
"2540e. Full faith and credit of the United States.
"2540f. Definitions.

"§ 2540. Establishment of loan guarantee program

"(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

"(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

"(1) A member nation of the North Atlantic Treaty Organization (NATO).

"(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

"(3) A country in Central Europe that, as determined by the Secretary of State—

"(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

"(B) is in the processing of changing its form of national government from a nondemocratic form of government to a democratic form of government.

"(4) A country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

"(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only as provided in appropriations Acts.

"§ 2540a. Transferability

"A guarantee issued under this subchapter shall be fully and freely transferable.

"§ 2540b. Limitations

"(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

"(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

"§ 2540c. Fees charged and collected

"(a) IN GENERAL.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

"(b) AMOUNT.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under this section with respect to a loan guarantee shall be fixed in an amount determined by the Secretary to be sufficient to meet potential liabilities of the United States under the loan guarantee.

"(c) PAYMENT TERMS.—The fee for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"(d) COLLECTIONS TO BE CREDITED TO REVOLVING FUND.—Fees collected under this section shall be credited to the Defense Export Loan Guarantee Revolving Fund.

"§ 2540d. Defense Export Loan Guarantee Revolving Fund

"(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Defense Export Loan Guarantee Revolving Fund'.

"(b) ASSETS OF FUND.—The Fund is composed of sums credited to the Fund under section 2540c(d) of this title and under subsection (c).

"(c) INVESTMENT OF FUNDS.—Amounts in the Fund may be invested in obligations of the United States. Interest and any other receipts derived from such investments shall be credited to the Fund.

"(d) AVAILABILITY OF FUND.—Sums in the Fund shall be available, to the extent provided in appropriations Acts, to pay the cost of loan guarantee obligations under this subchapter.

"§ 2540e. Full faith and credit of the United States

"All guarantees issued under this subchapter shall constitute obligations, in accordance with the terms of those guarantees, of the United States, and the credit of the United States is hereby pledged for the full payment and performance of those obligations.

"§ 2540f. Definitions

"In this subchapter:

"(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).".

(2) CLERICAL AMENDMENT.—The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees ..... 2540".

(b) REPORT.—

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a).

(2) CONTENT OF REPORT.—The report shall include—

(A) an analysis of the costs and benefits of the loan guarantee program; and

(B) any recommendations for modification of the program that the President considers appropriate, including—

(i) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(ii) any proposed legislation necessary to authorize a recommended modification.

Mr. KEMPTHORNE. Mr. President, I rise today to submit an amendment to S. 570 to create a defense export loan guarantee program at the Department of Defense. I am pleased that I am joined in this effort by the distinguished Senator from Colorado, my friend, HANK BROWN, and senior and junior Senators from Connecticut, Senators DODD and LIEBERMAN.

As many of my colleagues know, defense exports are currently prohibited from participating in Government financing systems available for the exports of other nondefense products. My amendment would eliminate this discriminatory treatment of legitimate defense exports while preserving all existing export controls. I want to be clear that my colleagues understand this last point: My amendment deals

only with legitimate sales that are consistent with every existing export control and license requirement. My amendment also does not propose to sell destabilizing weapons to dangerous countries, but would only support sales of defense articles to a select number of countries. It would allow American defense companies and workers to compete on a level playing field for legitimate defense sales that promote our national interests.

Since the height of the Reagan buildup in 1985, the defense budget has been declining every year. In particular, the Department of Defense has reduced the procurement of weapons systems that our military personnel use to defend our Nation's interests. As a result of these cuts in procurement, large parts of our defense industrial base are closing their doors. Today, we have concerns about the ammunition industrial base, the small arms industrial base, the shipbuilding industrial base, the tank industrial base, and the helicopter industrial base. As the defense committees look at the defense industrial base, we know that we will need these manufacturing capabilities in the future as we struggle to find ways to preserve these assets.

One way we can help preserve this important industrial base is to allow defense companies to use export financing similar to that available to every other exporter in the United States. And that is what my amendment would do.

The United States currently dominates the international arms market. In my mind, our dominance in this market is a result of the superiority of our weapons, as demonstrated in Operation Desert Storm, and the sharp reduction in arms exports from the former Soviet Union. But we still have strong competition in the international arms market. Today, American defense exporters face stiff and increasing challenges from many of our European allies who have access to Government-supported export financing. American companies do not compete on a level playing field and this may erode U.S. marketshare at precisely a time when our own modernization program is in budgetary jeopardy. This situation is what my amendment seeks to address.

My amendment would give the Secretary of Defense the discretion to create a self-financing program to extend Government-backed loan guarantees for the export of defense articles and services. The buyer or the seller would pay fee which would cover the Federal Government's exposure cost of the loans. The list of eligible countries would be limited to NATO allies, major non-NATO allies, the emerging democratic states in Central Europe and members of the Asian Pacific Economic Cooperation [APEC]. Two years after enactment, my amendment calls for the President to issue a report that assesses the costs and benefits of the program and that recommends modifications.

Mr. President, my amendment has strong bipartisan support but I know some Members of the Senate oppose this type of program. I am open to any suggestion for improving this amendment, but this amendment represents a solid start for addressing this issue. The important point is that our defense companies and workers, the men and women who won the cold war for the United States, need our help to compete effectively on the international market. No one argues that defense exports alone will not make up for the effects of a 70-percent reduction in the defense procurement budget over the last 10 years. By providing this exports loan guarantee authority, however, we have a chance to help preserve at least some of the most important segments of the industrial base that our country will surely need in the future. We will also have a chance to save good, high-paying American jobs, and we owe it to ourselves, and to our future, to let our workers enjoy the benefits of a level playing field in the international defense marketplace.

GORTON AMENDMENT NO. 576

Mr. GORTON proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 19, line 2, strike "$11,297,000" and insert: "$9,983,000".

On page 21, line 17, strike $3,020,000" and insert: "$3,720,000".

On page 21, line 17, after "rescinded" insert "and the Chief of the Forest Service shall not exercise any option of purchase or initiate any new purchases of land, with obligated or unobligated funds, in Washington County, Ohio, and Lawrence County, Ohio, during fiscal year 1995".

On page 44, line 77, insert the following:

FEDERAL HIGHWAY ADMINISTRATION
FEDERAL AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 100-17, $690,074 are rescinded.

DOLE (AND OTHERS) AMENDMENT NO. 577

Mr. DOLE (for himself, Mr. DASCHLE, and Mr. SANTORUM) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Strike all after the first word and insert:

the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—SUPPLEMENTALS AND RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

(TRANSFER OF FUNDS)

For an additional amount for necessary expenses of the Agricultural Research Service $2,218,000, to be derived by transfer from "Nutrition Initiatives", Food and Consumer Service.

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,082,000.

COMMODITY CREDIT CORPORATION FUND

FOOD FOR PROGRESS

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year) may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949: *Provided*, That of this amount not more than $20,000,000 may be used without regard to section 110(g) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(g)). The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103-465.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

The second paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 per centum per year".

FOOD AND NUTRITION SERVICE

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The paragraph under this heading in Public Law 103-330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: ": *Provided further*, That twenty per centum of any Commodity Supplemental Food Program funds carried over from fiscal year 1994 shall be available for administrative costs of the program".

GENERAL PROVISIONS

Section 715 of Public Law 103-330 is amended by deleting "$85,500,000" and by inserting "$110,000,000". The additional costs resulting from this provision shall be financed from funds credited to the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465.

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330 and other Acts, $1,500,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $958,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $434,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103-330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $6,000,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102-341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $1,500,000 for the cost of 5 per centum rural telephone loans are rescinded.

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 PROGRAM ACCOUNTS

Of the funds made available under this heading in Public Law 103-330, $142,500,000 are rescinded of which: $6,135,000 shall be from the amounts appropriated for ocean freight differential costs; $92,500,000 shall be from the amounts appropriated for commodities supplied in connection with dispositions abroad pursuant to title III; and $43,865,000 shall be from the amounts appropriated for the cost of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 101. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1995, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) or any other provision of law.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

NATIONAL BANKRUPTCY REVIEW COMMISSION

(TRANSFER OF FUNDS)

For the National Bankruptcy Review Commission as authorized by Public Law 103-394, $1,500,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital fund in the Department of Justice.

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $27,710,000 are rescinded.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103-317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VII of Public Law 103-317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103-317 $1,000,000 are rescinded.

In addition, under this heading in Public Law 103-317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of unobligated balances available under this heading pursuant to Public Law 103-75, Public Law 102-368, and Public Law 103-317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $13,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103-316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103-87 and Public Law 103-306, $125,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, Public Law 103-138, and Public Law 102-381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, Public Law 101-121, and Public Law 100-446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103-332, Public Law 103-138, Public Law 103-75, Public Law 102-381, Public Law 102-154, Public Law 102-368, Public Law 101-512, Public Law 101-121, Public Law 100-446, and Public Law 100-202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, and Public Law 101-512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public Law 103-138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138, Public Law 102-381, Public Law 102-154, Public Law 101-512, Public Law 101-121, Public Law 100-446, Public Law 100-202, Public Law 99-190, Public Law 98-473, and Public Law 98-146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "$330,111,000" and inserting in lieu thereof "$329,361,000".

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103-332, $1,900,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99-591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332 and Public law 103-138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103-332 is amended by striking "1994" and inserting in lieu thereof "1995".

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, Public Law 103-138 and Public Law 102-381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENGERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103-332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103-138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102-381, and Public Law 103-138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102-154, Public Law 102-381, Public Law 103-138, and Public Law 103-332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103-332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103-332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Buck Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Pay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,508,700,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II-B and title II-C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103-333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103-333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103-333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103-333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100-485) is amended by adding before the "and": "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),".

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103-333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $13,988,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

(POLICY RESEARCH)

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $10,100,000 are rescinded, including $6,300,000 from funds made available for State and local education systemic improvement, and $1,300,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $2,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $729,000 for National programs and $1,771,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,900,000 are rescinded as follows: $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $136,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II-B, $69,000,000, title V-C, $2,000,000, title IX-B, $1,000,000, title X-D, $1,500,000, section 10602, $1,630,000, and title XIII-A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $32,380,000 are rescinded from funding for title VII-A and $2,200,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III-A, and III-B, $43,888,000 and from title IV-A and IV-C, $8,891,000; from the Adult Education Act, part B-7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H-1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this hearing in Public Law 103-333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV-A, chapter 5, $496,000, title IV-A-2, chapter 2, $600,000, title IV-A-6, $2,000,000, title V-C, subparts 1 and 3, $16,175,000, title IX-B, $10,100,000, title IX-E, $3,500,000, title IX-G, $2,888,000, title X-D, $2,900,000, and title XI-A, $500,000; Public Law 102-325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III-A, $5,000,000, title III-B, $5,000,000, and title X-B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-112, $26,360,000 are

rescinded. Of the funds made available under this heading in Public Law 103-333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$250,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,405,000,000".

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103-333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED

MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103-283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $8,186750,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307,283, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103-307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103-313 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for "Small Community Air Service" beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731-42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103-331 under this heading is repealed, "*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force".

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account $2,000,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102-240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided*, That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103-331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103-331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103-331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103-331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102-143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchases of buses and related equipment and the construction of bus-related facilities: *Provided*, That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104-17, for which the obligation limitation in Public Law 102-143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101-516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103-331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in public Law 103-331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103-122 is hereby amended to delete the words "or previous Acts" each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103-329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103-329, insert "not to exceed" after "of which".

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103-329, in section 3, after "$119,000,000", insert "annually".

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100-690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, "Salaries and expenses" for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103-329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

"GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON THE AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 103-123, 102-393, 103-329, $1,894,840,000 are rescinded from the following projects in the following amounts:

Alabama:

Montgomery, U.S. Courthouse annex, $46,320,000

Arkansas:

Little Rock, Courthouse, $13,816,000

Arizona:

Bullhead City, FAA grant, $2,200,000

Lukeville, commercial lot expansion, $1,219,000

Nogales, Border Patrol, headquarters, $2,998,000

Phoenix, U.S. Federal Building, Courthouse, $121,890,000

San Luis, primary lane expansion and administrative office space, $3,496,000

Sierra Vista, U.S. Magistrates office, $1,000,000

Tucson, Federal Building, U.S. Courthouse, $80,974,000

California:

Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Wallas, Corps Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the "Salaries and expenses" appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the "Emergency management planning and assistance" appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded: *Provided*, That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further*, That of the $16,214,684,000 made available under this heading in Public Law 103-327, the $9,920,819,000 restricted by section 509 of Public Law 103-327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated

under this heading in prior years, $351,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; and except that such rescission should not apply to $30,000,000 of funds for development or acquisition costs of public housing for Indian families (excluding replacement units); $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103-327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement "mixed population" plans for developments housing primarily elderly residents; $1,050,000,000 funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading "Assistance for the renewal of expiring section 8 subsidy contracts" are rescinded, and the Secretary shall require that $1,050,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $615,000,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided*, That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

"(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.".

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting "and" at the end of subsection (b)(1);

(2) striking all that follows after "Act" in subsection (b)(2) and inserting in lieu thereof the following: ", and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;";

(3) striking subsection (b)(3);

(4) striking "(1)" in subsection (c);

(5) striking subsection (c)(2);

(6) inserting before the period at the end of subsection (d) the following: ", provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants";

(7) striking "under section (b)(3)(A)" in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.".

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

"(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

"(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

"(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

"(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

"(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

"(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.".

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $88,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $105,000,000 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $9,806,805 are rescinded: *Provided*, That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $100,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103-327 and Public Law 103-124, $1,242,095,000 are rescinded: *Provided*, That $799,000,000 of this amount is to be derived from amounts appropriated for state revolving funds and $443,095,000 is to be derived from amounts appropriated for making grants for the construction of wastewater treatment facilities specified in House Report 103-715.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327 and any unobligated balances from funds appropriated under "Research and Development" in prior years, $68,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded; and any unobligated balances from funds appropriated under this heading in prior years, $49,000,000 are rescinded.

NATIONAL AERONAUTICAL FACILITIES

The first proviso under this heading in Public Law 103-127 is repealed, and the amounts made available under this heading are to remain available until September 30, 1997.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $6,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, $11,281,034 are rescinded.

TITLE II—GENERAL PROVISIONS

SEC. 2001. TIMBER SALES.

(a) SALVAGE TIMBER.—

(1) DEFINITION.—In this subsection, the term "salvage timber sale"—

(A) means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or downed trees, or trees affected by fire or imminently susceptible to fire or insect attack; and

(B) includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(2) DIRECTION TO COMPLETE SALVAGE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(A) expeditiously prepare, offer, and award salvage timber sale contracts on Federal lands, except in—

(i) any area on Federal lands included in the National Wilderness Preservation System;

(ii) any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana;

(iii) any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of enactment of this Act; or

(iv) any area on Federal lands on which timber harvesting for any purpose is prohibited by statute; and

(B) perform the appropriate revegetation and tree planting operations in the area in which the salvage operations occurred.

(3) SALE DOCUMENTATION.—

(A) IN GENERAL.—For each salvage timber sale conducted under paragraph (2), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) (including regulations implementing that section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations.

(B) MATTERS TO BE CONSIDERED.—The environmental assessment and biological evaluation under subparagraph (A) shall, at the sole discretion of the Secretary concerned and to the extent that the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species.

(C) USE OF PREVIOUSLY PREPARED DOCUMENT.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this Act, a biological evaluation written before that date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale. Any salvage sale or preparation on the date of enactment of this Act shall be subject to the provisions of this section.

(D) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

(4) VOLUME.—In each of fiscal years 1995 and 1996—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Forest Service lands to the maximum extent feasible to reduce the backlogged volume of salvage timber as described in paragraph (i); and

(B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(i) prepare, offer, and award salvage timber sale contracts under paragraph (1) on Bureau of Land Management lands to the maximum extend feasible to reduce the backlogged volume of salvage timber as described in paragraph (i).

(5) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1) shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations, including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(6) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under this subsection. The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act and accepts employment pursuant to this paragraph.

(7) REPORTING REQUIREMENTS.—Each Secretary shall report to the Committee on Appropriations and the Committee on Resources of the House of Representatives, and the Committee on Appropriations and the Committee on Energy and Natural Resources of the United States Senate, 90 days after the date of enactment of this Act and on the final days of each 90 day period thereafter throughout each of fiscal years 1995 and 1996, on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(b) OPTION 9.—

(1) DIRECTION OF COMPLETE TIMBER SALES.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall expeditiously prepare, offer, and award timber sale contracts on Federal lands in the forests specified within Option 9, as selected by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994.

(2) EFFECT ON OTHER LAWS.—Any timber sale prepared, advertised, offered, awarded, or operated in accordance with paragraph (1)

shall be deemed to satisfy the requirements of all applicable Federal laws (including regulations) including—

(A) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(B) the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.);

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.);

(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) the National Forest Management Act (16 U.S.C. 472a et seq.);

(F) the Multiple-Use Sustained Yield Act (16 U.S.C. 528 et seq.); and

(G) other Federal environmental laws.

(c) JUDICIAL AND ADMINISTRATIVE REVIEW.—

(1) JUDICIAL AUTHORITY.—

(A) RESTRAINING ORDERS AND PRELIMINARY INJUNCTIONS.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to a decision to prepare, advertise, offer, award, or operate any timber sale offered under subsection (a) or (b).

(B) PERMANENT INJUNCTIONS.—The courts of the United States shall have authority to enjoin permanently, order modification of, or void an individual sale under subsection (a) or (b) if, at a trial on the merits, it has been determined that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary, capricious, or otherwise not in accordance with law.

(2) TIME AND VENUE FOR CHALLENGE.—

(A) IN GENERAL.—Any challenge to a timber sale under subsection (a) or (b) shall be brought as a civil action in the United States district court for the district in which the affected Federal lands are located within 15 days after the date of the initial advertisement of the challenged timber sale.

(B) NO WAIVER.—The Secretary of the Interior and the Secretary of Agriculture may not agree to, and a court may not grant, a waiver the requirements of subparagraph (A).

(3) STAY OF ADMINISTRATIVE ACTION.—During the 45-day period after the date of filing of a civil action under paragraph (2), the affected agency shall take no action to award a challenged timber sale.

(4) TIME FOR DECISION.—A civil action filed under this section shall be assigned for hearing at the earliest possible date, and the court shall render its final decision relative to any challenge within 45 days after the date on the action is brought, unless the court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(5) EXPEDITING RULES.—The court may establish rules governing the procedures for a civil action under paragraph (2) that set page limits on briefs and time limits on filing briefs, motions, and other papers that are shorter than the limits specified in the Federal Rules of Civil Procedure or Federal Rules of Appellate Procedure.

(6) SPECIAL MASTERS.—In order to reach a decision within 45 days, the court may assign all or part of any proceeding under this subsection to 1 or more special masters for prompt review and recommendations to the court.

(7) NO ADMINISTRATIVE REVIEW.—A timber sale conducted under subsection (a) or (b), and any decision of the Secretary of Agriculture or the Secretary of the Interior in connection with the sale, shall not be subject to administrative review.

(d) EXPIRATION DATE.—Subsection (a) and (b) shall expire effective as of September 30, 1996, but the terms and conditions of those subsections shall continue in effect with respect to timber sale contracts offered under this Act until the completion of performance of the contracts.

(e) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other law, within 30 days after the date of the enactment of this Act, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745).

(2) THREATENED OR ENDANGERED SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered species is known to be nesting within the acreage that is the subject of the sale unit.

(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of enactment of this Act, the Secretary of Agriculture or the Secretary of Interior, as the case may be, shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract, and shall not count against current allowable sale quantities.

(f) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any revisions, amendment, consultation, supplementation, or other administrative action in or for any land management plan, standard, guideline, policy, regional guide or multi-forest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section. No project decision shall be required to be halted or changed by such documents or guidance, implementation, or impacts.

SEC. 2002. Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1995 (Public Law 103-329; 108 Stat. 2428) is amended by adding at the end of the section the following new subsection:

"(g) Notwithstanding the provisions of subsection (e)(1), any Office of Inspector General that employed less than four criminal investigators on the date of the enactment of this Act, and whose criminal investigators were not receiving administratively uncontrollable overtime before such date of enactment, may provide availability pay to those criminal investigators at any time after September 30, 1995.".

SEC. 2003. Section 5542 of title 5, United States Code, is amended by striking subsection (d).

SEC. 2004. section 5545a(c) of title 5, United States Code, is amended by adding after the last sentence, "An agency may direct a criminal investigator to work unscheduled duty hours on days when regularly scheduled overtime is provided under section 5542, and that duty may be related to the duties for which the investigator was scheduled or other duties based on the needs of the agency.

SEC. 2005. Notwithstanding any other provision of law, beginning 30 days from the date of enactment of his Act and continuing thereafter, United States Customs Service Pilots compensated for administratively uncontrollable overtime under the provisions of section 5545(c) of title i5, United States Code, shall be provided availability pay authorized under the provisions of section 5545(a) of title 5, United States Code, and all other provisions of such title shall apply to such Customs Service pilots.

GENERAL PROVISIONS

SEC. 2006. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to require any state to comply with the requirement of section 182 of the Clean Air Act by adopting or implementing a test-only or IM240 enhanced vehicle inspection and maintenance program, except that EPA may approve such a program if a state chooses to submit one to meet that requirement.

SEC. 2007. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a state implement trip reduction measures to reduce vehicular emissions.

SEC. 2008. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9605, unless the Administrator receives a written request to propose for listing or to list a facility from the governor of the state in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

SEC. 2009. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 2010. PROHIBITION ON USE OF FUNDS TO DELINEATE NEW AGRICULTURAL WETLANDS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending on December 31, 1996, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to delineate wetlands for the purpose of certification under section * * * of the Food Security Act of 1985 (16 U.S.C. * * *).

(b) EXCEPTION.—Subsection (a) shall not apply to land if the owner or operator of the land requests a determination as to whether the land is considered a wetland under subtitle C of title XII of the Food Security Act of 1986 (16 U.S.C. 3821 et seq.) or any other provision of law.

FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

SEC. 2011. Of the funds available to the agencies of the federal government, $337,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this paragraph shall be taken only from administrative and travel accounts; *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every federal agency, department, and office, including the Office of the President.

TITLE III—IMPACT OF LEGISLATION ON CHILDREN

SEC. 3001. SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

TITLE IV—DEFICIT REDUCTION

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4001. Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1964, as amended, and (2) credits owned by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1996.

LEVIN (AND OTHERS) AMENDMENT NO. 578

Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. SPECTER, Mr. KOHL, Mr. GLENN, Mr. SANTORUM, Mr. SIMON, Mr. D'AMATO, Mr. FEINGOLD, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 9, line 16 strike "$13,000,000" and insert "$15,000,000".

On page 9, line 12, strike "$37,600,000" and insert "$35,600,000".

HARKIN (AND OTHERS) AMENDMENT NO. 579

Mr. HARKIN (for himself, Mr. LEAHY, Mr. REID, Mr. KENNEDY, Mr. SIMON, and Mr. WELLSTONE) proposed an amendment to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

Insert after page 7, line 18:

INTERNATIONAL BROADCASTING OPERATORS (RESCISSION)

Of the funds made available under the heading to the Board for International Broad casting in Public Law 103-317, $40,500,000 are rescinded

On page 27, delete lines 4 through 12.

On page 36, line 10, strike "$26,360,000" and insert "$17,791,000".

On page 36, line 12, strike "$29,360,000" and insert "$11,965,000".

HATFIELD (AND BYRD) AMENDMENT NO. 580

Mr. HATFIELD (for himself and Mr. BYRD) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 26. line 12 reduce the sum named by "$200,000,000".

On page 26, line 20, reduce the sum named by "$200,000,000".

On page 27, line 21, strike "$3,221,397,000" and insert in lieu thereof: "$3,201,397,000".

HATFIELD AMENDMENTS NOS. 581-582

Mr. HATFIELD proposed two amendments to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 581

In Amendment number 437 to Amendment 435 strike the following:

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 102-393, 103-123, 103-329, $1,842,885,000 are rescinded from the following projects in the following amounts:

and insert in lieu, thereof:

Of the funds made available under this heading in Public Laws 101-136, 101-509, 102-27, 102-141, 102-393, 103-123, 103-329, $1,894,000 are rescinded from the following projects in the following amounts:

and strike:

Tucson, Federal building, U.S. Courthouse, $121,890,000 and insert in lieu thereof:

Tucson, Federal building, U.S. Courthouse, $80,974,000.

AMENDMENT NO. 582

On page 44 line 16 insert: ": *Provided further*, Of the available contract authority balances under this heading in Public Law 97-424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100-17, $126,608,000 are rescinded."

LAUTENBERG AMENDMENT NO. 583

Mr. HATFIELD (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 43, line 17, strike the numeral and insert $1,318,000,000.

On page 46, strike all beginning on line 6 through the end of line 11.

BURNS AMENDMENT NO. 584

Mr. HATFIELD (for Mr. BURNS) proposed an amendment to the bill H.R. 1158, supra; as follows:

At the appropriate place insert the following:

(a) SCHEDULE FOR NEPA COMPLIANCE.—Each National Forest System unit shall establish and adhere to a schedule for the completion of National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule shall provide that not more than 20 percent of the allotments shall undergo NEPA analysis and decisions through Fiscal Year 96.

(b) * * * other law, term grazing permits which expire or are waived before the NEPA analysis and decision pursuant to the schedule developed by individual forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued, if necessary to conform to such NEPA analysis.

(c) EXPIRED PERMITS.—This section shall only apply to permits which were not extended or replaced with a new term grazing permit solely because the analysis required by NEPA and other applicable laws has not been completed and also shall include permits that expired in 1994 and 1995 before the date of enactment of this Act.

MCCAIN AMENDMENT NO. 585

Mr. HATFIELD (for Mr. MCCAIN) proposed an amendment to the bill H.R. 1158, supra; as follows:

In Title II—General Provisions, SEC. 2001 Timber Sales, add the following to the end of subsection (6) SALE PREPARATION.: The Director of the Office of Personnel Management, and the Secretary of the relevant Department, shall provide a summary report to the governmental affairs committees of the House and Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies, of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provision of P.L. 103-226.

This report shall not be conducted in a manner that would delay the rehiring of any former employees under this Act, or effect the normal confidentiality of federal employees.

JEFFORDS AMENDMENT NO. 586

Mr. HATFIELD (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 14, line 12 strike $81,500,000 and insert "$71,500,000".

On page 13, strike the figure on line 24 and insert "$60,000,000".

PELL (AND OTHERS) AMENDMENT NO. 587

Mr. HATFIELD (for Mr. PELL for himself, Mrs. FEINSTEIN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, and Mr. SIMON) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 33, line 9, strike "$236,417,000" and insert "$242,417,000".

On page 33, line 14, strike "$8,900,000" and insert "$14,900,000".

On page 34, line 4, strike "$60,566,000" and insert "$54,566,000".

On page 34, line 7, strike "$8,891,000" and insert "$2,891,000".

KENNEDY AMENDMENT NO. 588

Mr. HATFIELD (for Mr. KENNEDY) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 36 after line 5, insert:

"PROGRAM ADMINISTRATION

"(RESCISSION)

"Of the funds made available under this heading in Public Law 103-333, $4,424,000 are rescinded."

On page 34, line 18, strike "$57,783,000" and insert in lieu "$53,359,000".

On Page 35, line 2, strike "$6,424,000", and insert in lieu of "$2,000,000".

AKAKA AMENDMENT NO. 589

Mr. HATFIELD (for Mr. AKAKA) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 31, strike line 9 and insert the following: "Public Law 103-333, $10,988,000 are rescinded.".

On page 31, between lines 9 and 10, insert the following:

"Of the funds made available under this heading in Public Law 103-333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded.".

On page 32, line 5, strike "$2,918,000" and insert "$4,018,000".

KEMPTHORNE AMENDMENT NO. 590

Mr. HATFIELD (for Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 11, line 19, strike "$2,000,000 are rescinded." and insert the following: $2,500,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For the Advisory Commission on Intergovernmental Relations for purposes of section 306 of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), $500,000.

INOUYE AMENDMENT NO. 591

Mr. HATFIELD (for Mr. INOUYE) proposed an amendment to the bill H.R. 1158, supra; as follows:

In chapter V of title I, under the heading "CONSTRUCTION" under the heading "SMITHSONIAN INSTITUTION" under the heading "OTHER RELATED AGENCIES" strike ": *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.".

WELLSTONE AMENDMENT NO. 592

Mr. HATFIELD (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 1158, supra; as follows:

On page 29, line 16, strike "$2,185,985,000" and insert in lieu thereof $2,191,435,000".

At the appropriate place in the bill insert the following notwithstanding any other provision of this Act, administrative expenses and travel shall further be reduced by $5,500,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

COHEN (AND OTHERS) AMENDMENT NO. 593

Mr. THOMPSON (for Mr. COHEN for himself, Mr. ROTH, and Mr. JEFFORDS) proposed an amendment to the bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes; as follows:

On page 7, line 2, strike "or".

On page 7, line 6, strike the period at the end and insert a semicolon.

On page 7, between lines 6 and 7, insert the following:

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

On page 10, strike lines 7 through 9 and insert the following new paragraph:

"(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.".

On page 12, strike lines 17 through 24 and insert the following:

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.—

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

PAKISTAN RESOLUTION

PRESSLER AMENDMENT NO. 594

Mr. THOMPSON (for Mr. PRESSLER) proposed an amendment to the resolution (S. Res. 102) to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto; as follows:

On line 4 of page 2, after "the", add the following—"people of the".

SEXUAL CRIMES AGAINST CHILDREN PREVENTION

GRASSLEY (AND OTHERS) AMENDMENT NO. 595

Mr. THOMPSON (for Mr. GRASSLEY for himself, Mr. HATCH, Mr. ROTH, and Mr. THURMOND) proposed an amendment to the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children; as follows:

On page 1, strike all after enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at least 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. GRASSLEY. Mr. President, I rise to offer an amendment to H.R. 1240, the Sexual Crimes Against Children Prevention Act of 1995. H.R. 1240 seeks to enhance prison time as well as fines for child pornographers who use computers to trade in child pornography. I believe that this penalty enhancement is an important measure and the Grassley-Hatch-Thurmond amendment merely clarifies what the House intended to do in order to remove any possible confusion in the future.

Computers are now the preferred business forum for child pornographers. Due to modern technology, predatory pedophiles sell, purchase and swap the most vile depictions of children engaged in the most outrageous types of sexual conduct.

Simply put, child pornography on computers is dangerous and must be stopped. In the past, whenever, State or Federal law enforcement agents arrested a child pornographer, or ring of child pornographers, they seized and then destroyed the child pornography. This kept child pornography out of the hands of child molesters and preserved the privacy of the children who had been so callously exploited. But now, because of digital computer technology, it is nearly impossible to actually destroy child pornography. That means there will be more child pornography for child molesters and less privacy for abused children. We in Congress must do something.

H.R. 1240 and the Grassley-Hatch-Thurmond amendment would discourage child pornographers from using computers to trade in child pornography. And when the U.S. Sentencing Commission reports to us this fall on how computer child pornographers are being punished, I will take a close look to see if there is anything the Senate can do to provide even more protection to children.

Mr. HATCH. Mr. President, I am pleased to join with Senators GRASSLEY and THURMOND in offering the Sex Crimes Against Children Prevention Act of 1995.

Obsecenity is a plague upon the moral fabric of this great Nation. It poisons the minds and spirits of our youth and fuels the growth of organized crime. Child pornography, a particularly pernicious evil, is something that no civilized society can tolerate.

To this end, I am introducing legislation to increase the penalties imposed under sections 2251 and 2252 of title 18 of the United States Code, upon those who exploit and degrade the weakest and most helpless members of our society, our children. Those persons who choose to engage in sexual exploitation of children, whether to satisfy prurient desire or to gain filthy lucre, must be made to feel the full weight of the law and suffer a punishment commensurate with the seriousness of their offense.

In addition to increasing the penalties for distributing child pornography or otherwise sexually exploiting children, I am pleased to note that this legislation helps our law enforcement efforts in this area keep pace with changing technology by increasing the penalties for the use of computers in connection with the distribution of child pornography. As an ever-increasing percentage of Americans, and especially our young people, enter the information superhighway, it is critical that we act to ensure that this highway is not littered with the debris of child pornography.

The bill also directs the Sentencing Commission to assess the impact of these increased penalties and to report to Congress any necessary modifications in the law. The Sentencing Commission will also be required to survey the recidivism rates for those who commit sex crimes against children and analyze the effect of treatment for those offenders.

I commend my colleagues from Iowa, Senator GRASSLEY, and South Carolina, Senator THURMOND, for joining me in introducing this bill. I urge my colleagues to support this important legislation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Forests and Public Land Management to review the coordination of and conflicts between the Federal forest management and general environmental statutes.

The hearing will take place Wednesday, April 26, at 9:45 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider S. 537, to amend the Alaska Native Claims Settlement Act, and the House version of the bill, H.R. 402.

The hearing will take place Thursday, April 27, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, April 6, 1995 session of the Senate for the purpose of conducting an executive session and markup on S. 565.

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

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, April 6, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the consumer price index.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, April 6, 1995.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 6, 1995, at 10:00 a.m. to held a hearing on "the right to own property."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The FDA and the Future of the American Biomedical and Food Industries, during the session of the Senate on Thursday, April 6, 1995 at 10:00 a.m.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on Acquisition and Technology of the Committee on Armed

Services be authorized to meet at 2:00 p.m. on Thursday, April 6, 1995, in open session, to receive testimony on the implementation of acquisition management reform in the Department of Defense in Review of the Defense authorization request for fiscal year 1996 and the future years Defense program.

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

SUBCOMMITTEE ON SECURITIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that subcommittee on Securities, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 1995, to conduct a hearing on securities litigation reform proposals.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTIVE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, April 6, 10:00 a.m. on legislation to approve the National Highway System; issues related to the Woodrow Wilson Bridge; and the innovative financing of transportation facilities.

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

ADDITIONAL STATEMENTS

MANY OBSTACLES TO BALANCING OF BUDGET

• Mr. SIMON. Mr. President, one of the more thoughtful observers of the political scene through the years has been Melvin Brooks, now retired as a professor at Southern Illinois University in Carbondale.

Recently, he had an op ed piece in the Southern Illinoisan, a newspaper published in Carbondale, IL.

He discusses the practical obstacles to balancing the budget and why it is important to the future of our country.

His concluding paragraph says it all: "Failure to balance Federal budgets without such an amendment appear almost certain and dreadful consequences of failure to pay as we go are virtually certain. Few people seem to realize how many shattering consequences are almost inevitable."

Mr. President, I ask that the Melvin Brooks op ed piece be reprinted in the RECORD.

The piece follows:

[From the Southern Illinoisan]

MANY OBSTACLES TO BALANCING OF BUDGET

(By Melvin Brooks)

The obstacles to balancing the federal budget are indeed formidable, some believe too formidable to overcome.

One key obstacle is the behavior of members of Congress, presidents, other politicians, and special interests seeking to influence national policies. Most members of Congress want to be re-elected, have good mental ability and are politically knowledgeable. They know (or at least think they know) how to obtain enough votes to get re-elected.

One way is to tell voters what they like to hear regardless of logical inconsistency, and by all means avoid disagreeing with the favorite prejudices of their constituents. This they do.

It seems like increasing majorities of candidates for Congress criticize big government and promise to make large reductions in government, reduce taxes, balance the federal budget, yet prevent any reductions in Social Security or in military expenditures in order to keep the United States strong.

This is, of course, an impossible combination and they know it. Yet they also know that if they omit some of these promises, opponents who make all of them are likely to obtain more votes.

They also know that if they support the policies desired by special interests, especially those strong in their districts or states, they are likely to receive campaign contributions which otherwise would probably be given to an opponent.

And the more money a candidate has the more he can spend on television and thus increase his chances of winning. The temptation to play along with special interest groups is great, even though it will tend to increase national deficits.

The other huge obstacle to reducing federal deficits is the apparently high percentage of the public that is not well-informed about federal financial problems and/or are easily influenced by political propaganda. That includes people who pay little attention to what elected officials do from day to day until near election dates and then do their duty by listening to an occasional campaign speech and short (but expensive) political commercials.

They do not realize that the records of politicians are a far more reliable indication of what a politician will do in the future than are sounding promises. And people who fail to vote because "all politicians are dishonest" or "my vote won't make any difference" make it easier for the candidate with the most to spend to get elected.

Of course the special interest groups which spend large sums on campaign contributions (in effect a form of bribery) and seek costly special privileges from the government, are a very important cause of our inability to eliminate deficits. As long as they can prevent passage of comprehensive campaign finance reforms such as those narrowly defeated by the Republicans and some moderate Democrats a year or two ago, expect little change.

Other causes of budget deficits are the failure of our educational system and the mass media to educate the public better concerning basic political functioning.

Can politicians who get elected to high office really be blamed for our dangerously high and still growing national debt of nearly five trillion dollars? After all, every one of them was elected by more votes than those who were defeated.

My answer is yes. Either most or many of them at times put their personal interests, the interests of their party and/or the interests of their key supporters ahead of the long-run best interests of the United States.

Let me illustrate with the issue of the extremely narrow defeat of the proposed balanced budget amendment to the Constitution.

Leading Democrats charge that Congress can balance the budget any time there is the will to do it. They claim that whenever the Republicans present a concrete plan showing the cuts they propose to achieve a balanced budget, then the Democrats will negotiate with them to achieve a balanced budget.

The Democrats know that the Republicans will not, probably cannot, do this. The president is still smarting over the way Republicans and Mountain State Democrats defeated his proposal to charge reasonable prices for logging, mining and grazing rights on federal forest land.

Many liberal Democrats feared that if the amendment were adopted, Republicans might succeed in raiding Social Security funds so extensively that the system would be bankrupted when the baby boom generation retired. There are very good arguments against both of these extreme positions.

A reasonable compromise would be an excellent solution but was not seriously considered by either side. Apparently many Republicans and Democrats alike feared that the amendment could force them to make very difficult decisions which might jeopardize retaining their positions in Congress.

Right-wing Republicans favor policies which could easily result in a bigger gap between the rich and the poor and even larger deficits as happened between 1981 and 1994. Many liberal Democrats point out the serious potential risks of passage of the proposed amendment to balance federal budgets. But these are only potential.

Failure to balance federal budgets without such an amendment appear almost certain and dreadful consequences of failure to pay as we go are virtually certain. Few people seem to realize how many shattering consequences are almost inevitable.

Melvin Brooks is a retired Southern Illinois University at Carbondale professor.•

HONORING MICHIGAN STATE UNIVERSITY BASKETBALL COACH JUD HEATHCOTE ON THE OCCASION OF HIS RETIREMENT

• Mr. ABRAHAM. Mr. President, I rise to pay tribute to a great man and a great head coach: Jud Heathcote of the Michigan State Spartans. After this season ends, players and fans of college basketball at Michigan State will have to learn to live without the institution that is Jud Heathcote. He will be sorely missed.

Jud Heathcote's 340 wins in 19 seasons at MSU make him State's all-time winningest coach. Jud passed the previous mark of 232 in February 1990. His teams hold the first through seventh-highest victory totals on MSU's all-time single-season list. To top it off, Coach Heathcote's Spartans won the NCAA championship in 1979 and won the Big Ten in 1978, 1979, and 1990.

As he retires, Jud, his wife Beverly, and their children Jerry, Carla, and Barbara can look back on a long-running, successful career. Jud capped off a very successful tenure as Head Coach at the University of Montana by serving as assistant coach of the U.S. Pan American team in 1975—a team which brought back the Gold Medal. Beginning at MSU in 1976, Coach Heathcote became Big Ten Coach of the Year by

the 1977–78 season. He repeated this performance in 1985–85 and went on to become the National Association of Basketball Coaches [NABC] Coach of the Year in 1989–90 and College Sports Magazines's Coach of the Year in 1994–95.

Noted for his special expertise in coaching defense, Jud also produced at MSU a team that this year led the Big Ten in field goal percentage, and was ranked seventh nationally. His dedication to the game, his concern with the well-being of the players and the integrity of the MSU program and his personal warmth and decency all make him a coach for all seasons.

We will miss Coach Heathcote, but are grateful for his many contributions to basketball, MSU and Michigan, and wish him all the best in his retirement.•

TRIBUTE TO DR. MAURICE VANDERPOL

• Mr. KERRY. Mr. President, on April 22, 1995, many special guests from the Netherlands and this Nation will gather at the Wang Center in Boston to celebrate the permanent endowment of Young at Arts, the Wang Center's educational outreach program, with special recognition to Dr. Maurice Vanderpol for his enthusiasm and outstanding leadership in this effort.

In 1989 Dr. Vanderpol established the Walter Suskind Memorial Fund in memory of Water Suskind, whose courage saved the lives of hundreds of children from Nazi concentration camps during the Second World War. The fund was established as a permanent endowment for Young at Arts. This program teaches a curriculum in the arts to young children around Boston—possibly some of whom are the grandchildren of those Walter Suskind saved 60 years ago.

Due to Dr. Vanderpol's tireless effort over the past 6 years, the campaign to raise $1 million for the endowment was successful. This success, along with Dr. Vanderpol's exemplary leadership and extraordinary support in keeping alive the memories and the dreams of a people brutalized by the horrors of war, is why I wish to recognize Dr. Maurice Vanderpol on this day.•

FAREWELL TO BISHOP LOUIS HENRY FORD

• Ms. MOSELEY-BRAUN. Mr. President, Bishop Louis Henry Ford died last Friday, after many years of service to his church, and to the people of Chicago.

Bishop Ford was the presiding International Bishop of the Church of God in Christ, and the spiritual leader to over eight million people, as well as the founder and pastor of the St. Paul Church of God in Christ in Chicago.

Louis Henry Ford arrived in Chicago in 1933, after graduating from Saints College in Mississippi, and was soon ordained an Elder in the Church of God in Christ. Three years later he founded St. Pauls and embarked on his long career of saving souls and strengthening the community around him through religion. It is through his efforts that the membership of Church of God in Christ has risen to 8.7 million parishioners in 52 different countries, and is now the largest Pentecostal Church in the United States.

Indeed, Bishop Ford's involvement in the community was much more than just religious. He served many years on the Cook County Board of Corrections and often was called upon to consult with the city government, especially on Chicago schools and race relations issues. He was respected as a leader in the civil rights movement, and he continued that tradition as he rose to leadership in the Church of God in Christ. Throughout the years Bishop Ford has been given numerous honors and awards, including the declaration of October 25th, 1990, as Louis Henry Ford Day in Chicago. Indeed, his work was recognized by President Clinton in 1993, when he addressed the 86th Annual Holy Convocation.

Bishop Louis Henry Ford was a well-loved and important member of our community. he spent his life helping people through the church. My greatest sympathy is with his wife Mother Margaret Ford, and his children Charles H.M. Ford and Janet Oliver Hill, and all his family members.

It is clear that Bishop Ford's legacy in the church will continue to help inspire people, and strengthen the community he loved long into the future. Bishop Ford will be greatly missed, but never forgotten.•

BISHOP'S VIEWS ON WELFARE REFORM

• Mr MOYNIHAN. Mr. President, Howard J. Hubbard, Bishop of Albany, recently presented his views on welfare reform in the diocesan newspaper, the Evangelist. The bishop served for 4 years as chaplain at Community Maternity Services, a diocesan program for pregnant teens and their children, so his statement is based on practical experience. Having worked with many welfare mothers at CMS, he refers to a number of them by name in his reflections. Bishop Hubbard has been in the trenches, as they say, so I believe my colleagues would do well to examine his views on the subject.

Mr. President, I ask that Bishop Hubbard's column be printed in the RECORD.

The column follows:

HIS EXPERIENCES GIVE BISHOP IDEAS ON WELFARE REFORM

(By Bishop Howard J. Hubbard)

The present debate over welfare reform is very complex. Most everyone agrees that the current system isn't working. There seems to be a consensus as well that a major focus of attention must be the growing number of women, especially teenagers, having children out of wedlock.

Teenage pregnancy is a national crisis. Teens and their children are in danger of failing to develop to their full potential; and too often, they become dependent, rather than contributing, members of society. Adolescents who have children are still children themselves.

In the past decade, teen pregnancy in particular and child care in general have become key elements of our national agenda. Teenage sexual activity and childbearing have increased in recent years, and a growing proportion of births to teenagers takes place outside of marriage:

In 1989, more than one million U.S. babies were born to unwed women;

Almost 350,000 of those babies were born to women under the age of 20;

Nearly three-fourths of American children growing up in single-parent families experience poverty for some period during their first ten years;

Becoming a parent as a teenager increases the chances that a mother will not complete high school, that she will fare poorly in the job market, and that she and her children will live in poverty.

THOUGHT AND EMOTIONS

On the rational level, policymakers are seeking to address the aspects of the welfare system which foster dependency and contribute to a permanent underclass where lack of family stability, child abuse, drug usage and inferior education perpetuate the vicious cycle of poverty.

On the emotional level, however, there is the cry of frustrated citizens who feel that they are bearing the brunt of a system out of control.

That mentality—which is so often heard on the talk shows or reflected in letters to the editor—was captured in caricature form by Saundra Smokes in her Jan. 29 column in the Albany Times Union: "Get those baby-making, lazy welfare mothers out of here and let them take their school-lunch-eating, government-dependent children with them. Put them in orphanages, put them anywhere, just get them out of here."

MEETING THE WOMEN

As one who served as chaplain for four years at Community Maternity Services (CMS), our diocesan program for pregnant teens and their newborn children, I think it is important to get beyond the stereotypes. Then we can reflect carefully upon who these women are and what motivates their behavior before arriving at solutions. Let me share a few snapshots of the young women I came to know at CMS:

Sharelle was in a series of foster homes (her mother was 15 when she had Sharelle) and is now living on her own with her infant son. She dropped out of school, and her only hope is to meet someone who will support them.

Gail represents the young girls who had abortions in the past year. She made no plans for future sexual overtures and carried within her a gnawing need to bring the baby back. Pregnant again a year later, she thought maybe this was God's way of letting her repent. She thought her penance was to be a perfect mother to this child.

Tammi was an unpopular and unattractive teen who was unhappy with herself. She would respond to any attention from any of the young men of her acquaintance. She felt terribly lonely the morning after.

Amy, almost 16, has been dating Joe, 18, for a year Amy's parents have not talked to her about sexuality; much of what she has learned has come from afternoon soaps. By the time Amy and Joe had promised each other it wouldn't happen again, she was pregnant.

Cheryl was active in CYO, played her guitar at Mass and was the pride of her family. She fell madly in love with Tom. They occasionally agreed to intercourse because "love gives all" and because "maybe virginity is selfish." She prayed that soon she would be able to talk her boyfriend out of this; but before she could, she was pregnant.

While those young women come from a variety of economic and social backgrounds, they all show the same characteristics: lack of self-esteem, poor and no communication with parents, and a desire to escape their present situation by pursuing the type of happiness and fulfillment that MTV or the soaps promise.

SOLUTIONS

There is no simple or single solution to their situations. Each woman differs in terms of specific barriers she faces and resources she should have available to promote her self-sufficiency and to guide her to social and economic independence.

But, based upon my years of experience with these young women and so many others in similar straits, as well as documented research, I believe that any program of welfare reform designed to address their needs constructively must take into account several factors:

1. Welfare programs are not among the primary reasons for the rising number of out-of-wedlock births.

Greg Duncan and Jean Yeung, in a comprehensive report titled "The Extent and Consequence of Welfare Dependents," conclude that "most research examining the effects of higher welfare benefit levels on out-of-wedlock childbearing finds that benefit levels have no significant effect on the likelihood that black women and girls will have children outside of marriage, and no significant effect, or only a small effect, on the likelihood that whites will have such births. We strongly urge the rejection of any proposal that would eliminate the safety net for poor children born outside of marriage. Such policies do more harm than good."

In the short term, that means that more, not less, in assistance may be the appropriate and most effective approach in dealing with these women.

2. Policies and programs of intervention with mothers and their children must be cognizant of and sensitive to the unique circumstance and diverse needs each faces.

For example, there is a difference between the 19-year-old who has two years of college credits and needs some assistance in caring for her one-year-old son as she seeks employment or job training, and the 17-year-old who is a high school dropout and who has a learning disability as does her two-year-old child.

Therefore, public policies and programs to assist single-parent mothers must be tailored to fit specific needs, and will require appropriate goals and realistic individualized time frames for achieving such.

3. The major goal in working with pregnant women, especially adolescents, is to educate for the purpose of reducing teen pregnancies, and to facilitate movement to maturity, independence and non-repetitive behavior (which would include personal support, daycare and adoption options, etc.).

Those goals can best be accomplished, through building parenting skills, connecting families with resources in the communities where they live, and promoting a partnership with parents for the full and healthy development of their children.

4. Quality, affordable and accessible daycare and health care as well as ongoing education or job training are prerequisites for success.

5. There must be a strong moral component in any program for single mothers as well as a values-laden dimension which promotes marriage, family life, caring, truth-telling, the goodness of sexuality, and the importance of its discipline and the value of schooling and work.

6. There must be a pragmatic component which addresses handling finances, child care, house management, cooking, shopping, responsible decision-making and personal relationships.

7. Where possible, birth fathers must be part of the program, which should include a focus on their rights and responsibilities, especially their responsibility for supporting their child, at a minimum financially.

CHURCH'S ROLE

For all this is work, there cannot be hidden agendas on the part of government, families, social agencies and the teenagers involved. Rather, there must be a forthright presentation of issues and interactive responses that are proactive.

The Church—through the efforts of Catholic Charities—stands ready to participate in such a program of welfare reform. To do less is to try to address a complex and multicasusal problem by settling for a massive and unwieldy system that, in the long run, falls painfully short of its goals.●

TRIBUTE TO DR. MICHAEL H. MESCON

● Mr. NUNN. Mr. President, I rise today to recognize Dr. Michael H. Mescon, dean emeritus of Georgia State University, as he is honored by the United States Small Business Administration [SBA] with their 1995 award of SBA Georgia Veteran Advocate of the Year.

This SBA award recognizes Dr. Mescon's 12 years of volunteer contributions as a mentor, teacher, and supporter of the Georgia Vietnam Veterans Leadership Program Small Business Training initiative. In his position as dean of the Georgia State University School of Business, Dr. Mescon provided the Georgia Veterans Leadership Program with facilities, administrative support, and access to the Georgia State University Small Business Development Center. He also gave his own time as a lecturer at seminars and special functions. These contributions, along with Dr. Mescon's perseverance and leadership, helped the fledgling program gain the necessary attention, support, and credibility to successfully launch its training initiative.

This Small Business Training initiative, begun in Georgia in 1983, has now been replicated across the Nation. The Georgia Veterans Leadership Program has conducted seminars in 16 cities across the State of Georgia as well as in a dozen other States, reaching more than 10,000 veterans. The Georgia Veterans Leadership Program Small Business Training initiative has generated over 650 Small Business Administration-Veterans direct and guaranteed loans—for a total of nearly $400 million in loans.

Helping Dr. Mescon in his important work over the past 12 years has been a dedicated team of volunteers including Mr. Ron Miller, Mr. Tommy Clack, Mr. Rodney Alsup, Mr. Max Carey, Mr. Tom Carter, Mr. Ted Chernak, Mr. Andrew Farris, Mr. Dixon Jones, Ms. Mary Lou Keener, Mr. John Howe, Mr. Jim Mathis, Mr. Michael Mantegna, Mr. John Medlin, Mr. Steve Raines, Mr. Chuck Reaves, Mr. Richard Schuman, and Mr. Dan Wall and the Honorable Max Cleland.

Mr. President, I applaud the dedicated work of these Georgians and the many others who have helped with this initiative over the years. I congratulate Dr. Mescon for his receipt of the 1995 SBA Georgia Veteran Advocate of the Year and hope he will continue in his tireless work in support of Georgia's veterans.●

FRANK AUCOIN: SOUTH CAROLINA'S SMALL BUSINESS PERSON OF THE YEAR

● Mr. HOLLINGS. Mr. President, I rise today to pay tribute to Frank AuCoin, South Carolina's small-business person of the year for 1995. He is owner and president of Sign It Quick, a computerized sign-making company based in Charleston.

Success has not simply knocked on the door for Frank. He has done it the old fashion way—by working hard. He is a self-made businessman whose sign-making chain now boasts nine franchises in South Carolina, Florida, and Tennessee. The chain generated nearly $4 million in sales just last year.

While Frank and his wife, Teresa, were operating a chain of bookstores in South Carolina and Georgia in the early 1970's, they realized the potential of the sign-making business when they could not get their signs made quickly enough. So they started making their own. By the late 1980's when the technology became available to generate computer-aided signs, Frank realized that he could start a business to create and mass-produce signs easily. In 1987, Frank and his wife invested their life savings into the concept of a computer-generated sign-making company and Sign It Quick was born.

Mr. President, I am delighted to commend Frank AuCoin's many successes as a small businessman. When he opened his first store he created the world's largest sign—one that was the length of five football fields. Since then, he has created signs for two Super Bowls, the Hard Rock Cafe chain, Euro-Disney, and Donald Trump.

Recently, the Post and Courier in my hometown of Charleston, reported that

Frank was South Carolina's small-business person of the year. Now he is competing for the national honor from the U.S. Small Business Administration this month. I hope he wins.

I ask that the article be printed in the RECORD.

The article follows:

[From the Post and Courier, Mar. 18, 1995]

SIGN IT QUICK OWNER IS 1995 SBA HONOREE

Frank AuCoin, owner and president of Charleston-based Sign It Quick, has been named South Carolina's small-business person of the year for 1995.

The honor was announced Friday by its sponsor, the U.S. Small Business Administration.

"I'm really happy for the city of Charleston because this is the first time a company from here was ever in the running for this," AuCoin said.

Sign It Quick is a computerized sign-making company that operates nine franchises in South Carolina, Florida and Tennessee. The company, formed in 1987, is headquartered at 5101 Dorchester Road in Charleston Heights.

Sign It Quick has 60 employees. Company-wide sales were $3.7 million last year. Coincidentally, South Carolina's small-business person of the year for 1994 was a Sign It Quick franchise owner, Julie Wetherell of Columbia.

The SBA will recognize its top small-business honorees next month in Washington, D.C. Companies represent each of the 50 states, the District of Columbia, Guam, and the Virgin Islands/Puerto Rico. The national small-business person of 1995 will be picked from the 53 business owners.

Also, AuCoin will be honored at a luncheon in Columbia May 4.

SBA bases its selections on factors such as innovations, staying power, employee growth and sales increases.●

DEFENSE EXPORT LOAN GUARANTEE AMENDMENT TO S. 570

● Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues as a cosponsor of this amendment to S. 570, to create a defense export loan guarantee program. I believe the loan guarantee program will be critical to preserving our defense industrial base and is, therefore, an investment in America's long-term security.

In the post-cold-war period, the United States has rightly reduced its procurement of expensive weapons systems. This has resulted in cost savings to the U.S. Treasury, but it has undermined the financial security of many of the manufacturers. We have encouraged conversion of some of the defense industry into production of other products. However, in the long run, we cannot afford to have all defense manufacturers convert to nondefense production. Even if the world's current trouble spots do not erupt into conflict, prompting another round of rearmament, the U.S. military must maintain an up-to-date inventory of the world's most capable equipment. To do that, we must preserve a minimum threshold of defense production, lest we face either astronomical startup costs or the disappearance of one or more critical defense producers altogether. Current U.S. defense procurement is not sufficient to keep some of these industries going; we must help them in their own efforts to export abroad.

I commend the administration for its recent review of arms export policy. That review concluded with the President's decision to preserve the current policy to discourage arms proliferation but to take into account as well U.S. domestic economic considerations in reaching a decision on applications for arms export licenses. I do not propose to change that policy in any respect.

While we do not want to make arms export licenses any more freely available than they are under current policy, I believe we should do more to level the playing field for U.S. manufacturers once an export license has been approved. U.S. defense industries face extremely tough competition for arms exports in the current international environment. Not only the United States, but also most of Western Europe have cut defense spending and military procurement budgets. In this shrinking market, U.S. defense manufacturers must compete against European and Canadian manufacturers who benefit from the extensive support—in some cases, including subsidies—of their governments.

Buyers have the advantage in the current, competitive, international arms market. Having the best product, track record, and support network is often not enough to win a competition. In many cases, one must also provide financing for the sale. At present, the only source of financing for U.S. weapons systems exports are commercial banks, whose loan rates often make the price for U.S. weapons exports uncompetitive. French, German, British, Italian, and Canadian defense manufacturers can get government-subsidized or guaranteed loans for weapons exports. These governments are prepared to pay a high price to preserve their defense industries and keep jobs at home.

In my own State of Connecticut, Norden, a corporation which produces advanced electronic systems for military vehicles, was forced to move some of its production to Canada in order to qualify for the Canadian export loan program essential to Norden's winning a contract for an export sale. Seventy-two Norden workers in Connecticut lost their jobs, good, skilled jobs, as a result. And they are not alone; defense industry workers in Rhode Island, Colorado and elsewhere have had their jobs exported for similar reasons.

In the current tight budgetary environment, we cannot afford a new subsidy for the defense industry, but neither can we afford to export highly skilled, good-paying jobs abroad in order to keep our defense industries alive. This draft legislation fits within those constraints. In many ways, it could serve as a model for the 104th Congress. It is not foreign aid and does not require appropriated funds, yet it leverages the credit of the United States to help a sector of America's manufacturing and high-technology industry compete in the world market. This program is entirely self-financing; exporters and buyers together would provide money to cover the exposure fees and administrative costs associated with each loan. Furthermore, this program could not be used by poor countries to purchase arms they can ill afford; it would only be available to NATO allies, Central European countries moving toward democracy and members of the organization for Asia Pacific Economic Cooperation. Although limited in scope and requiring financial contributions from participating corporations, this program would be significant for U.S. defense manufacturers. A similar program operated by the State of California since 1985 has produced a steadily growing business in exports of defense equipment to Germany, the Netherlands, Spain, Canada, Australia, and New Zealand at a consistent 1-percent default rate. By supporting economic competitiveness at very modest cost to the U.S. Treasury, this program could be a model for the 104th Congress.

Although I am persuaded that this program will make a significant contribution to U.S. defense manufacturers' competitiveness, I would like to see proof. That is why we have included in the legislation the requirement for a report from the administration on the program's impact after 2 years. If it does not prove to be constructive contribution to the viability of the defense industry that I expect it to be, it should be ended. However, I expect the administration will report that this program has made a big difference in keeping these industries in production and keeping good jobs at home. I invite my colleagues to join us in working for adoption of this legislation.●

URUGUAY ROUND AGREEMENTS ACT

● Mr. ROCKEFELLER. Mr. President, following the approval of the Uruguay Round implementing legislation, statements have been placed in the CONGRESSIONAL RECORD providing individual interpretations of the antidumping and countervailing duty provisions contained in title II of that act. As one who was also deeply involved in the development and passage of that legislation, I, of course, respect the right to make those statements, but I would like to offer some further clarification.

Initially, it is important to emphasize that it is the statutory language that Congress enacted which must guide the implementation and interpretation of this legislation by the International Trade Commission, the

Department of Commerce and their reviewing courts. To the extent that the statutory language is considered ambiguous, it is the Statement of Administrative Action, as well as the Senate and House committee reports—not the statements of individual Senators—which provide the primary sources of interpretation of H.R. 5110.

Given the representations that have been made, I also believe that it is important to provide the following clarification with respect to specific aspects of the antidumping and countervailing duty provisions contained in the Uruguay Round Agreements Act H.R. 5110.

International Trade Commission's determination of injury and threat. Several statements have addressed the Commission's implementation of H.R. 5110: Captive Production. I am the author of the Senate provision dealing with situations in which a captive production consideration should be used. Section 222 of H.R. 5110 was adopted to make clear to the Commission that, in certain captive production situations, it should consider primarily the data relating to competition in the merchant market, rather than data for the industry as a whole. Despite this language and clearly expressed legislative intent, it has been suggested that the Commission should continue to base its conclusions on an analysis of the industry as a whole, rather than of the merchant market. This suggestion is clearly contrary to the explicit language of section 222, as well as the intent expressed in the Statement of Administrative Action and the House and Senate committee reports.

Statements have also been made indicating that the Commission should apply the same criteria used in evaluating the domestic like product to evaluate whether it is appropriate to focus on noncaptive imports. These statements are also inconsistent with the plain language of section 222, which contains no restriction or direction as to how the Commission should analyze imports, whether captive or not. While there may be circumstances under which captive imports should be analyzed in a similar manner as captive domestic production, this should only be done after the Commission determines that captive imports do not compete with the relevant domestic like product—as was made explicitly clear in the implementing legislation that I authored.

Negligible imports. It also has been suggested that the Commission must terminate an investigation unless import levels are found to be very close to the statutory negligibility threshold at the time of the preliminary determination and above that threshold at the time of the final determination. This suggestion is contrary to the unambiguous statutory language, which provides that the Commission may treat such imports as non negligible in the threat context whenever it determines that there is a potential for such imports to increase to non negligible levels. Thus, the Commission is under no obligation, and indeed would be acting contrary to the statute, to automatically terminate an investigation merely because imports are below the statutory negligibility threshold at the time of either the preliminary or final investigations. This is particularly true given that, as the Commission's practice and section 222 recognize, the filing of a petition may itself have a dampening effect on import levels. As a result, it is expected that the Commission will consider the negligibility provision carefully and that it will only find imports to be negligible in the context of threat where there is no potential for an imminent increase in imports.

ANTICIRCUMVENTION

Statements have been made suggesting that section 230 of H.R. 5110 should be interpreted to limit Commerce's ability to apply the anticircumvention provisions and that, before Commerce enlarges the scope of an order, the Commission may be required to make an additional injury finding regarding that enlarged scope.

These statements, however, are contrary to the statute and the Statement of Administrative Action. As explained in the Statement of Administrative Action, this amendment was adopted because the former statute failed to provide a full or adequate remedy for the circumvention occurring in the marketplace. As a result, section 230 clearly provides Commerce with broad discretion in its application of the anticircumvention provisions, so that it can address the different types of circumvention encountered. Further, neither the statute nor the Statement of Administration Action require the Commission to issue a new injury determination before Commerce enlarges the scope of an order, although the two agencies will engage in consultations before Commerce makes its final determination.

SUNSET REVIEWS

Several statements have been made with respect to different aspects of Commerce's and the Commission's application of the new sunset provisions, particularly with respect to short supply, the extension of orders and duty absorption.

Short Supply. Both the House Committee on Ways and Means and the Senate Committee on Finance affirmatively rejected so-called short supply proposals during consideration of the Uruguay Round implementing legislation. Statements have been made, however, suggesting that the Commission and Commerce should use their authority under the sunset provisions to revoke orders where merchandise is not available from domestic sources. Further, it has been suggested that the Commission should find no adverse impact from imports where petitioning companies are not producing a competing product.

The newly adopted sunset provisions require both Commerce and the Commission to consider a multitude of factors in determining whether orders will be revoked. Consequently, it is expected that the Commission will continue to consider all aspects of this issue in reaching a final determination. Given that the lack of current domestic production may oftentimes be a symptom of the injury sought to be remedied, that factor in particular does not alone warrant revocation, even with respect to the product for which there is a lack of production. Finally, the Commission is expected to continue to consider all domestic production in its analysis, not just the production of the petitioning companies alone.

Extension of Orders. It also has been suggested that the sunset review provisions create a presumption against the extension of orders. This is, however, inconsistent with both the statute and the Statement of Administrative Action, which create no such presumption. Nor, as some statements have suggested, is the substantial evidence standard appropriate for all sunset reviews; where responses have not been filed or are inadequate, Commerce's and the Commission's final determinations are, by the express terms of the implementing legislation, reviewable under the arbitrary and capricious standard, and not the substantial evidence standard.

Duty Absorption. Pursuant to section 221 of the Uruguay Round legislation, Commerce and the Commission are authorized to consider the issue of duty absorption in the course of their sunset reviews. Some statements have suggested incorrectly, however, that (1) Commerce may not quantify the level of duty absorption or initiate a duty absorption investigation without evidence that duty absorption is occurring, and (2) the Commission must give less weight to duty absorption findings based on best information available.

None of these issues are addressed by the statute. While Commerce is not expressly required to quantify the level of duty absorption, it obviously retains the authority to do so and it is expected that Commerce will quantify duty absorption where circumstances so warrant. Given the difficulty in obtaining information on duty absorption, the Statement of Administrative Action makes it clear that Commerce must initiate a duty absorption review whenever it is requested to do so; thus, there is no additional evidentiary hurdle prior to initiation. Finally, the Commission is required to consider the issue of duty absorption whenever Commerce has made a duty absorption finding. It is within the Commission's

discretion, however, to determine the weight to be given to this issue, including the significance of a respondent's failure to cooperate with Commerce's investigation and Commerce's use of best information available. There is simply no basis for the suggestion that less weight be given to Commerce's findings when they are based on best information available. In fact, such a requirement would create a significant incentive for foreign companies not to cooperate with Commerce so that best information available would be used and the Commission would give less weight to the issue of duty absorption. Clearly this is not what Congress or the statute intended.

CALCULATION OF ANTIDUMPING DUTIES

Several statements have also been made regarding specific aspects of Commerce's calculation of antidumping duties, as addressed below.

Fair comparison/normal value adjustments. Pursuant to Section 224 of the implementing legislation, Commerce is required to make a fair comparison between export price and normal value. Statements have been made, however, suggesting that this provision generally requires Commerce to adjust normal value and export price (or constructed export price) for the same costs and expenses and to make either a level of trade adjustment or a constructed export price offset adjustment to normal value whenever constructed export price is used.

This is not, however, what the statute or Statement of Administrative Action requires. Although expenses may be nominally the same in both markets, the actual circumstances surrounding the relationship between such expenses and claimed adjustments often differ. As a result, Commerce clearly has the authority to treat expenses differently in the U.S. and foreign markets. In fact, Commerce is expected to continue its practice of closely assessing all potential adjustments on a case-by-case basis and not mechanically making adjustments without an analysis of the circumstances involved.

Moreover, there is no requirement for Commerce to make a level of trade or offset adjustment in every case. Indeed, the express language of the statute and Statement of Administrative Action indicate that there are circumstances where neither adjustment is appropriate or permissible. For example, Commerce may only make a level of trade adjustment where there are different levels of trade and where that difference is shown to affect price comparability. Commerce's analysis of these issues must be based on the actual circumstances involved.

Constructed export price profit deduction. Section 223 of H.R. 5110 provides for the deduction of profit from constructed export price. It, however, has been incorrectly suggested that this provision only authorizes Commerce to base its calculation on data for the subject merchandise in the U.S. and foreign markets.

While the statute and Statement of Administrative Action indicate that the use of data specific to the costs of the subject merchandise is appropriate, they also allow for the use of alternative methodologies when full cost of production information is not on the record. In particular, it is expected that, if the necessary profit data for the subject merchandise is unavailable, Commerce will use the next broader category of merchandise to calculate this deduction.

Startup costs. Section 224 of the implementing legislation governs Commerce's treatment of start-up operations. In considering the circumstances surrounding start-up operations, Commerce should apply this provision strictly to prevent foreign producers from using it as a loophole to evade the application of antidumping duties in the early stages of a product's life-cycle. In particular, Commerce should carefully review the claimed duration of start-up periods so that they are not improperly expanded.

Export price and constructed export price definitions. Renaming "purchase price" to "export price" and "exporter's sales price" to "constructed export price" should not affect the "criteria" used to categorize U.S. sales as one or the other. The Statement of Administrative Action indicates that "no change is intended in the circumstances" under which a sale would be characterized as one or the other. Commerce continues to retain the authority to alter or augment the particular factors that it considers in making its determinations.

Reimbursement of antidumping duties. In the antidumping duty context, Commerce will increase the amount of antidumping duties when it finds that the exporter has reimbursed the importer for payment of such duties. Although there has been no change in the law, statements have been made suggesting that Commerce is expected not to treat reimbursed countervailing duties the same way that it treats reimbursed antidumping duties.

There is no such expectation. The Senate report language, written with the acquiescence of the administration, states that Commerce should promulgate a regulation to make an adjustment to U.S. price in antidumping cases for the amount of any countervailing duty which is reimbursed by the exporter to the importer. Since this reimbursement represents a reduction in price to the importer, the regulation suggested by the Senate report language is clearly an appropriate and equitable way to address the reimbursement of countervailing duties.●

HOUSE CONCURRENT RESOLUTION 58—PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 58, the adjournment resolution, just received from the House; that the concurrent resolution be considered and agreed to; and that the motion to reconsider be laid upon the table.

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

So the concurrent resolution (H. Con. Res. 58) was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, April 7, 1995, it stand adjourned until 12:30 p.m. on Monday, May 1, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, April 6, 1995, Friday, April 7, 1995, Saturday, April 8, 1995, Sunday, April 9, 1995, or Monday, April 10, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 24, 1995, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 3 of the concurrent resolution, whichever occurs first.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 49, H.R. 1345.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1345) to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 593

(Purpose: To amend the bill in several respects)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. COHEN, for himself, Mr. ROTH, and Mr. JEFFORDS proposes an amendment numbered 593.

Mr. THOMPSON. 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:

On page 7, line 2, strike "or".

On page 7, line 6, strike the period at the end and insert a semicolon.

On page 7, between lines 6 and 7, insert the following:

(3) to amend, supersede, or alter the provisions of title 11 of the District of Columbia Code, or sections 431 through 434, 445, and 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act (pertaining the organization, powers, and jurisdiction of the District of Columbia courts); or

(4) to authorize the application of section 103(e) or 303(b)(3) of this Act (relating to issuance of subpoenas) to judicial officers or employees of the District of Columbia courts.

On page 10 of the House engrossed bill, strike lines 7 through 9 and insert the following new paragraph:

"(4) maintains a primary residence in the District of Columbia or has a primary place of business in the District of Columbia.".

On page 12 of the House engrossed bill, strike lines 17 through 24 and insert the following:

(c) INAPPLICABILITY OF CERTAIN EMPLOYMENT AND PROCUREMENT LAWS.

(1) CIVIL SERVICE LAWS.—The Executive Director and staff of the Authority may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) DISTRICT EMPLOYMENT AND PROCUREMENT LAWS.—The Executive Director and staff of the Authority may be appointed and paid without regard to the provisions of the District of Columbia Code governing appointments and salaries. The provisions of the District of Columbia Code governing procurement shall not apply to the Authority.

Mr. COHEN. Mr. President, the District of Columbia's financial situation is in a state of crisis. The District government does not have sufficient funds to pay its bills which threatens the continued delivery of services to the residents of the District of Columbia and the many Americans that work in or visit our nation's capital.

I am pleased that we were able to reach agreement earlier today with the House on a package of amendments that we believe will improve the House-passed bill and enable the Senate to pass this important legislation before the Congress adjourns for the April recess.

The bill establishes the District of Columbia Financial Responsibility and Management Assistance Authority to aid the city in achieving financial stability while still preserving Home Rule. The concept of a financial control board is not new. A number of U.S. cities facing fiscal crisis have established similar boards.

The new Authority will work with the Mayor and the Council toward resolving the city's financial and management problems. The Authority will have the power to act, following consultation with congress, on recommendations it believes are necessary to ensure the financial stability and operational efficiency of the District.

I want to commend Congressman DAVIS and District of Columbia Delegate NORTON, the Chair and Ranking Minority Member of the House District of Columbia Subcommittee, and Congressman WALSH and Congressman DIXON, Chair and Ranking Minority Member of the House District of Columbia Appropriations Subcommittee, who have worked hard to craft a bill which received strong bipartisan support in the House. The financial recovery of the nation's capital is important to all Americans and I urge my colleagues in the Senate to move expeditiously to pass this important legislation .

Mr. ROTH. Mr. President, the financial crisis which requires the dramatic action we are taking today began sometime ago. I am not certain anyone can pick a particular date it began, but certainly it has been at least a decade since the signs of fiscal distress have been showing. Of all of the economic indicators, perhaps the most alarming is the continued loss of taxpayers. The District has lost nearly 50,000 people since 1985.

Five years ago, the Commission on Budget and Financial Priorities of the District of Columbia, known as the Rivlin Commission, warned that,

The District of Columbia confronts an immediate fiscal crisis. The budget deficit for this fiscal year will be at least $90 million and will rise to at least $200 million in 1991 and $700 million in 1996 if actions are not taken quickly to reduce spending or raise revenue or both.

Congress responded to that warning and immediately passed a $100 million supplemental appropriation for the District in early 1991. Congress went on to increase the Federal payment and authorized the District to borrow $330 million to stabilize the local budget. Federal funds to the District increased nearly 30 percent between 1991 and this fiscal year. In all, the District has received a cash infusion of over $1 billion since 1991.

Revenues were increased but spending was not reduced. Between 1985 and 1994, general fund tax revenues increased by 61 percent. But expenditures increased by 87 percent. Now the trickle of red ink has turned into a raging river. Unfortunately, and despite our efforts, the Rivlin warning is about to come true.

Along with the fiscal crisis, the District appears to be locked in a perpetual management crisis as well. The city has been buffeted from one scandal to the next turmoil. The city's infrastructure is decaying. Crime, taxes, and schools continue to drive families out of the District.

During the entire time of this gathering storm, the Congress has time and again deferred to the local government to take corrective action. All opportunity have been afforded to the locally elected officials to avert the very action we are taking today. While there is no need to recite the history of this sad course of events we know all too well, it is sufficient to state for the RECORD that congressional warnings of intervention have been unmistakable.

The sweeping changes we are introducing into the current local structure must now be given every opportunity to succeed. The District of Columbia Financial Responsibility and Management Assistance Authority must have all of the powers it needs to restore the confidence of everyone concerned for the well-being of the Nation's Capital. I do have serious concerns as to whether the legislation is sufficiently clear in this regard and will raise those concerns with my colleagues.

Let me say is closing, today's action is not a victory of one political idea over another. Today's action is being taken because the path leading to it is littered with failure. We cannot fail the people of this city and the many people who visit it each year. I support the passage of H.R. 1345.

Mr. JEFFORDS. Mr. President, the Nation's Capital is in financial trouble. This bill provides the mechanism to restore the city to fiscal health, but make no mistake the responsibility for acting rests squarely on the shoulders of the elected leaders of the District of Columbia. This Authority has the tools to get the job done, but the District government has the responsibility and accountability to act.

This bill is not perfect. There are things that I would change, I am sure most Senators feel that way, however on balance it has the essentials to get the job started and deserves our support. The amendments proposed make improvements and clarifications, and I encourage our House colleagues to accept these changes and send the bill on to the President so that the Authority can begin its work.

There is a financial crisis in the city, we should not delay action and send the message to the citizens of the city, to the financial markets, and to the District government that the Congress does not consider this crisis worthy of our immediate attention.

Every Senator who has worked on this bill, and indeed probably every Senator in this body, wants to preserve home rule for the citizens of this city. Other cities have gotten into financial difficulty and their States established a financial control board which for a time assisted the city government in managing its fiscal affairs. But there are important features of those State statutes that are also part of this bill which preserves to the local citizens the right, and responsibility, to make

difficult decisions. These features include provision for reduction of the Authority's powers upon certain events, principally achieving balanced budgets during 4 consecutive years. In short, there is a clear definable end to this intrusion on the city's sway over its fiscal matters, this bill preserves home rule.

I want to express my appreciation to Senators COHEN and ROTH for bringing this bill to the Senate for consideration. They and their staffs have worked tirelessly to make sure that this bill reached this point today. In the long-term this bill will make a positive difference to the citizens of the District.

Mr. ROTH. Mr. President, I would like to ask my colleague on the Governmental Affairs Committee, the chairman of the subcommittee with jursidiction over District affairs, about one aspect of this legislation in particular. I have been concerned that the bill does not make clear our intent that the District of Columbia Financial Responsibility and Management Assistance Authority will have sufficient authority to ensure that its recommendations are adopted. I have thought that such authority should be expressly stated in the statute, in order to leave no ambiguity about our purpose in enacting section 207. This authority is too important to the underlying purpose of the legislation to leave at all in doubt, which I am concerned it may be. Is it the Senator's belief that the intention of Congress is sufficiently clear, nonetheless, that the Authority may implement any recommendations it has made to the Mayor or Council, but which were rejected?

Mr. COHEN. The full scope of the authority's power to implement its rejected recommendations is well stated in the House report that accompanied the legislation. First of all, any non-response to a recommended action is deemed a rejection under the act. Likewise, if the District government does respond that it will adopt the recommendation, but then fails to do so to the satisfaction of the Authority, this shall be considered the same as if it had originally rejected the recommendation under section 207.

Mr. ROTH. The language of this section provides that in such a case, "the authority may by a majority vote of its members take such action concerning the recommendations as it deems appropriate". From reading the House report, I believe it is clear that this is very broad power, including the ability to enact local laws and ordinances, provided there is a period of congressional review of such legislation, as in the case of an act of the D.C. Council. Is this your understanding of that section's intent?

Mr. COHEN. Yes it is. Any recommendation made by the authority to the District government which either the Mayor or the Council has the authority to adopt, may itself be adopted by the Financial Responsibility and Management Assistance Authority, if rejected as I described previously, and if the Authority first consults with the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight. This includes the authority to enact local legislation, which would go into effect after a congressional review period, under the same conditions as if it had been enacted by the District government itself. It also includes such matters as personnel actions and structural reforms to the District government. It is clearly the intent of this section to give the authority as broad a range of legislative, executive, and administrative powers as the Mayor and Council possess, while expecting that the District government will be given the opportunity to act first.

Mr. JEFFORDS. As chairman of the District of Columbia Appropriations Subcommittee, I too have been closely involved in the development of this legislation, and I can say that the Senator from Maine [Mr. COHEN] has in his description accurately reflected my understanding of the effect of section 207.

Mr. ROTH. Is this also the understanding in the other body?

Mr. JEFFORDS. Yes. The Senator from Maine [Mr. COHEN] and I met with the chairman of the House Subcommittee on the District of Columbia and the District's congressional delegate to discuss this legislation, and both of them agreed that the language in the House report accurately reflects the scope of authority being granted this new entity, which we are here creating.

Mr. COHEN. I believe it is correct to say that the drafters of this legislation, in both Houses of Congress, understand that the authority is to have the full authority to adopt any recommendation that it deems appropriate, as submitted under this section of the act, if the District itself does not adopt such a recommendation, subject to the conditions that I have already mentioned.

Mr. ROTH. I thank my two colleagues for their explanations and for clarifying this important matter.

I have one other point. We are today adopting several useful modifications to this legislation, but I have other improvements that I would have liked to have seen added. I know that my colleagues are aware of these provisions that I think are important, and I hope that in the near future we will be able to make those improvements to this law.

Mr. JEFFORDS. I can assure the Senator that I will work with him to enact those provisions as soon as is feasible.

Mr. ROTH. I thank my friend for his support as I know the has a strong interest in making this legislation work. I know that we all have a great concern for our Nation's Capital, and especially for the citizens who live and work here, and that we look forward to the day when the actions taken under legislation are no longer necessary.

Ms. MOSELEY-BRAUN. Mr. President, the District of Columbia is facing the most serious financial crisis in its history. The District made a number of major mistakes and bears a major portion of the responsibility for the current debacle; however, the Federal Government also played an important part in creating this emergency because of its refusal to give the District the kind of home rule powers enjoyed by all 50 States.

Unlike every State from Alaska to Wyoming, the District does not have the right to full self-governance. Our country was founded on the principle of no taxation without representation, but the Federal Government denies the District this right. The notion that 600,000 American citizens are denied their fair voice in Congress offends the core principles of representative democracy on which this Republic was founded.

Residents of the District, unlike residents across the bridge in Arlington, VA, or residents of any other city in America, are not able to make basic decisions regarding their available resources. As the District is unable to control its resources, it faces this fiscal crisis, which Congress must step in to solve. The immediate solution to the problem the District faces lies in the bill before us today.

I reluctantly support the legislation before us today, only because it is a step towards bringing the District out of this financial emergency. Congress can not allow the District of Columbia to go bankrupt while we go on vacation. We have an obligation to assist the residents of the District of Columbia get its fiscal house in order. Unlike other cities, the District has no State to protect its interests, so Congress must act as a State would and help solve the fiscal problems that it has helped create.

There is no question that the District has mismanaged its finances; however, truth be told the District does not have the tools to deal with its problems. The District cannot do what States do. The District cannot truly receive revenue from its entire tax base because at least one-third of the land mass in the District of Columbia is nontaxable because it is owned by the Federal Government. Furthermore, the District of Columbia is unable to tax the wages of those who earn their living in the District but who reside elsewhere. Without the power to fully tax, the District fell into the fiscal crisis it faces today.

Because Congress is partially responsible for the District's fiscal problems, it should act quickly to avoid the District's further economic decline. That

is why Congress should support H.R. 1345, which, quite literally, saves the city. It allows the District, which is now insolvent, to borrow and avoid payless paydays and the shutdown of city services. It allows the city to stretch out its huge deficit in order to protect its citizens.

Other cities have gotten into trouble and the legislation before us today is not unlike what we have previously encountered. The major difference is that the District is not a State. States have the ability to step in and help avoid fiscal problems within its cities. Since the District has not been granted statehood, Congress must step in at this point to establish this control board.

This bill establishing the D.C. control board has particular elements of the Philadelphia and the New York City boards. These great American cities worked constructively and fruitfully with similar authorities without any evidence that their monitors had somehow made them less self-governing. The boards in those cities did not have to use their strong powers because the elected city officials did what was necessary themselves to revive their own cities and I expect no less in the District.

As important as it is to save the city, however, I will not support a D.C. control board that undermines the autonomy of the District. That is why I am glad that the type of control board being proposed in this legislation has been used by a number of other major cities in the United States, such as New York, Philadelphia, and Cleveland, which no one has suggested did not remain fully self-governing.

To address the city's projected $722 million shortfall, H.R. 1345 establishes the District of Columbia Financial Responsibility and Management Assistance Authority. The Authority's five members will be appointed by the President, in consultation with Congress. The members will be responsible for managing the District's finances until the District balances four budgets in a row.

The bill authorizes the District's chief financial officer to prepare the financial plan and budget for the District and implement programs and policies for budgetary control. The bill also establishes an inspector general for the District, who will make an independent assessment of budget assumptions and report those findings to the board.

This bill allows the Mayor to retain his budgetary and operational authority and the council to retain its lawmaking powers. However, the Board is responsible for monitoring these activities to ensure that the city is not acting inconsistent with fiscal prudence.

I would hope that we can act today to pass this legislation in an effort to ensure that the District's fiscal crisis will be on its way to recovery when Congress reconvenes. But the truth be told, the real long-term solution is not control boards and less home rule; the real long-term solution is the expansion of the District's autonomy, increasing home rule. The citizens of the District of Columbia deserve to have full democratic privileges like all other United States citizens enjoy.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 593) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that 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. 1345), as amended, was deemed read the third time and passed.

AUTHORIZING TESTIMONY BY FORMER SENATE EMPLOYEE AND SENATE REPRESENTATION

Mr. THOMPSON. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 106) to authorize testimony by former Senate employee and representation by Senate legal counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Pittston Coal Group has brought a civil lawsuit against the United Mine Workers of America alleging that the union breached an agreement by supporting provisions enacted in the Coal Act of 1992. The coal company has subpoenaed a former employee on Senator ROCKEFELLER's staff to testify at a deposition as part of its effort to develop its case about enactment of the Coal Act. The plaintiff wishes to ask the employee about two documents appearing to be from Senator ROCKEFELLER's office relating to enactment of the Coal Act. Senator ROCKEFELLER is concerned that questioning of a former Senate employee about her Senate employment will abridge legislative privilege.

This resolution would authorize the former employee to testify only about matters that do not trigger privilege concerns and would authorize the Senate Legal Counsel to represent Senator ROCKEFELLER, the former employee, and any other Member or employee of the Senate from whom testimony or documents may be sought, in order to protect the Senate's privileges.

The PRESIDING OFFICER. The question is on a agreeing to the resolution.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, in the case of *Pittston Coal Group, Inc.* v. *I.U., UMWA*, Case No. 93-0162-A, pending in the United States District Court for the Western District of Virginia, a subpoena for testimony at a deposition has been issued to Marisa Spatafore, a former employee of the Senate on the staff of Senator Rockefeller;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Marisa Spatafore is authorized to testify in the case of *Pittston Coal Group, Inc.* v. *I.U., UMWA*, except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is directed to represent Senator Rockefeller, Marisa Spatafore, and any other Member or employee of the Senate from whom testimony or documents may be sought in connection with this case.

PAKISTAN AND THE VISIT OF PRIME MINISTER BHUTTO

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 102, expressing the sense of the Senate concerning Pakistan and the visit of Prime Minister Bhutto; further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 102) to express the sense of the Senate concerning Pakistan and the impending visit of Prime Minister Bhutto.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 594

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. PRESSLER, proposes an amendment numbered 594.

On line 4 of page 2, after "the", add the following: "people of the".

Mr. THOMPSON. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

So the amendment (No. 594) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

So the resolution (S. Res. 102), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas Pakistan and the United States have been allies since 1947, and throughout the difficult days of the Cold War;

Whereas Pakistan was a front-line state against Soviet totalitarian expansionism and worked with the United States to successfully end the Soviet occupation of Afghanistan;

Whereas Pakistan has been in the forefront of United Nations peacekeeping operations, recently being the largest contributor of forces to United Nations peacekeeping operations;

Whereas Pakistan has cooperated with the United States in the apprehension and swift extradition of Ramzi Ahmed Yousef, the alleged mastermind of the terrorist attack on the World Trade Center in New York City;

Whereas Pakistan's economy is being increasingly liberalized and opened to outside investors and businesses;

Whereas there are increasing opportunities for economic cooperation between Pakistan and the United States as a result of private sector agreements for investment in Pakistan's energy sector and other pending agreements; and

Whereas Prime Minister Benazir Bhutto, who has worked to strengthen Pakistan's close relationship with the United States, was reelected to office in October, 1993, and is scheduled to visit the United States on an official visit in April: Now, therefore, be it

Resolved, That the United States Senate—

(1) welcomes the visit of Prime Minister Benazir Bhutto to the United States as a sign of the warm, enduring friendship between the people of the United States and Pakistan; and

(2) pledges to work with the Government of Pakistan to strengthen the United States-Pakistan relationship in the years ahead.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT OF 1995

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Senate now turn to consideration of H.R. 1240, just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 595

Mr. THOMPSON. Mr. President, I send an amendment to the desk on behalf of Senators GRASSLEY and HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for Mr. GRASSLEY, for himself, Mr. HATCH, Mr. ROTH, and Mr. THURMOND, proposes an amendment numbered 595.

The amendment is as follows:

On page 1, strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sex Crimes Against Children Prevention Act of 1995".

SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to—

(1) increase the base offense level for an offense under section 2251 of title 18, United States Code, by at least 2 levels; and

(2) increase the base offense level for an offense under section 2252 of title 18, United States Code, by at least 2 levels.

SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN SEXUAL EXPLOITATION OF CHILDREN.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level by at least 2 levels for an offense committed under section 2251(c)(1)(A) or 2252(a) of title 18, United States Code, if a computer was used to transmit the notice or advertisement to the intended recipient or to transport or ship the visual depiction.

SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF CHILDREN WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.

The United States Sentencing Commission shall amend the sentencing guidelines to increase the base offense level for an offense under section 2423(a) of title 18, United States Code, by at least 3 levels.

SEC. 5. TECHNICAL CORRECTION.

Section 2423(b) of title 18, United States Code, is amended by striking "2245" and inserting "2246".

SEC. 6. REPORT BY THE UNITED STATES SENTENCING COMMISSION.

Not later than 180 days after the date of the enactment of this Act, the United States Sentencing Commission shall submit a report to Congress concerning offenses involving child pornography and other sex offenses against children. The Commission shall include in the report—

(1) an analysis of the sentences imposed for offenses under sections 2251, 2252, and 2423 of title 18, United States Code, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(2) an analysis of the sentences imposed for offenses under sections 2241, 2242, 2243, and 2244 of title 18, United States Code, in cases in which the victim was under the age of 18 years, and recommendations regarding any modifications to the sentencing guidelines that may be appropriate with respect to those offenses;

(3) an analysis of the type of substantial assistance that courts have recognized as warranting a downward departure from the sentencing guidelines relating to offenses under section 2251 or 2252 of title 18, United States Code;

(4) a survey of the recidivism rate for offenders convicted of committing sex crimes against children, an analysis of the impact on recidivism of sexual abuse treatment provided during or after incarceration or both, and an analysis of whether increased penalties would reduce recidivism for those crimes; and

(5) such other recommendations with respect to the offenses described in this section as the Commission deems appropriate.

Mr. THOMPSON. Mr. President, I ask unanimous consent the amendment be agreed to.

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

So the amendment (No. 595) was agreed to.

Mr. THOMPSON. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, as amended; the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 1240), as amended, was deemed read the third time and passed.

COMMENDING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, a resolution commending the University of Connecticut women's basketball team for capping a perfect season by winning the 1995 NCAA women's basketball championship, submitted earlier today by Senators DODD and LIEBERMAN; that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear in the RECORD as if read.

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

So the resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the UConn women's team won the school's first-ever national basketball championship by defeating the University of Tennessee by the score of 70–64;

Whereas the UConn Huskies became only the second women's basketball team in NCAA history to finish the season undefeated, and the first basketball team of any kind in NCAA history to finish 35–0;

Whereas UConn Head Coach Geno Auriemma was the recipient of the Naismith National Coach of the Year Award, as well as the Associated Press Coach of the Year and the United States Basketball Writers Association Coach of the Year awards;

Whereas UConn forward and co-captain Rebecca Lobo was the consensus choice of those same organizations as the National Player of the Year, and was named the Most Outstanding Player of the NCAA Women's Final Four;

Whereas Rebecca Lobo was also named the GTE Women's Basketball National Academic All-American of the Year for her outstanding achievement in the classroom;

Whereas the UConn Women Huskies enthralled the entire state of Connecticut, providing it with one of its finest moments;

Whereas the UConn Women Huskies elevated the sport of women's basketball to new heights, and inspired a generation of young girls in Connecticut to aspire toward their own "hoop dreams": Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for capping a perfect season by winning the 1995 NCAA Women's Basketball Championship.

NATIONAL ATOMIC VETERANS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 108, a resolution submitted by Senator WELLSTONE and others earlier today designating July 16, 1995 as "National Atomic Veterans Day"; that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements on this measure appear in the RECORD at the appropriate place.

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

So the resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas July 16, 1995, is the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, New Mexico;

Whereas the members of the Armed Forces who have been exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device are considered to be America's "atomic veterans";

Whereas atomic veterans are in many ways one of the most neglected groups of United States veterans;

Whereas atomic veterans served their country patriotically and proudly, believing fully that the United States Government would protect them from any serious hazards to their health;

Whereas atomic veterans were not told of the hazards they faced from exposure to ionizing radiation, often were provided with little protection from such exposure even when deployed at or near ground zero immediately after test detonations of nuclear weapons, on occasion were not provided film badges to measure their exposure to radiation during such detonations, and were provided with no follow-up medical care or other monitoring to determine the health consequences of such exposure;

Whereas for 40 years after World War II Federal law contained no provisions specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases; and

Whereas many of the 250,000 members of the Armed Forces who participated in post-World War II atmospheric nuclear testing were forbidden from publicly revealing such participation for reasons of national security and received no recognition for their important contributions to the United States and the Armed Forces: Now, therefore, be it

Resolved, That—

(1) July 16, 1995, is designated as "National Atomic Veterans Day"; and

(2) the President is authorized and requested to issue a proclamation calling on the departments and agencies of the Federal Government, State and local governments, and the people of the United States to observe that day with appropriate ceremonies and activities.

Mr. WELLSTONE. I was pleased to submit today, along with my colleagues, Senators SIMON, JEFFORDS, DASCHLE, PRYOR, ROCKEFELLER, AKAKA, REID, and LEAHY, a Senate resolution to designate July 16, 1995, the 50th anniversary of the first detonation of an atomic bomb at Alamagordo, NM, as "National Atomic Veterans Day."

Atomic veterans, members of the armed forces who were exposed to ionizing radiation as a result of the detonation of a nuclear weapon or device, for 50 years have been one of the most neglected groups of veterans. While they served their country patriotically, unquestioningly, and proudly, they were not informed of the dangers they faced from exposure to ionizing radiation, often were provided with little or no protection from such exposure, and for many years were provided with no follow-up medical monitoring or care to determine the health effects of their exposure. In fact, for 40 years after World War II, there were no provisions in Federal law specifically providing veterans compensation or health care for atomic veterans for service-connected radiogenic diseases.

Many atomic veterans who participated in atmospheric nuclear testing were forbidden from publicly revealing their participation for reasons of national security. Despite their valuable contributions to the United States and the Armed Forces, they have not received the recognition that is due them.

The National Association of Atomic Veterans, AMVETS, and the Vietnam Veterans of America have expressed their strong and unequivocal support for this resolution.

I urge my colleagues to show their support by cosponsoring National Atomic Veterans Day.

EXECUTIVE CALENDAR

Mr. THOMPSON. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed to the immediate consideration of the following nominations on the Executive Calendar, en bloc: Calendar Nos. 49, 51, 63, 67 through 100, 102, 103, and 104.

I further ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the nomination of Jacquelyn L. Williams-Bridgers to be Inspector General, Department of State; that the Senate proceed to its immediate consideration; further, that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table, en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; and the President be immediately notified of the Senate's action.

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

So the nominations were considered and confirmed, en bloc, as follows:

FEDERAL TRADE COMMISSION

Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner for the term of seven years from September 26, 1994.

CONSUMER PRODUCT SAFETY COMMISSION

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Products Safety Commission for the remainder of the term expiring October 26, 1996.

NAVY

The following named officer for appointment to the grade of Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601 and 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

Vice Adm. Joseph W. Prueher, 408-68-5092, United States Navy

DEPARTMENT OF THE INTERIOR

Wilma A. Lewis, of the District of Columbia, to be Inspector General, Department of the Interior.

NATIONAL COUNCIL ON DISABILITY

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

John A. Gannon, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 1995. (Reappointment)

Audrey L. McCrimon, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Lilliam Rangel Pollo, of Florida, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Debra Robinson, of Pennsylvania, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Rae E. Unzicker, of North Dakota, to be a Member of the National Council on Disability for a term expiring September 17, 1997.

Ela Yazzie-King, of Arizona, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Robert G. Breunig, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 1998. (Reappointment)

Kinshasha Holman Conwill, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Charles Hummel, of Delaware, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

Ayse Manyas Kenmore, of Florida, to be a Member of the National Museum Services Board for the remainder of the term expiring December 6, 1995.

Nancy Marsiglia, of Louisiana, to be a Member of the National Museum Services Board for a term expiring December 6, 1998.

Arthur Rosenblatt, of New York, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

Ruth Y. Tamura, of Hawaii, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

Townsend Wolfe, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 1995.

Phillip Frost, of Florida, to be a Member of the National Museum Services Board for a term expiring December 6, 1996.

John L. Bryant, Jr., of the District of Columbia, to be a Member of the National Museum Services Board for a term expiring December 6, 1997.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

E. Gordon Gee, of Ohio, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Joseph E. Stevens, Jr., of Missouri, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

Steven L. Zinter, of South Dakota, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1997.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2000.

Lieutenant General William W. Quinn, United States Army, Retired, of Maryland, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999. (Reappointment)

Lynda Hare Scribante, of Nebraska, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 1999.

Niranjan Shamalbhai Shah, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 1998.

NATIONAL SCIENCE FOUNDATION

Sanford D. Greenberg, of the District of Columbia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Eve L. Menger, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Claudia Mitchell-Kernan, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Diana S. Natialicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000, vice Charles L. Hosler, Jr., term expired.

Robert M. Solow, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

John A. White, Jr., of Georgia, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

NATIONAL MEDIATION BOARD

Kenneth Byron Hipp, of Hawaii, to be a Member of the National Mediation Board for a term expiring July 1, 1997.

RAILROAD RETIREMENT BOARD

Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 1998. (Reappointment)

NATIONAL INSTITUTE FOR LITERACY

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board for the remainder of the term expiring October 12, 1995.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Joan Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999.

NUCLEAR REGULATORY COMMISSION

Shirley Ann Jackson, of New Jersey, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 1999.

DEPARTMENT OF STATE

Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General, Department of State.

NOMINATION OF MR. ROBERT PITOFSKY

Mr. HOLLINGS. Mr. President, I am pleased that the Senate is considering the nomination of Mr. Robert Pitofsky to serve on the Federal Trade Commission [FTC]. The President has indicated his intention to name Mr. Pitofsky as Chairman of the FTC, if he is confirmed.

Having previously served as a Commissioner and staff member, Mr. Pitofsky certainly understands the FTC's goals and duties. The Commission's two primary functions are first, to protect consumers from unfair and deceptive practices, and second, to ensure the operation of an efficient and competitive market-place. The Commission administers a number of Federal statutes, including the Federal Trade Commission Act—which provides the Commission its consumer protection authority—and the Sherman, Clayton, and Robinson-Patman antitrust statutes, as well as the Fair Credit Reporting, Fair Debt Collection Practices, and Truth in Lending Acts. A few of the specific duties include safeguarding the public from false advertisement of goods and services, telemarketing fraud, unfair pricing of products, unfair mergers and acquisitions, illegal boycotts, and other unfair methods of competition.

As we enter the 21st century, and a new era of global trade, the FTC undoubtedly will continue to face many challenges in fulfilling its responsibilities. Mr. Pitofsky will, if confirmed, chair the Commission at a time when Federal agencies are facing the possibility of severe budget reductions.

Mr. Pitofsky is aware of the tremendous challenges confronting the FTC. He is committed to the principles and goals of the Commission, and is prepared to take on the responsibilities of the FTC Chairman. I urge my colleagues to approve his nomination.

NOMINATION OF DR. JACKSON

Mr. LAUTENBERG. Mr. President, I rise to express my unequivocal support for Dr. Shirley Jackson's nomination to the Nuclear Regulatory Commission.

Dr. Jackson is a fellow New Jerseyan, and has spent most of her career teaching and working in our State. But that's only one of the many qualifications that make her so ideal for this position.

Dr. Jackson has devoted her life to the study of science. Over the course of her career, she has gained world-wide renown and she has also broken many societal barriers.

Dr. Jackson was the first African-American woman to receive a PhD from MIT.

She has accumulated more than two decades of research and management experience in high energy physics, nuclear physics and condensed matter physics. She has been a professor and a consultant. And she has also found time for public service, serving for 10 years as founding member of the New Jersey Commission on Science and Technology.

Dr. Jackson is currently a consultant to AT&T Bell Laboratories on Semiconductor Theory, vice chair of Governor Whitman's Economic Master Plan Commission and a member of the Executive Committee of the M.I.T. Board of Trustees.

And despite her heavy responsibilities, Dr. Jackson puts aside time to help recruit more women and more African-Americans to the sciences.

Dr. Jackson has always blended her advanced scientific research with an eye toward practicality. She has researched subjects as esoteric as the electronic and optical properties of strained layer semiconductor superlattices. But she has also worked toward basic goals that you and I can understand—like economic development in the State of New Jersey.

I understand that President Clinton has said he would like Dr. Jackson to head the NRC after her confirmation and I enthusiastically support that decision.

I am confident that her scientific and management backgrounds have been ideal preparation for that leadership position.

Mr. President, I believe that Dr. Jackson's background has made her a unique, unparalleled nominee for this position. I urge my colleagues to vote for in support of this excellent nomination, and I yield the floor.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. THOMPSON. Mr. President, I ask unanimous consent the committees have between 10 a.m. and 3 p.m. on Tuesday, April 18, to file legislative or executive reported items.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT—CONFERENCE REPORT

Mr. THOMPSON. Mr. President, I submit a report of the committee of conference on H.R. 889 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 6, 1995.)

Mr. STEVENS. Mr. President, I want to strongly urge the Senate to adopt today the conference report on H.R. 889, the emergency Defense supplemental appropriations bill.

On Wednesday, the conferees completed work on this bill, which will ensure that the readiness, quality of life and pay for our Armed Forces will not be impacted by the costs of overseas peacekeeping and humanitarian missions.

As chairman of the Defense Subcommittee, there is no question in my mind that we must act on this bill prior to the recess.

In summary, this bill provides $3.04 billion in new funding for the Department of Defense, and $28.3 million for the Coast Guard, to pay for these contingency operations, and other emergency requirements.

For DOD, in addition to the contingency operations amounts, $258 million is included to meet the increases in overseas personnel costs due to the decline in value of the dollar.

These amounts go directly to the men and women, and their families, stationed overseas, to defray the increased expenses they face because of this devaluation.

All new Defense spending in the bill is offset by rescission to DOD, defense related and foreign aid appropriations.

From available DOD funds, $2.26 billion is rescinded. Also, $200 million from function 050 nuclear facility funds, $100 million from military construction funds, and $120 million from foreign aid appropriations.

The conferees worked to ensure that no significant military program was damaged by these cuts. Most reductions come from savings in programs underway, or from reduced efforts in lower priority programs.

Some of these funds will need to be replaced in 1996, but will not reduce military readiness or capability this year.

The amount rescinded from DOD represents an increase of $300 million over the levels adopted by the Senate.

These reductions were necessary to ensure that these new appropriations did not increase the deficit, thus hampering our ability to provide needed funds for 1996.

All the military services have identified the severe cuts in training and readiness that will result if this bill is not enacted early this month.

Navy fleet steaming days will be reduced. Flight training will be reduced. Ships will not undergo needed overhauls at shipyards, resulting in substantial layoffs.

Air Force flight training will be slashed by 25 percent. Aircraft will be parked on the ramp, because they will not receive necessary depot maintenance.

In short, we face a return to the hollow force that many of us remember from the 1970's. We cannot permit this.

In the 1970's, that hollow force was the result of the Congress not appropriating the funds needed for military readiness. This crisis if the result of the President diverting the funds provided by Congress for the military.

Let me make clear, the 1995 Defense appropriations bill provided the funds needed to maintain military readiness and training for 1995.

During the last quarter of 1994, and the first quarter of 1995, the President used these funds to undertake the overseas missions in Kuwait, Korea, Bosnia, Iraq, Somalia, Cuba, and Haiti.

In no case did the President come to the Congress, to seek approval, and funding, for these missions.

The result was a $2.5 billion diversion of readiness and personnel appropriations.

I want the Senate to know that the appropriations committees of the House and Senate were unanimous in their commitment that this circumstance should not happen again.

Included in the statement of the managers on the conference report is an explicit statement of our objections to the course followed by the administration. This bipartisan, bicameral statement reflects our views. I ask unanimous consent that this statement be inserted in the RECORD.

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

CONTINGENCY AND NONTRADITIONAL MISSIONS

The conferees express their deep concern over the process by which U.S. military forces are being deployed on major, large scale contingency operations. The conferees note that the Administration neither sought nor received advance approval of or funding for military operations from the Congress in support of peacekeeping and humanitarian missions. The missions involving Somalia, Rwanda, Haiti, and refugee relief in the Caribbean all mark significant departures from previous emergency deployments of American forces dealing with valid threats to the national security. The conferees strongly believe that military deployments in support of peacekeeping or humanitarian objectives both merit and require advance approval by the Congress.

This issue is of special concern to the conferees because of the effect these operations have had on the defense budgeting and planning process. There is no question but that the recent spate of "contingency" deployments, none of which was approved in advance by Congress nor budgeted for, have wreaked havoc upon the ability of the Department of Defense to maintain military readiness. These operations have led to substantial and repeated diversions of funds intended for training, equipment and property maintenance. From the Secretary of Defense to commanders in the field, there is universal acknowledgment that this practice has led to degradations in readiness.

A related issue involves the rapid increase in Defense Department participation in activities which under both law and tradition are the responsibility of other Federal departments. The principal example of this trend is the use of DoD funds, personnel, and facilities to deal with the issue of Cuban and Haitian refugees. The cost of these operations has been almost entirely borne by the Department of Defense, even though other Federal entities have long had primary responsibility for dealing with refugee and immigration issues and have, in the past, reimbursed the Department of Defense for such support in accordance with the Economy Act. At present, DoD is being forced to bear $1 million per day in costs for these operations, out of funds intended to be used for military operations, training, and readiness. The conferees believe DoD should not be forced to bear the cost of operations which are not its responsibility, especially when it results in a substantial diversion of funds provided by the Congress expressly for military activities.

These problems underline the need for the Executive Branch to seek congressional approval for unanticipated nontraditional military operations in advance. The conferees intend to address these issues in connection with the fiscal year 1996 appropriations process, in order to avoid the recurrence of situations such as those which created the need for the appropriations contained in this measure. The conferees strongly urge the Administration to provide detailed and timely proposals to assist in resolving these issues.

Mr. STEVENS. Mr. President, there was no reluctance on the part of the conferees to meet the needs of our Armed Forces. This was accomplished in a fashion that is fully offset in new budget authority, and virtually offset in new outlays for 1995 from rescissions.

The Senate-passed version of this bill fully offset all new outlays. This conference agreement results in only $4.3 million in additional outlays for fiscal year 1995, though it provides over $3 billion in new spending.

I want to thank our chairman, Senator HATFIELD, and Senator BYRD for their leadership and commitment to move this bill forward prior to the recess.

In our first conference with the new House team, I want to report the exceptional efforts of the Defense Subcommittee chairman, BILL YOUNG, and the full committee chairman, BOB LIVINGSTON, to work with us to move this bill forward.

They drove a hard bargain of many of the differences between the two bills, but we were united on our commitment to meet the needs of the military services.

As I stated when this bill was presented to the Senate last month, the work of the Defense Subcommittee reflects the longstanding partnership between myself and Senator INOUYE on defense matters.

His efforts were invaluable in seeking compromises with the House on matters of interest to the Senate, and I am indebted to him once again for his hard work and wise counsel.

Mr. President, I hope the Senate will act immediately to pass this conference report, and send this bill to the President.

Mr. BYRD. Mr. President, I support adoption of this supplemental appropriation bill, H.R. 889, and compliment the distinguished chairman, Mr. HATFIELD, for his excellent work in putting together this conference report prior to the April break. It was a difficult task, but it was driven by the need to replenish vital funding for the readiness accounts of our armed services.

The conference agreement includes a total of over $3 billion for these vital defense purposes. These accounts were seriously depleted in fiscal year 1995 because of unanticipated operations, in particular Somalia, Rwanda, and Haiti, as well as elsewhere, and the conference had to balance this need to restore DOD readiness funding with the goal of maintaining our progress toward deficit reduction. The result was to shift defense funding from lower-priority items in the defense budget to replenish these readiness accounts.

Mr. President, I note that the conferees, in the statement of managers, have addressed their deep concern and desire not to repeat the problem of engaging in expensive, non-traditional, humanitarian-oriented military operations without a more careful assessment of the costs. The conference agreement rightly recommends that prior congressional approval should be sought and obtained for such operations. Given the budgetary constraints we are facing in discretionary spending, including defense spending, I do not think that the Congress will easily approve supplementals in the future such as we have before us today, for operations which do not have the advance-approval of the Congress. Certainly it is in the interest of the President to have Congress on board if and when he decides to launch the Nation into these kinds of expensive, non-traditional operations, which are not directly related to the vital interests of the United States.

In addition to over $2 billion in DOD rescissions, the conference agreement includes a number of rescissions of international and domestic funds, including foreign operations, the Departments of Transportation, Commerce-Justice-State, Interior, Education, Veterans Affairs, and a variety of other accounts. The net effect of the bill on Federal spending is a reduction in excess of $700 million.

Again, I compliment the chairman of the committee, as well as the managers of the Defense Chapter, specifically, Mr. STEVENS and Mr. INOUYE, for a particularly workman-like job in rearranging, in a deficit-neutral manner, the department's accounts so as to support the basic readiness of our armed forces.

Mr. MCCAIN. Mr. President, I want to commend my colleagues on the Appropriations Committee for a conference agreement which is, on the whole, an excellent bill.

It is fully paid for.

It contains needed funds to reimburse DOD for the costs of conducting humanitarian and peacekeeping operations.

It provides full funding for authorized military pay raises.

It rescinds $300 million from TRP and places restrictions on the ability to provide grants for projects with little or no military relevance.

It also rescinds $122 million from the Service R&D accounts for general science and technology programs—low-priority programs with little demonstrable relevance to defense requirements.

It puts in place a requirement to notify Congress in advance of large obligations from the Emergency and Extraordinary Expenses account.

It rescinds funding from excess Guard and Reserve equipment which was added by Congress.

It restores much of the funding in the BRAC cleanup and construction accounts that is recommended for rescission in H.R. 1158, the domestic rescission bill currently before the Senate.

I particularly want to thank my colleague from Montana, Senator BURNS, for his successful efforts in negotiating an excellent compromise with the House regarding elimination of military construction at closing bases. I understand the opposition he faced in defending the provision adopted by the Senate, and I appreciate his diligence. The compromise—which prohibits obligation of funds for military construction at closing bases or for realigning functions—is actually an improvement over the Senate position, since it makes these funds available for other high-priority defense needs, rather than returning them to the Treasury.

Mr. President, there are a few rescissions with which I am not in agreement, namely, the rescission of environmental cleanup funds in the Departments of Defense and Energy. I believe it is irresponsible to reduce these accounts at a time when all indications are that the cost of cleaning up Federal facilities is skyrocketing. These funds will likely have to be restored in the fiscal year 1996 appropriations process.

On March 1, I provided a list of more than $6 billion in suggested rescissions of low-priority and non-defense items funded in the fiscal year 1995 defense bill. With a few exceptions, the Senate chose not to rescind these funds, and they were therefore not within the scope of the conference. However, I believe rescinding earmarked funds would have been a much better decision for the conferees than rescinding environmental restoration funds.

In addition, I am disappointed that the conferees chose not to rescind $400 million for construction of two aeronautical wind tunnels, as proposed by the House. Our nation's fiscal crisis requires that we eliminate projects that do not return good value to the American people. I believe half a billion dollars for wind tunnels is one of those projects that should be cut in favor of a higher purpose—deficit reduction.

I also question the necessity to set aside additional funds in this emergency bill to renovate Penn Station in New York, when many other train stations in the country could probably use a portion of this funding to upgrade their facilities. I understand that this requirement arises from safety concerns and recent fires at the station, but I have not seen any official estimates of repair costs or safety modifications. In addition, last year, cost-sharing was an essential element of providing Federal funding for this project; I trust that will also be the case with these additional funds.

There are a number of other rescissions which were not accepted by the conferees which could have provided additional deficit reduction in this bill. While these projects are a very, very small part of this bill, I feel it is imperative that I bring to the attention of the Senate that certain Members are still able to protect their special interests at the expense of the American taxpayers.

Mr. President, again, I commend my colleagues, Senator HATFIELD and Senator BYRD, for this conference agreement. On the whole, it is a responsible balance between restoring military readiness funds and eliminating unnecessary Federal spending across-the-board. My outlook on the upcoming fiscal year 1996 appropriations season is much improved because of the excellent work in this bill. I hope we can eliminate, or at least minimize, as this bill does, the earmarks and pork barrel projects in the fiscal year 1996 appropriations bills.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement

accompanying H.R. 889, the emergency defense supplemental appropriations and rescission bill for the fiscal year 1995.

The bill provides for a net decrease in fiscal year 1995 budget authority and outlays of $4.0 billion and $1.3 billion, respectively. These are real cuts to the deficit.

Title I of the bill provides supplemental appropriations of $3.1 billion in budget authority and $1.2 billion in outlays for the Department of Defense. These funds, largely for unanticipated contingency operations, are necessary to maintain the readiness of our Armed Forces.

This title also rescinds $2.9 billion in budget authority and $1.2 billion in outlays for various defense programs to help offset the cost of this additional military spending.

Title II provides for non-defense rescissions amounting to $1.1 billion in budget authority and $0.1 billion in outlays for fiscal year 1995. Most of these savings are to be devoted to deficit reduction.

The final bill does include the emergency designation for these additional funds as requested by the President and approved by the House.

I must note, however, that the spending in this bill is largely offset by the rescissions in the bill, and I think this is an important achievement by both the Senate and House.

I thank my colleagues for the fine job they have done, and I urge the adoption of this bill.

Mr. President, I ask unanimous consent that tables showing the relationship of the pending bill to the Appropriations Committee 602 allocations and to the overall spending ceilings under the fiscal year 1995 budget resolution be printed in the RECORD.

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

H.R. 889, DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS CONFERENCE REPORT

[FY 1995, in millions, CBO scoring]

Subcommittee	Current Status [1]	H.R. 889 [2]	Subcommittee total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
Budget Authority	58,117		58,117	58,118	−1
Outlays	50,330		50,330	50,330	−0
Commerce-Justice:					
Budget Authority	26,873	−180	26,693	26,903	−210
Outlays	25,429	−42	25,387	25,429	−42
Defense:					
Budget Authority	243,628	−2,685	240,943	243,630	−2,687
Outlays	250,661	−1,106	249,555	250,713	−1,158
District of Columbia:					
Budget Authority	712		712	720	−8
Outlays	714		714	722	−8
Energy-Water:					
Budget Authority	20,493	−200	20,293	20,493	−200
Outlays	20,884	−100	20,784	20,888	−104
Foreign Operations:					
Budget Authority	13,679	−142	13,537	13,830	−293
Outlays	13,780	−18	13,762	13,816	−54
Interior:					
Budget Authority	13,578	−2	13,577	13,582	−5
Outlays	13,970	−2	13,968	13,970	−2
Labor-HHS [3]:					
Budget Authority	266,170	−300	265,870	266,170	−300
Outlays	265,730	−12	265,718	265,731	−13
Legislative branch:					
Budget Authority	2,459		2,459	2,460	−1
Outlays	2,472		2,472	2,472	−0
Military construction:					
Budget Authority	8,836	−36	8,800	8,837	−37
Outlays	8,525	−2	8,523	8,554	−31
Transportation:					
Budget Authority	14,265	−72	14,193	14,275	−82
Outlays	37,087	−1	37,085	37,087	−2
Treasury-Postal [4]:					
Budget Authority	23,589		23,589	23,757	−168
Outlays	24,221		24,221	24,225	−4
VA-HUD:					
Budget Authority	90,256	−365	89,891	90,257	−366
Outlays	92,438		92,438	92,439	−1
Reserve:					
Budget Authority				2,311	−2,311
Outlays				1	−1
Total appropriations [5]:					
Budget Authority	782,655	−3,981	778,674	785,343	−6,669
Outlays	806,241	−1,283	804,957	806,377	−1,420

[1] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,070 million in budget authority and $1,232 million in outlays in funding for emergencies that have been designated as such by the President and the Congress.

[3] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $1.3 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million, in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[5] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $1.3 million in budget authority and $1.4 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note: Details may not add to totals due to rounding.

Prepared by SBC majority staff, Apr. 6, 1995.

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 880, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL

[Dollars in billions]

	Budget authority	Outlays
Current level (as of Mar. 24, 1995 [1])	1,236.5	1,217.2
H.R. 889, Defense supplemental and rescissions, conference report [2]	−4.0	−1.3
Total current level	1,232.5	1,215.9
Revised on-budget aggregates [3]	1,238.7	1,217.6

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 880, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL—Continued

[Dollars in billions]

	Budget authority	Outlays
Amount over (+) / under (−) budget aggregates	−6.2	−1.7

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,070 million in budget authority and $1,232 million in outlays in funding for emergencies that have been designated as such by the President and the Congress in this bill.

[3] Reflects revised allocation under section 9(g) of House Concurrent Resolution 64 for the deficit-neutral reserve fund.

ANote: Details may not add to totals due to rounding.

APrepared by SBC majority staff, Apr. 6, 1995.

Mr. MOYNIHAN. Mr. President, I am pleased to note that the conference report for the Department of Defense supplemental appropriations bill includes an appropriation of $21.5 million for capital improvements associated with safety-related emergency repairs

to Pennsylvania Station in New York City.

Pennsylvania Station is the busiest intermodal station in the Nation, with almost 40 percent of Amtrak's passengers nationwide passing through every day. Unfortunately, it is also the most decrepit of the Northeast corridor stations, others of which, such as Washington, DC's own Union Station, have been renovated with Federal grants. Today, Pennsylvania Station handles almost 500,000 riders a day in a subterranean complex that demands improvement. According to the New York City Fire Commissioner, there have been nine major fires at the station since 1987. Luckily, these fires have occurred at off-hours; as it stands, the station could not cope with an emergency when it is crowded with the 42,000 souls who pass through every workday between 8 and 9 a.m. In addition, structural steel in the station has shown its age and needs immediate repair. And these are just the most pressing needs.

There is a redevelopment plan to change things for the better, a $315 million project to renovate the existing Pennsylvania Station and extend it partially into the neighboring historic James A. Farley Post Office, almost doubling the emergency access to the station's platforms which lie far below street level beneath both buildings. Moreover, there is a financing plan in place that could do this with $100 million from the Federal Government ($31.5 million has already been appropriated), $100 million from the State and city, and $115 million from a combination of historic tax credits, bonds supported by revenue from the project's retail component, and building shell improvements by the Postal Service, owner of the James A. Farley Building. Governor Pataki of New York and Mayor Giuliani of New York City strongly support the project and have made available funding in their budgets in accordance with a Memorandum of Agreement signed in August, 1994.

Thanks to our colleagues on the Committee on Appropriations, $21.5 million can now be used immediately for pressing safety repairs at the existing station, in the first step of the overall redevelopment effort. These are the first Federal funds into the project that will actually go toward construction, and they will count towards the Federal share of the $315 million project to transform the station into a complex capable of safely handling the crowds that have made Pennsylvania Station the Nation's busiest intermodal facility. For myself and the 75 million other people a year who use the station, I would like to thank all those who have labored hard to make the station safer, in particular our colleagues Senator HATFIELD, Senator BYRD, and Senator LAUTENBERG.

Mr. THOMPSON. Mr. President, I ask unanimous consent the conference report be agreed to and the motion to reconsider be laid upon the table.

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

So the conference report was agreed to.

ORDERS FOR FRIDAY, APRIL 7, 1995

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. on Friday, April 7, and that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for routine morning business until the hour of 1 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. THOMPSON. Mr. President, for the information of all Senators, there will be no rollcall votes during Friday's session of the Senate. The Senate will conduct routine morning business only.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. THOMPSON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 10:43 p.m., recessed until Friday, April 7, 1995, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 1995:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ROBERTA L. GROSS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE BILL D. COLVIN, RESIGNED.

DEPARTMENT OF AGRICULTURE

KARL N. STAUBER, OF MINNESOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS. (NEW POSITION.)

THE JUDICIARY

A. WALLACE TASHIMA, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE ARTHUR L. ALARCON, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CHARLES G. BOYD [redacted]
GEN. JOHN M. LOH [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOSEPH W. RALSTON [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 501:

To be lieutenant general

MAJ. GEN. RALPH E. EBERHART [redacted]
MAJ. GEN. EUGENE D. SANTARELLI [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN S. FAIRFIELD [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CARL G. O'BERRY [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES R. FITZGERALD [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 1995:

FEDERAL TRADE COMMISSION

ROBERT PITOFSKY, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF 7 YEARS FROM SEPTEMBER 26, 1994.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCTS SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 1996.

DEPARTMENT OF THE INTERIOR

WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE INTERIOR

NATIONAL COUNCIL ON DISABILITY

YERKER ANDERSSON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996.

JOHN A. GANNON, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995.

AUDREY L. MCCRIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

LILLIAM RANGEL POLLO, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996.

DEBRA ROBINSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

RAE E. UNZICKER, OF NORTH DAKOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1997.

ELA YAZZIE-KING, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1996.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROBERT G. BREUNIG, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

KINSHASHA HOLMAN CONWILL, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1997.

CHARLES HUMMEL, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999.

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 6, 1995.

NANCY MARSIGLIA, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

ARTHUR ROSENBLATT, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

RUTH Y. TAMURA, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

TOWNSEND WOLFE, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

PHILLIP FROST, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

JOHN L. BRYANT, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

E. GORDON GEE, OF OHIO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999.

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997.

STEVEN L. ZINTER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1997.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2000.

GEN. WILLIAM W. QUINN, U.S. ARMY, RETIRED, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING 13, 1999.

LYNDA HARE SCRIBANTE, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 1999.

NIRANJAN SHAMALBHAI SHAH, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 1998.

NATIONAL SCIENCE FOUNDATION

SANFORD D. GREENBERG, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

EVE L. MENGER, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

CLAUDIA MITCHELL-KERNAN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

ROBERT M. SOLOW, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

JOHN A. WHITE, JR., OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

NATIONAL MEDIATION BOARD

KENNETH BYRON HIPP, OF HAWAII, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1997.

RAILROAD RETIREMENT BOARD

JEROME F. KEVER, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 1998.

NATIONAL INSTITUTE FOR LITERACY

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 12, 1995.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JOAN CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999.

NUCLEAR REGULATORY COMMISSION

SHIRLEY ANN JACKSON, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM OF 5 YEARS EXPIRING JUNE 30, 1999.

DEPARTMENT OF STATE

JACQUELYN L. WILLIAMS-BRIDGERS, OF MARYLAND, TO BE INSPECTOR GENERAL DEPARTMENT OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

to be admiral

VICE ADM. JOSEPH W. PRUEHER [redacted]